

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Implementation of Section 621(a)(1) of the Cable)	MB Docket No. 05-311
Communications Policy Act of 1984 as Amended)	
by the Cable Television Consumer Protection and)	
Competition Act of 1992)	

COMMENTS OF BRATTLEBORO COMMUNITY TELEVISION, INC.

Brattleboro Community Television (BCTV) appreciates the opportunity to file comments on the Second Further Notice and Proposed Rulemaking (“FNPRM”) in the above-referenced docket. BCTV is a not-for-profit Public, Education and Governmental (PEG) Access television facility located in Brattleboro, Vermont, serving the residents of eight towns in Windham County, which is located in the southeastern corner of the state. BCTV operates two local cable channels and is carried over two cable operators to reach 6,000 subscriber households. Residents, government entities, community organizations and schools within our rural service territory produce an average of 1200 hours of original local content annually, and the station has twice won the Overall Excellence Award from the Alliance for Community Media in our budget category (under \$300,000). BCTV strongly opposes the tentative conclusion in the FNPRM that cable-related in-kind contributions, such as those that allow our programming to be viewed on the cable system, constitute franchise fees.

BCTV’s funding is entirely dependent on cable franchise fees payments, and therefore, a reclassification of in-kind contributions as proposed would result in the shuttering of our

organization, the elimination of eight jobs (full-time and part-time), and would be devastating to our small community. BCTV was the first PEG station to be established in Vermont in 1975, and our long-standing agreements with cable operators have always stated that certain services and obligations are distinct from franchise fees, which are the sole source of funding required to operate the facility. Altering this definition will undermine the infrastructure established in the 1984 Cable Act to fund PEG Access facilities and give citizens nationwide access to their local cable channels. Because of our isolated location, rural population density, and the absence of commercial television, BCTV plays a critical role in connecting residents with their communities and state government. Vermont's commercial television station (WCAX-Burlington) infrequently covers southeastern Vermont, as the state capital and population center are located hundreds of miles away, in the opposite corner of the state. Therefore, residents in Windham County rely on BCTV (as well as Falls Community Television in Bellows Falls) for coverage of local news and events. BCTV staff cover 20 municipal meetings on a regular basis, allowing residents to participate in their Selectboard and School Board meetings when they cannot attend in person. In addition, BCTV allows any resident of Windham County to use BCTV's video production equipment and facilities to create programming that expresses their views and interests. Last year, BCTV volunteers produced over 500 hours of content on topics including the arts, education, environment, mental health, world affairs, religion, youth, hospice, homelessness, poetry, music, and politics. During the 2018 election season, BCTV offered all statewide and local candidates the opportunity of an interview in our studio, an offer that was accepted by over 30 candidates. For some, this was the only chance they had to address the voters in this part of the state. If the funding structure for BCTV and other PEG stations is

altered as proposed, there will be no other resource to fill the critical role of connecting residents with each other, state government, and other Vermont residents via the Vermont Media Exchange. The community would lose an important archive of high school graduations, sports, and the annual events that make our region unique, such as the Harris Hill Ski Jump and the Strolling of the Heifers Parade.

We reject the implication in the FNPRM that PEG programming is for the benefit of the local franchising authority (LFA) or a third-party PEG provider, rather than for the public or the cable consumer. As demonstrated above, BCTV provides valuable local programming that is not otherwise available on the cable system or in other modes of video delivery such as satellite. Yet the Commission tentatively concludes that non-capital PEG requirements should be considered franchise fees because they are, in essence, taxes imposed for the benefit of LFAs or their designated PEG providers. By contrast, the FNPRM tentatively concludes that build-out requirements are not franchise fees because they are not contributions to the franchising authority. The FNPRM then requests comment on “other requirements besides build-out obligations that are not specifically for the use or benefit of the LFA or an entity designated the LFA and therefore should not be considered contributions to an LFA.”¹ PEG programming fits squarely into the category of benefits that do not accrue to the LFA or its designated access provider, yet the Commission concludes without any discussion of the public benefits of local programming that non-capital PEG-related provisions benefit the LFA or its designee rather than the public at large.]

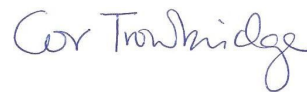
¹ FNPRM ¶ 21.

We invite the Commission to view for themselves the important benefits provided by local content in PEG programming. The link below is to a video for which BCTV won a 2018 national award from the Alliance for Community Media, entitled *Surprise! There's a TV Station in Brattleboro*. The video surveys the 1000-plus hours of local content created in a typical year at BCTV, and correspondingly, the one thousand different ways that local views, meetings and events were represented across our cable channels and online. The video explains how the unique structure of public access TV stations makes this accessible to community members, a critical service which is made possible by cable franchise fees as they are currently configured: "You don't need to pitch us. There's no boardroom of executives, no advertisers, no rating system. Come in with your ideas, and we can have you creating content in under an hour, offering you the video equipment and tech support you need along the way." It is available for viewing here:

<https://www.brattleborotv.org/bctv-highlights/surprise-theres-tv-station-brattleboro>

We appreciate the opportunity to add to the record in this proceeding.

Respectfully submitted,

A handwritten signature in blue ink that reads "Cor Trowbridge". The signature is written in a cursive, flowing style.

Cor Trowbridge
Executive Director

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November 13, 2018