



Michael A. Maresco
Town Administrator

Town of Marshfield

Board of Selectmen

870 Moraine Street
Marshfield, Massachusetts 02050
Tel: 781-834-5563 Fax: 781-834-5527

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 THE TOWN OF MARSHFIELD, MASSACHUSETTS

The Town of Marshfield, Massachusetts appreciates the opportunity to file comments on the Second Further Notice of Proposed Rulemaking ("FNPRM") in the above-referenced docket. We strongly oppose the tentative conclusions in the FNPRM that cable-related in-kind contributions are franchise fees and that local governments have no authority regarding cable operators' use of the rights of way to provide non-cable services.

The Town of Marshfield is ("Town") located in Southeastern Massachusetts and has a population of approximately 25,000 people. The Town has local franchise licenses with two cable operators, and the Town's PEG provider, Marshfield Community Television ("MCTV"), had approximately \$434,000 in revenue in 2017. This revenue provides valuable funding to the community through MCTV's public, educational and government ("PEG") services.

Allowing the re-classification of in-kind contributions will cause a reduction in revenue that would have a substantial negative impact on the services that MCTV provides to the community. MCTV covers the meetings of local government boards and committees, as well as

educational and extracurricular activities, such as arts and athletics. MCTV supports a long-standing Digital Media and Telecommunications program at Marshfield High School, and assists educators in incorporating video and related subjects into their lessons. MCTV also provides programming and promotional opportunity for local non-profit organizations. None of this programming is available to the public through any other cable services. A reduction in funding would result in a reduction of coverage, and a lower quality of programming for the community.

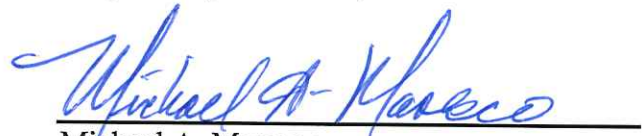
Allowing cable companies to reduce franchise fees based on their own assessment of fair market value will lead to arbitrary deductions, in favor of cable companies, and at the expense of the community. The Town of Marshfield and MCTV have negotiated franchise agreements with cable companies based on the understanding that “cable-related in-kind” obligations are not franchise fees. A re-classification of in-kind contributions alters the understanding that these agreements are based upon, and effectively rewrite these agreements to reduce franchise fees without any corresponding increase in the value of services provided by the cable operators.

The FNPRM also aims to prohibit local governments from regulating the facilities and equipment used by cable operators in the provision of non-cable services. The Town opposes this because it puts public safety at risk if cable companies can install non-cable facilities without any local review and approval requirements. This preemption would extend to fees for use of the rights of way, even where the cable franchise authorizes use of the rights of way only for cable services, and even though the cable franchise fee is limited to revenue from cable services. This means that the cable company can use local rights of way for any purpose and provide no additional compensation to the local government for the additional uses of the right of way. For example, cable companies could install some wireless facilities in the rights of way to enable wireless services without any additional compensation to the local government.

We support the tentative conclusion that build-out requirements are not franchise fees because they are not contributions to the local franchising authority (“LFA”), however, the same reasoning should be applied to other cable-related contributions that the Commission has tentatively concluded are franchise fees, such as PEG channel capacity and local customer service obligations. These services are benefits to the community, not contributions to the LFA, and should not be considered franchise fees.

In conclusion, the Town of Marshfield strongly opposes the tentative conclusions in the FNPRM that cable-related in-kind contributions are franchise fees and that local governments have no authority regarding cable operators’ use of the rights of way to provide non-cable services.

Respectfully submitted,



Michael A. Maresco
Town Administrator
Town of Marshfield, MA

November 13, 2018