



CITY OF CULVER CITY

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November 13, 2018

VIA ELECTRONIC FILING

Chairman Ajit Pai and
Members of the Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Subject: MB Docket No. 05-311. Second Further Notice of Proposed Rulemaking. Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992.

Honorable Chairman Pai and Commissioners:

The City of Culver City **opposes** the Further Notice of Proposed Rulemaking (FNPRM), which proposes to allow cable companies to deduct the fair market value for a wide range of public benefits from their franchise fee obligations, namely public, educational, and government (PEG) channel capacity and transmission. By allowing cable companies to deduct the “fair market value” of PEG channel capacity and transmission from their franchise fee obligations, the FCC’s proposed rulemaking would threaten to limit or eliminate public, educational, and government access channels all meant to better help inform and empower the public. This rulemaking severely reduces franchise fee revenues and revenues for cable companies to use the public right-of-way in Culver City. While the limitations or possible elimination of PEG services alone are problematic, this proposed proposal would also prohibit local governments from regulating the facilities and equipment used by cable operators in the provision of non-cable services, such as wireless communications services.

In California, cities like Culver City, overwhelmingly opposed these sorts of efforts coming from both the cable and telecommunications industry that attack the responsibility of local governments to protect the public health and safety of their own communities. Under this proposal, cable companies could potentially install “small wireless facilities” with little to no public input, without having to meet any aesthetic or equipment size requirements aimed to mitigate blight and preserve community character.

Unfortunately, this proposed rulemaking continues a recent pattern of lowering standards and public responsibility for the communications industry as a whole. Fair and appropriate use of the public right-of-way is the fundamental policy principle for the imposition of a cable franchise fee and any other reasonable conditions required to

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preserve the character of each community. While the cable and telecommunications industry continues to attack the responsibility of local governments to protect the public health and safety of their own communities, our residents stand to lose the most in terms of the public benefits they receive and the input they can provide for facilities installed in their own backyards. The FCC should instead consider ways that cable operators can: improve their services, help close digital divides, and expand deployment to rural and lower income communities. Unfortunately, this FRNPRM continues a recent pattern of lowering standards and public responsibility for the communications industry as a whole.

For these reasons, the City of Culver City urges you to **OPPOSE** the FCC's proposed rulemaking, MB Docket No. 05-311, which would deteriorate PEG services and the fair use of the public right-of-way.

Sincerely,



Thomas Aujero Small
Mayor

cc: The Honorable Dianne Feinstein, U.S. Senate
The Honorable Kamala Harris, U.S. Senate
The Honorable Karen Bass, U.S. House of Representatives
The Honorable Members of the City Council
John M. Nachbar, City Manager
League of California Cities