



# Town of New Paltz

**Neil Bettez, Town Supervisor**

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**November 14, 2018**

**VIA ELECTRONIC FILING**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, District of Columbia 20554

*RE: 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, MB Docket No. 05-311*

Dear Ms. Dortch,

The Town of New Paltz, NY appreciates the opportunity to file comments on the Second Further Notice of Proposed Rulemaking ("FNPRM") in the above-referenced docket. As the New Paltz Town Supervisor, I 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.

In exchange for granting the cable company the non-exclusive right to construct, erect, operate, and maintain their system the Town receives \$80,000 each year in franchise fees. This amount equals 44% of the revenue in our Town outside of Village fund, and any reduction would have a significant impact on our ability to continue to provide services without raising taxes to cover the reduction. The Town of New Paltz shares our PEG station with another municipality (the Village of New Paltz) on which we broadcast all meetings of the Town and Village Boards, Town and Village Planning boards, Town and Village zoning boards of appeals, and New Paltz Central School District meetings, along with other notices of public interest. This programming benefits all our residents by allowing them to be informed about their local government's activities. PEG is especially important to senior citizens who rely on it for this information much more than younger residents who are more likely to use the Internet for that purpose. The use of fair market value to determine the amount to be deducted from a franchise fee for in-kind obligations would be a serious harm, and likely result in the end of public access television in our community.

Franchise obligations such as PEG channels and local customer service obligations are more appropriately considered community benefits, not contributions to LFAs, and, like build-out obligations, should not be considered franchise fees. For example, our franchise agreement requires the cable operator to provide:

- (a) Access Channels. The Company shall make available PEG access and comply with the standards set for PEG as required by the regulations of the NYPSC. Any PEG channel shall be shared with other franchising

authorities served by the Company's cable system. The Company shall indemnify, save and hold the Company harmless from and against any liability resulting from the Municipality's use of the PEG Channels for municipal access.

- (b) Throughout the term of this Agreement, the Company will maintain the facilities necessary to permit the transmission of a television signal to the Company's headend to permit distribution on the PEG access channels from the following locations:

Village of New Paltz Village Hall, 25 Plattekill Avenue, New Paltz  
Town of New Paltz Town Hall, One Veterans Drive, New Paltz  
Town of New Paltz Community Center, Three Veterans Drive, New Paltz  
SUNY New Paltz, Student Union Building, New Paltz  
New Paltz High School, South Putt Corners, Road, New Paltz

In closing, I am completely opposed to these changes since they will impact the residents of New Paltz both socially and financially.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Neil Bettez".

Neil Bettez  
Town Supervisor