

**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 HADLEY, MASSACHUSETTS

The Town of Hadley, Massachusetts appreciates the opportunity to file comments on the Second Further Notice of Proposed Rulemaking ("FNPRM") in the above-referenced docket. The Select Board, acting collectively as the Chief Executive Officers, oppose the proposed rules, as they will significantly reduce our cable franchise payments and impact the Town of Hadley's ability to provide PEG channels and content. For example: 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 Hadley is an incorporated municipality located in western Massachusetts with a population of 5,102. The Town of Hadley contains 23.1 square miles and 81.5 miles of public roads. The Town is served by Charter Communications, Inc. which uses the public right-of-way to locate cable wires for telecommunications to its customers. In consideration for using the public right-of-way for their business purposes, Charter Communications, Inc. and the Town of Hadley have entered into a ten-year cable franchise agreement, which provides both operating and capital funds for the local PEG station: Hadley Media. The annual operating budget for

Hadley Media of \$72,000 is entirely supported by cable franchise payments from Charter Communications, Inc. Loss of this funding source would mean a complete reorganization of all PEG cable casts for the Town.

To continue PEG broadcasting, the budget for Hadley Media would have to be shifted to property taxes. All other terms and conditions contained within the cable franchise agreement would no longer be in effect, thus bringing to an end of the partnership between Charter Communications, Inc. and the Town to provide public access television and to fulfill its civic mission of local programming, coverage of governmental activities, and educational programming.

One example of the impact of the proposed rule is the matter of in-kind contributions, which includes building new connections for new customers. We support the tentative conclusion that build-out requirements are not franchise fees because they are not contributions to the franchising authority. The same reasoning should be applied to other cable-related contributions the Commission tentatively concludes are franchise fees. 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.

The Town of Hadley, Massachusetts thanks the Commission for its attention and affirms its opposition to above proposed rules as referenced in the Second Further Notice of Proposed Rulemaking ("FNPRM") in the above-referenced docket, as they will significantly reduce our cable franchise agreement and impact the Town of Hadley's ability to provide PEG channels and content.

Respectfully submitted,

David G. Nixon
David G. Nixon, Town Administrator

Date: 11/14/18