

**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 FOXBOROUGH BOARD OF SELECTMEN

The Town of Foxborough (Massachusetts) appreciates the opportunity to file comments on the Second Further Notice and Proposed Rulemaking ("FNPRM") in the above-referenced docket.

This proposal could have significant negative impacts on our community of 17,500 citizens along with our town departments, local businesses, and organizations that all utilize our Public, Educational, and Government access ("PEG") channels operated by Foxboro Cable Access ("FCA").

Our community is currently involved in the franchise license renewal process with Comcast and a Verizon FiOS renewal is scheduled to follow that. We struggle to understand how to conduct fair and good faith negotiations if the cable operator will have the ability to, in-essence, back-charge any concessions made if they are deemed "in-kind" now or in the future.

Furthermore, the lack of detail or specification on how the "value" of these numerous in-kind contributions will be calculated puts us in an untenable position. Specifically, the language that permits the cable operator to deduct the value of the PEG channel is problematic, vague and subject to wide interpretation. This one aspect of the rulemaking could have significant and dire impacts on PEG services in our community.

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. Our PEG funds are well managed by FCA, volunteers and staff work tirelessly throughout the year with an unquestionable focus to empower Foxborough citizens to communicate through media.

It should also be noted that the PEG funding provided is used efficiently and effectively to provide a high return on investment to the public, which can be measured in many forms. First and foremost, FCA training programs educate citizens who often contribute back countless hours helping others produce programming. Trained citizens teach and mentor others and their reach continues to expand.

Financial and technology support for a High School Communications Arts Class and the Middle School Broadcasting Club create life skills, media literacy, and career opportunities.

Local churches are able to use PEG equipment and channels to reach homebound parishioners. Virtually all non-profit organizations in our community take advantage of FCA resources to communicate and extend their mission.

We invite the Commission to view for themselves the important benefits provided by local content in PEG programming. A community group recently utilized FCA to hold a public forum to address the **Opioid Crisis** in our region. We encourage you to watch the program available online at <https://www.fcatv.org/opioid/>.

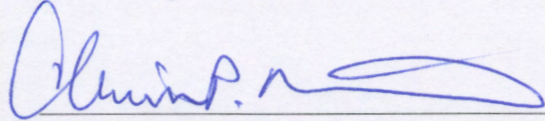
As noted, Foxboro Cable Access provides valuable local programming that is not otherwise available on the cable system or in other modes of video delivery such as satellite. Despite this reality, the Commission has tentatively concluded in the FNPRM that non-capital PEG requirements should be considered 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.” 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.

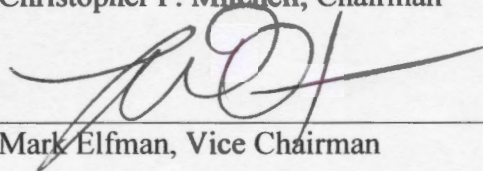
Foxboro Cable Access’s local presence enables the residents of Foxborough, Massachusetts to watch uniquely local programming about their community and local events and issues of interest to them. The specific intent of the PEG provisions contained in the 1984 Cable Act was and is to enhance local voices, serve local community needs and interests, and strengthen our local democracy. By defining “franchise fee” in an overly broad fashion to include “in-kind” support, the FCC’s proposals will shift the fair balance between cable franchising authorities and cable operators and will force communities to choose between franchise fees and PEG channels, – something that was never the intent of the Act.

We appreciate the opportunity to add to the record in this proceeding. We hope you will protect PEG channels in our community and others by choosing not to adopt many of the proposals in the Further Notice.

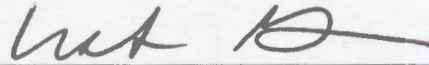
Respectfully submitted,
Foxborough Board of Selectmen



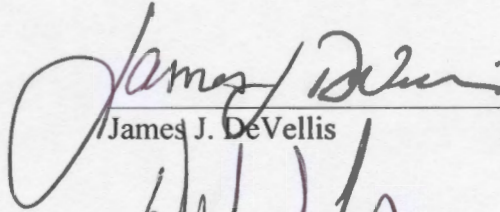
Christopher P. Mitchell, Chairman



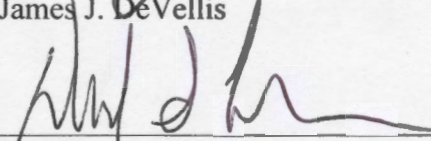
Mark Elfman, Vice Chairman



Leah Gibson, Clerk



James J. DeVellis



David S. Feldman

November 13, 2018