**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 MILTON ACCESS TELEVISION**

Milton Access Television 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 Milton has approximately 27,000 full time residents. Comcast and RCN are the cable providers in Milton, with Comcast having 6,951 subscribers and RCN having 914 subscribers. The Town has an agreement with MPEG Access Inc, Dba Milton Access TV, to provide, produce and cablecast PEG programming. The residents of the Town of Milton rely heavily on Milton Access Television’s channels to stay up to date on key issues facing the town, local news, sports programming, and information that is vital to them as residents. Milton Access Television broadcasts over 18,000 hours of programming each year via their assigned PEG channels. Milton Access Television partners with over 100 organizations including non-profits, town departments, local religious institutions and committees. The Town also has a large senior population, who continue to use cable television on a daily basis. Milton Access TV has enjoyed a good relationship with the Town of Milton as well as the cable providers Comcast and RCN, and is in the process of renewing a 10 year contract with each company.

If the FNPRM is implemented, it will have a negative impact on Milton Access Television by reduced franchise fees, as well as other cable related services funded by franchise fees. The FNPRM will essentially put Milton Access Television out of business, as well as many other public access stations across the country. Milton Access Television’s budget relies heavily on cable franchise fees. Milton Access TV currently employs five people, and has over twenty volunteers. If the FNPRM is implemented, Milton Access Television may be forced to lay off its employees and close its doors to volunteers,

The broad scope of “Cable related in kind contributions” as defined in the FNPRM to include PEG channel capacity and transmission, cable drops at community buildings, including schools and the library, are not services that specifically benefit the Local Franchise Authority (LFA) but rather are community benefits and should not be considered franchise fees.

PEG programming is a benefit to the entire town, not just the Local Franchise Authority. PEG programming keeps residents well informed on local issues, highlights student athletes and performers, helps residents make educated decisions relating to warrant articles, and provides inhome viewing of religious services for residents that may be home-bound. Milton Access Television is a vital part of the community of Milton.

In conclusion, we, Milton Access Television, strongly oppose the tentative conclusions in the FNPRM that cable-related in-kind contributions are franchise fees and should be deducted from current franchise fees, and that local governments have no authority regarding cable operator’s use of the rights of way to provide non-cable services.

Respectfully submitted,

Milton Access Television

451 Central Avenue

Milton, Massachusetts

Tel. (617)698 – 0814