

**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 Rochester Community TV, Inc.

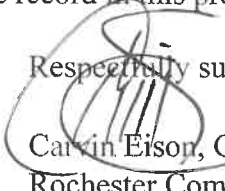
Rochester Community TV, Inc. appreciates the opportunity to file comments on the Second Further Notice and Proposed Rulemaking (“FNPRM”) in the above-referenced docket. Rochester Community TV is a not for profit corporation that manages the public access TV station for the City of Rochester. Our station engages about 200 City residents (adults and children) each year in workshops, classes, and youth programs that teach skills related to media production and dissemination. Once trained, many of these 200 youth and adults volunteer hours of time to produce programs. The programming produced and distributed at RCTV includes a wide range of locally-produced programs, including studio-based talk shows, teleplays, religious programs, how to programs, coverage of school board meetings and local school events and more. Most of the programs cablecast on the RCTV channel are locally produced; and these programs are not available on any other television stations. Several of the programs produced at RCTV have won (national) Telly Awards. These award-winning programs include teleplays produced by high school youth in one of our three after-school programs.

We strongly oppose the tentative conclusion in the FNPRM that cable-related in-kind contributions, such as those that allow our programming to be viewed on the cable system, are franchise fees.

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. As demonstrated above, RCTV provides valuable local programming that is not otherwise available on the cable system or in other modes of video delivery such as satellite. RCTV also provides training to City residents, adults and children, so that they can take advantage of RCTV equipment and the RCTV channel to communicate their views and experiences that touch on local issues. Yet the Commission tentatively concludes 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.”¹ 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.

We appreciate the opportunity to add to the record in this proceeding.

Respectfully submitted,


Calvin Eison, General Manager
Rochester Community TV
21 Gorham Street
Rochester, NY, 14605
Nov. 13, 2018