**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 Rainier Communications Commission**

The Rainier Communications Commission (RCC) appreciates the opportunity to file comments on the Second Further Notice of Proposed Rulemaking (“FNPRM”) in the above-referenced docket.

The Commission is based in Tacoma, Washington and represents nine jurisdictions within Pierce County, the second-largest county in the state. More than 200,000 cable subscribers have access to our channels. We operate two channels, Pierce County Television and University Place TV. The type of programming we produce includes gavel to gavel city council meeting coverage of eight jurisdictions including the cities of Puyallup, University Place, DuPont, Fife, Sumner, Orting and Pierce County. Other programming includes a public affairs talk show, military programming, public service announcements, and storytelling videos that explain local government public services and community events.

We strongly oppose the tentative conclusion in the FNPRM that the value of cable franchise obligations, such as those that allow our programming to be viewed on the cable system, can be deducted from franchise fees.

This would greatly impact Public, Education and Government (PEG) stations like us. Our funding comes from the franchise fees from Comcast paid to the local communities that we represent. We are deeply concerned that if Comcast were to value other franchise obligations as franchise fees they would consider the provision of PEG channel space as one of these contributions. By applying an undefined fair market value to the channel space and off-setting it against the cable franchise fees, it would not only catastrophically affect the RCC’s budget and the 11+ full time and extra hire jobs we create, but would also eliminate the funding that our local communities receive as rent for Comcast to use the public Rights of Way.

Valuable local public programming would also be severely limited, if not altogether eliminated. This is important because, being in the shadow of Seattle’s news coverage, commercial broadcast TV stations rarely cover our South Puget Sound area. South Puget Sound has more than 800,000 residents and they rely on Pierce County TV and University Place TV as their only source for local news and political coverage of their community. We provide transparency in local government and our cities maintain the integrity of our Rights of Ways.

We invite the Commission to view for themselves the important local information and benefits provided by our PEG programming. Here are some examples of our channel content:

* The Economic Importance of Joint Base Lewis-McChord: <https://youtu.be/rinvW805DvU>
* What is Pierce County Baby Court?: <https://youtu.be/m5Gr1fRUkOY>
* Transparency PSA Promoting Council Meetings: <https://youtu.be/LX8rwRO52-4>
* The Opening of a New Park: <https://youtu.be/JJomzHl_CzA>
* Public Affairs Talk Show: <https://youtu.be/_y-6xKVSNys>

The FNPRM also proposes to prohibit local governments from regulating the facilities and equipment used by cable operators in the provision of non-cable services, such as wireless communications services. This could result in local governments losing their authority to manage a cable company’s deployment of non-cable facilities, such as “small cells.” This means cable companies could use local rights of way for any purpose and without having to pay fair compensation for the use of publicly funded assets. And cable companies could potentially install “small cells” with little to no public input, including having to meet equipment size, safety or aesthetic requirements.

The RCC values the ability to serve our communities with local PEG programming and to preserve the character and safety of our communities through the fair and appropriate use of the public rights of way. We urge you to reject any rules that could result in a reduction in PEG services through franchise fees, or limit a local community’s ability to regulate the use of their public rights of way.

Sincerely,

Rainier Communications Commission

Megan Hutton

Interim General Manager

2320 S 19th ST

Tacoma, WA 98405

November 14, 2018