

**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 MAYOR JOSEPH C. SULLIVAN  
ON BEHALF OF THE TOWN OF BRAINTREE**

I, Mayor Joseph C. Sullivan, appreciate the opportunity to file comments on the Second Further Notice of Proposed Rulemaking (FNPRM) in the above-referenced docket on behalf of the Town of Braintree, Massachusetts. The Town has significant concern regarding the Federal Communication Commission's proposal to include the provision of public, educational and governmental (PEG) channels in the calculation of franchise fees being charged to cable operators, modifying the longstanding definition limiting the fees to monetary values. Adding this type of in kind contribution to the calculation of franchise fees, and subjecting the same to the five percent (5%) cap, would effectively serve to eliminate PEG programming in the Town of Braintree, currently operated by Braintree Community Access and Media Television (BCAM TV).

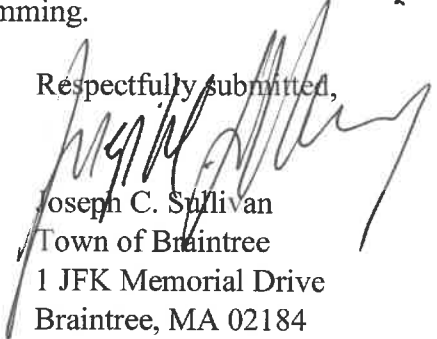
BCAM TV has been providing PEG programming within the Town since 2002. Programming includes a variety of local coverage, including live and recorded meetings of our town council and other public committees and boards, historical ceremonies, local concerts and artist exhibits, high school athletics, health shows, parades, studio shows and events at our local public schools. BCAM TV allows our residents to remain informed about local matters and events while students at our high schools gain valuable career related skills in TV class. The

Town currently contributes one hundred percent (100%) of fees collected to BCAM TV to ensure the continued operation of this valuable service. The elimination, or even significant reduction, of these fees due to an in kind offset such as the one proposed by the FCC will effectively eliminate this local asset and leave a void in public programming in the Town.

Also of concern is how the “fair market value” of PEG programming will be determined by the cable operators in order to calculate the appropriate franchise fee. This will likely lead to arbitrary deductions from the fees by cable operators and assessing a value to channels where no such monetary values have been attributed in the past. PEG programming is a valued community benefit and should not fall within the definition of franchise fees. The reduction in the fees that will inevitably result from this calculation will further limit the continued provision of PEG programming and require the Town to choose between its continued support of PEG programming and other existing municipal services funded by the Town.

The Town has a history of negotiating franchise agreements with cable operators that are beneficial to both parties while allowing for continued PEG coverage and programming. The Town strongly opposes the current efforts to restrict municipalities from receiving in-kind contributions outside of the five percent (5%) franchise fee cap and asks that the FCC protect the public interest by maintain the existing franchise fee payment structure thereby allowing for the continued services provided through PEG programming.

Respectfully submitted,



Joseph C. Sullivan  
Town of Braintree  
1 JFK Memorial Drive  
Braintree, MA 02184

November 14, 2018