

**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 CITY OF PASCO, WASHINGTON

The City of Pasco, Washington appreciates the opportunity to file comments on the Second Further Notice of Proposed Rulemaking (“FNPRM”) in the above-referenced docket. The City strongly opposes 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 City of Pasco is a local municipality in south-central Washington State with a population of 73,590. The City operates Pasco City Television (“PSC-TV”) on Charter/Spectrum cable TV in the City, and has done so since 2009. Charter is the only franchised cable TV provider in the City, and is operating under a 10-year franchise signed in 2016.

The City’s current franchise with Charter was the result of deliberative negotiations between the City and Charter which resulted in an agreement that benefits both parties. Charter was very clear throughout the process of what they considered “cable-related in-kind” obligations and what was not. If enacted, this FNPRM would throw out the many

in-kind obligations agreed to in good faith in our franchise. PSC-TV, one of those in-kind obligations, broadcasts City of Pasco meetings, most notably the Pasco City Council. This ability for residents to see “what the City is up to” increases transparency, and thus, increases confidence in government by the community. Having to potentially pay by an unknown, undefined, and arbitrary amount via reduced franchise fees for carriage of PSC-TV could force the City to give up the channel and reduce the community’s access to local government. The City highly doubts this was the intent of Congress in the passage of the 1984 Cable Act.

Further, the City does support the tentative conclusion that build-out requirements are not franchise fees because they are not contributions to the franchising authority. That said, the same reasoning should be applied to other cable-related contributions the Commission tentatively concludes are franchise fees. Franchise obligations such as PEG channels and local customer service obligations are more appropriately considered community benefits, not contributions to Local Franchise Authorities (“LFAs”), and, like build-out obligations, should not be considered franchise fees. Charter, and its predecessors operating in the City are, and were able to, successfully provide their services without undue hardship with their in-kind contributions via the franchise.

Again, the City appreciates this opportunity to comment on the FNPRM. The City believes that the government closest to the people it serves will be most responsive, especially in matters of public property, which is the definition of local rights-of-way. Having “one size fits all” approaches from Washington, D.C. will not serve the sometimes

wildly diverse needs between different local communities in the nation. President Calvin Coolidge said it best: "What we need is not more Federal government, but better local government." Thank you.

Respectfully submitted,



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