

**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 CATAMOUNT ACCESS TELEVISION CORPORATION

Catamount Access Television Corporation (CAT-TV) appreciates the opportunity to file comments on the Second Further Notice and Proposed Rulemaking (“FNPRM”) in the above-referenced docket. CAT-TV was formed in 1991 and is a not-for-profit Public Educational and Governmental (PEG) Access television facility located in Bennington, Vermont. We serve five small rural towns and villages in Southwestern Vermont, reaching nearly 6,000 cable subscribers via our three Comcast Cable channels and many more viewers through our web content. Last year, we played more than 2,000 programs on our channels, facilitated the production of over 800 local shows and had 200,000 minutes of programs viewed online. We provide a platform for civic and cultural engagement and hyper-local coverage of community events, governance and educational programs. We provide citizens access to services, training and high-end production equipment through our studio facility that enables them to create content and add their voices to the collective conversation. These conversations are vital to strong communities in that they inform, educate, entertain and build relationships. We also provide support to and work with local governments, schools and nonprofits to facilitate sharing critical information, promoting missions and encouraging civic engagement. CAT-TV strongly opposes 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.

CAT-TV, like most of Vermont's 25 PEG facilities, derives the majority of its funding from franchise fee payments. Reclassification of in-kind contributions would likely lead to a great reduction or complete elimination of our funding. This would be devastating to our organization and the communities we serve. In Vermont, there is a deep history and long standing commitment to the importance of PEG services and programming. This foundation is supported by state statutes and rulings that underscore the need to provide local access services to the citizens of Vermont that is funded through the franchise fees collected from the state's cable operators. Within those rulings, is the long established understanding that certain services provided by the cable operator are separate and distinct from franchise funding. These services include but are not limited to complimentary cable and internet service for libraries, schools and municipalities, remote origination backhaul and channel capacity. To change the classification of these "in kind" services would completely undermine the basis for the funding we rely on to fulfill the missions we have been charged to provide to our communities. Furthermore, we are concerned that this reclassification would lead to using fair market values to determine the amount to be considered a franchise fee and the result would be arbitrary deductions without foundation or justification. Frankly, these changes would severely impact our local community, threaten the future of our organization and dismantle the foundation of the importance of PEG services as outlined in the Cable Act.

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. To the contrary, CAT-TV provides valuable local programming and services

that is not otherwise available on the cable system or in other modes of video delivery such as satellite. This is demonstrated every day in our facility when we receive phone calls and inquiries to view recent government and education board meetings, when we receive requests to cover the Veterans Day Parade, when we train a group of individuals to film their church services for those who are unable to attend in person, when we teach middle schoolers how to tell their stories through video. These examples have direct benefits to the cable consumers and members of our community. To claim otherwise goes against everything we stand for and work towards every day. 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 and services that non-capital PEG-related provisions benefit the LFA or its designee rather than the public at large.

We invite the Commission to view the important benefits provided by local content in PEG programming by visiting our website at www.catamountaccess.com. The work found on our site exemplifies the vital role community media and PEG programming plays in the civic and cultural life of our small communities. Topics include local history, government and school

¹ FNPRM ¶ 21.

board meetings, election results, candidate forums, community event coverage, and local resource information to name a few.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lisa Byer". The signature is fluid and cursive, with the first name "Lisa" written in a larger, more prominent script than the last name "Byer".

Lisa Byer
Executive Director

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