

**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 AVON LAKE COMMUNITY TELEVISION**

Avon Lake Community Television appreciates the opportunity to file comments on the Second Further Notice and Proposed Rulemaking (“FNPRM”) in the above-referenced docket. Avon Lake Community Television, located in Avon Lake, Ohio, has three cable access channels (Government, Public and Education). We serve the residents of Avon Lake who subscribe to cable television with hyper-local programming such as council meetings, church services and civic events. 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.

The impact of reduced franchise fees will negatively effect our ability to provide programming to our residents: People that count on watching religious services because they cannot travel, stay informed when legislation passed by City Council, and follow what is going on in the city by watching government meetings and community events. Our channels enable our citizens to maintain a connection to their community by watching a variety of programming, from drug forums building awareness of the opioid crisis in our community to an astronomy

expert sharing what can be seen in the sky every month. We also produce public service announcements with many of the City departments and community groups; these are customized to address specific issues and concerns in our community.

It is thought that the internet is a great communication medium, but it isn't for everybody. There are large populations, including elderly and low income, who rely on television to get their information. For every announcement we post on Facebook or the City's website (discounted meals, library events, government meeting schedules, traffic pattern changes, etc.), we also post on all our channels. This has real value to the people who are watching. There is so much information available in the market today but not the basic hyper-local content. The information we convey isn't driven by large companies or organizations, it is provided by Avon Lake non-profits and organizations, the City's departments, and community leaders that are offering services to help and inform the people our town. We give them a voice.

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, Avon Lake Community Television provides valuable local programming that is not otherwise available on the cable system or in other modes of video delivery such as satellite. 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.”<sup>1</sup> 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,

Stephanie Biggers  
Production Coordinator,  
Avon Lake Community TV

November 14, 2018

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<sup>1</sup> FNPRM ¶ 21.