

**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 Northampton Community Television

Northampton Community Television appreciates the opportunity to file comments on the Second Further Notice and Proposed Rulemaking ("FNPRM") in the above-referenced docket.

We are a community media arts organization located in Northampton, MA, in western Massachusetts, a small city of just under 30,000 residents. We are a young organization, just over ten years old. We are an independent, nonprofit, 501(c)(3) organization, the majority of whose board members are elected by our members. Our membership is free and open to all. Additional board members are appointed by the Mayor, the Cable Advisory Committee and the School Committee. I am describing our structure to emphasize that we are an independent community organization. And we are deliberately, firmly, a nonpartisan organization. All political opinions, popular or otherwise, are welcome, as well as all forms of expression.

Prior to our existence the local cable company ran a PEG operation in our city. No one used it. It was neglected and understaffed and it did not engage our residents. This system existed for many years in our city, to the extent that when cable franchise renewal was raised in 2006, and the community wanted to run the PEG operation on its own, the cable company

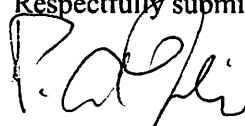
adamantly emphasized that the city had demonstrated that it had no desire for a PEG operation, as evidence by its poor use. After the community did, in fact, receive control of its own community organization from the cable operator, we began the present incarnation of Northampton Community Television. Within a short time we blossomed, year after year exponentially increasing our use by the community, engaging them deeply. The community wanted our services, and they proved if someone cared about providing them, as we did and do, they would respond. We have constant and regular use of approximately 50 cameras in the community and school system. We run the city's film festival, the Northampton Film Festival. We run a public art project called Crowdsourced Cinema, in which the entire community remakes feature films like Raiders of the Lost Ark and Back to the Future, as families, as neighbors, as after school programs. We have supported programs in our schools in which students have created replicas of our city in Minecraft, and programs that have won regional Emmy awards for student reporting. We have over 4000 Facebook followers. And we do this, again, in a community of under 30,000 people. This is what can happen when you allow the community the freedom and openness to empower itself.

We very 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. These franchise fees are not only the life blood and support of organizations such as ours, but they are the right of the community as it exchanges its own public right of way, owned by all of the community, in exchange for private commercial cable operators to use public land for their own personal profits. This is a reasonable exchange, that must be locally controlled, and extended to include internet services, not reduced.

Franchise fees are not, and should not be taxes, nor are capital payments or in-kind donations. These are the cost of doing business across public land. The community itself agrees to and embraces the pass-through of these fees. They should not be controlled by government entities. They should not be controlled by business interests. They are and should be controlled by independent, nonpartisan community organizations. They belong to the community. A decision supporting FNPRM only undermines and attacks the freedom and independence of communities and individuals. To be clear, these funds do not belong to cable providers. They are the property of the community. A decision for FNPRM only takes community funds and gives them directly to cable providers who have no right to them.

We appreciate this opportunity to add to the record in this proceeding and to have our voice heard. We strongly encourage you to look at the work we do, work whose existence is threatened by FNPRM.

Respectfully submitted,

 11/19/18

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