

**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 Somerville Media Center

Somerville Media Center appreciates the opportunity to file comments on the Second Further Notice and Proposed Rulemaking (“FNPRM”) in the above-referenced docket. Somerville Media Center operates SCATV Channel 3 in Somerville and is the oldest media access center in Massachusetts (since 1983) and boasts the longest running access program in the world (since 1972), “Dead Air Live.” Besides providing a TV channel for Somerville residents, SMC operates an Internet radio station called Boston Free Radio, and serves the community through production of PSA’s, various staff-facilitated programs, including the community journalism program, Somerville Neighborhood News, and coverage of community events, meetings, and political forums. We provide free meeting space for community groups, post messages on our bulletin board, provide video training and mentoring, offer access to high quality digital equipment and facilities, and operate an art gallery for local artists. The channel is well stocked with a wide variety of member-produced programs in many languages, and we cablecast Free Speech TV programs including Democracy Now.

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.

This ruling will impact our budget by reducing franchise fees; the long-standing agreement from the cable operator that such obligations are not franchise fees; using fair market value to determine the amount to be considered a franchise fee will lead to arbitrary deductions; etc. The programming delivered through the Somerville Media Center channels are only made available through our channel, the benefit to the community and cable users; and the impact to the community of a loss of this programming.]

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, 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.”¹ PEG programming fits squarely into the category of benefits that do not accrue to the LFA or its designated access

¹ FNPRM ¶ 21.

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 invite the Commission to view for themselves the important benefits provided by local content in PEG programming. The link below is to a video (e.g., of the mayor/local residents describing the value of PEG programming to the community; of a video we produced to help residents....; for which we won an award; etc.).

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

Respectfully submitted,
Erica Jones

90 Union Square,
Somerville, MA 02143

11/14/18