**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 WESTBOROUGH TV, INC.**

WESTBOROUGH TV, INC. appreciates the opportunity to file comments on the Second Further Notice of Proposed Rulemaking (“FNPRM”) in the above-referenced docket. WESTBOROUGH TV, INC., is a 501(c)3 organization dedicated to providing local video access and coverage of public, educational and government events to the residents and businesses of Westborough. WESTBOROUGH TV, INC. operates 3 public access channels and broadcasts content that is by, for, and about the 18,000 residents in our town including over 120 government meetings per year, close media and communications work with dozens of high school and middle school students, and hundreds of hours of programming. We strongly oppose the tentative conclusion in the FNPRM that the value of cable franchise obligations, such as those that allow our programming to be viewed on the cable system, can be deducted from franchise fees.

Reduced franchise fees will result in a reduction in staffing and programming and we oppose using fair market value to determine the amount to be considered a franchise fee, as this will lead to arbitrary deductions. Westborough TV provides programming in the form of public, education and government shows. In 2017, we produced over 530 shows for the residents of our community. 278 of these were classified as public programming, 199 as education programming and we covered 112 government meetings. It was over 610 hours of locally-produced, high quality programming. The impact to the community of this loss of programming cannot be quantified. Our local access channels are a critical information source and educational resource for our community residents and many community organizations. This Rule Change will inevitably reduce government transparency, limit free speech, and reduce the public’s access to media channels.

We reject the implication in the FNPRM that PEG programming is for the benefit of the local franchising authority (LFA) or the PEG provider, rather than the public. As demonstrated above, Westborough TV, Inc. provides valuable local programming that is not otherwise available on the cable system. 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 [by] the LFA and therefore should not be considered contributions to an LFA.”[[1]](#footnote-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 that non-capital PEG-related provisions benefit the LFA or its designee rather than the public and cable subscribers.

We invite the Commission to view for themselves the important benefits provided by PEG programming. The WESTBOROUGH TV, INC. website can be found at [www.westboroughtv.org](http://www.westboroughtv.org) and has links to much of our programming. Our public access cable television production is at the heart of our town, weaving stories through public, educational and government programming that showcase and celebrate the people and events that make up the fabric of our community. Our employees and countless volunteers create and produce programs that inform, educate and entertain our residents, hopefully displaying all that is happening and much that is good about the people, businesses and town of Westborough. WESTBOROUGH TV, INC. cannot reiterate enough our strong opposition to the proposed rules in the FNPRM.

Respectfully submitted,

Karen M Henderson

Karen M. Henderson

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1. FNPRM ¶ 21. [↑](#footnote-ref-1)