**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 KITSAP COUNTY, WASHINGTON**

Kitsap County appreciates the opportunity to file comments on the Second Further Notice of Proposed Rulemaking (“FNPRM”) in the above-referenced docket. Kitsap County strongly opposes the tentative conclusions in the FNPRM that cable-related in-kind contributions are franchise fees and that local governments have no authority regarding cable operators’ use of the rights of way to provide non-cable services.

Kitsap County is located in the northwestern portion of Washington State and has a population of approximately 270,000 people. County boundaries cover 395 square miles and include four small cites[[1]](#footnote-2), the tribal land of two Native American tribes, a U.S. Naval Base, as well as other residential areas, many of which are rural. Currently, the County has franchise agreements in place with two cable operators, Comcast Cable Communications Management, LLC (“Comcast”) and Wave Division IV, LLC (“Wave”).[[2]](#footnote-3) Under both agreements, the cable operators pay the County a five percent (5%) franchise fee. These fees are collected in the County’s General fund and used to support various budget line items.

Additionally, the cable operators provide for only one (1) Public, Educational, and Governmental (PEG) access channel, with the option for additional channels, as well as provide access to services for County subscribers with disabilities and parental control devices. Comcast and Wave submit a PEG Support fee of $0.25 per subscriber. These funds are used to support our PEG Channel, Bremerton Kitsap Access Channel, in the areas of broadcasting and public training. For example, using PEG Support fees, the County recently purchased equipment to improve the broadcasting capabilities for County government meetings to help ensure County residents are informed of the decisions made by local government and to support a policy of open and accessible government.

Public, Educational, and Government access television is for the benefit of the whole Kitsap County community. Local schools, non-profits, and individuals, along with the County, produce local programming of local interest. Our small communities do not have a voice or representation by a local news channel. Community Access provides this voice for all genders, races, ages, and opinions and supports the principles of freedom of speech and freedom of the press. The reduction or elimination of PEG Support fees would threaten the already limited voice of the people of Kitsap County. Further, the County is in the process of conducting a community needs assessment, which has resulted in a windfall of information from the public that the County has not yet been able to fully process. However, initial results reveal that there are many needs in our community which the public believes could be supported by increased access to local PEG channels. The reduction or elimination of PEG Support fees would eliminate the possibility of the County expanding PEG channels to support the increased needs in our community. Kitsap County asks that the FCC reject the view that franchise obligations be considered franchise fees, but instead, more appropriately considered the obligations to be community benefits.

Additionally, the County asks that the FCC not limit the County’s ability to regulate a cable operator’s use of the right of way to provide non-cable services. The County must protect its citizens rights of way and its uses. It is the County’s responsibility to look at all uses, including wireless efforts by companies looking to make a profit from right of way and poles (and airway), within the County’s boundaries. Any utility or company accessing the right of way must be made responsible for how they conduct business. The County must do due diligence to provide safety standards for each use, and to make sure a citizen’s “view” or adjacent property to the rights of way are not “cluttered” or made unsightly from structures, towers, or boxes that could pose many issues.

As stated above, Kitsap County strongly opposes the proposed rules in the FNPRM. The County believes that the proposed rules would place a burden on County resources while enabling cable providers to profit using public lands with no governorship.

Respectfully submitted,

George Geyer

Kitsap County Franchise Authority

November 14, 2018

1. The four cities are: Bainbridge Island (population 24,500), Bremerton (population 41,000), Port Orchard (population 14,000), and Poulsbo (10,500). [↑](#footnote-ref-2)
2. The four cities have cable franchise agreements separate from the County. [↑](#footnote-ref-3)