

**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 FOXBORO CABLE ACCESS

Foxboro Cable Access (FCA) appreciates the opportunity to file comments on the Second Further Notice and Proposed Rulemaking ("FNPRM") in the above-referenced docket. FCA is a 501(c)(3) organization located in Foxborough, Massachusetts serving a community of 17,500 citizens. We operate three PEG channels over two cable provider networks within the town.

Programming on the Foxborough PEG channels includes a wide range of topics, representing virtually all segments of the community including coverage of community events; talk shows produced and hosted by residents of the town, government meetings, education talks, local sports, historical lectures, and senior programming. When controversial issues arise FCA is frequently utilized by both sides to express their views and opinions.

For the past 35 years, FCA has maintained a program library which now contains much of the town's recent history. This collection has proven to be a valuable community asset which we have worked hard to maintain and make available to the public. Currently, we offer over 2,000 programs from the library via the Internet Archive (<https://archive.org>). Without the

focused effort by a community organization such as Foxboro Cable Access, a comprehensive collection of a community's history would not be possible.

We strongly oppose the tentative conclusion in the FNPRM that the value of cable franchise obligations can be deducted from franchise fees. The proposal offers broad language defining what an "In-Kind" contribution may include. Conversely, there is extremely limited language describing how the value of these "In-Kind" contributions would be determined. We struggle in the extreme to understand how value would be determined on a non-commercial PEG station, serving a single community, that only exists through a local Cable Franchise License.

To be clear, we object to the entire premise of "In-Kind" items, identified by the FNPRM, for the purposes of creating a charge back system that will "chip" away at the Franchise Fee payment used to fund PEG operations within a community.

Negotiating power during a franchise license renewal would shift heavily to the benefit of the cable operator. Creating a situation where the local franchising authority would struggle to negotiate adequate funding for PEG operations while being susceptible to a list of "In-Kind" deductions at the same time.

FCA is currently seeking access to High Definition (HD) channels to bring our station up-to-date with the modern age. PEG channels in Standard Definition marginalize what we do and lessens the impact of our services and lessens the return on investment of the franchise fees. We simply ask that local channels be treated the same as the majority of other stations on the cable system. That very basic "ask" of the cable operator could possibly be considered "In-Kind" and back charged. Access to channel space, consistent in resolution with the majority of other channels on the network should be viewed as a reasonable obligation.

The Cable Act allows local franchising authorities to set aside channels for public, education, and government use. We believe the FNPRM infringes on the Cable Act intent, which seems to clearly handle PEG channels and funding as two separate issues. Channel space can be sought by a community and in an effort to fund a channel's operations the ability to seek franchise fees not to exceed 5% was included. Two separate resources that are dependent on each other. One without the other and PEG would not have been possible.

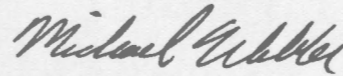
While we highlight the issue of deducting the value of PEG channels as "In-Kind" we hold the same concerns for the entire list and the entire premise of the FNPRM.

We also 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. Foxboro Cable Access works to support our entire community on a daily basis and could offer countless examples of citizens and non-profit organizations who benefit from PEG operations every day.

We invite the Commission to view for themselves the important benefits provided by local content in PEG programming. The Opioid Epidemic in this country is a serious issue and it's also a local issue that requires local attention. Our community has taken action in many ways, including in-depth conversations on the PEG channels. A community group recently utilized FCA to hold a public forum to address the **Opioid Crisis**. We encourage you to take a few moments to view the program available online at <https://www.fcatv.org/opioid/>.

We appreciate your consideration and hope you will protect PEG channels in our community and others by choosing not to adopt the proposals in the Further Notice.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Michael Webber".

Michael Webber,
Executive Director
Foxboro Cable Access, Inc.

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11/14/18