

**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 INDEPENDENCE TELEVISION

Independence Television appreciates the opportunity to file comments on the Second Further Notice of Proposed Rulemaking ("FNPRM") in the above-referenced docket. Independence Television is located in Clarkston, MI and operates channels 10, 20, and 22 (and re-transmits 10 and 20 to AT&T channel 99). Independence Television (ITV) produces meeting coverage of seven different meetings, covers high school sporting events, community events, assists community members in producing shows, as well as other videos that help the community. ITV strongly opposes 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.

If the proposed FNPRM amendments are approved, Independence Township would stand to lose \$600,000 in franchise fees and \$200,000 in PEG Fees, dramatically impairing Township operations and Public Access Television. It is necessary that fair market value is considered for using the public right-of-way to avoid such deductions. Independence Township has a community of older residents, some residents prefer cable to get information regarding their community and without channels this group would be left out of the discussion.

ITV rejects 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, Independence Television 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 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.

Independence Television invites the Commission to view for themselves the important benefits provided by local content in PEG programming. This video has comments from Independence Township Supervisor, Clarkston Community Schools Superintendent, and other residents. The link below is to a video that discusses the importance of community media:

<https://youtu.be/3rOsAfRq9jc>

Some of the highlights include:

¹ FNPRM ¶ 21.

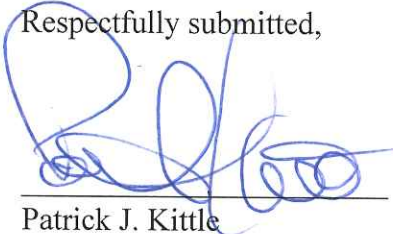
"It's all about transparency, it's all about letting residents know how and why their tax dollars are being spent. It's all about keeping folks informed." Patrick Kittle, Independence Township Supervisor.


"And I think it's really important for all the smaller communities across this great country to have that opportunity and to really get their messages out and to really find the things that tie us together" Shawn Ryan, Clarkston Community Schools Superintendent.


"I really think that the most important things that happen to us in life are the things that happen directly around us." Scott Banks, Clarkston High School Media Teacher.

Independence Television appreciates the opportunity to add to the record in this proceeding.

Respectfully submitted,


Patrick J. Kittle
Supervisor
Independence Township
6483 Waldon Center Drive
Clarkston, MI 48346


Shawn P. Ryan
Superintendent
Clarkston Community Schools
6389 Clarkston Road
Clarkston, MI 48346


Jay A. Clark
Chairman
Independence Television
Video Center Board
6093 Flemings Lake Road
Clarkston, MI 48346

Date: 11-20-18

Date: 11/28/18

Date: 12/3/18