



Village of Addison

November 19, 2018

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

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FCC Mailroom

RE: Implementation of Section 621(a) (1) of the Cable Communications Policy Act of 1984, as Amended by the Cable Television Consumer Protection and Competition Act of 1992, MB Docket No. 05-311

Dear Secretary Dortch:

The Village of Addison, Illinois opposes the tentative conclusions in the Second Further Notice of Proposed Rulemaking, in the above-referenced docket, proposing that the FCC should treat cable-related in-kind contributions as franchise fees subject to the statutory 5% cap (sec. 622, Communications Act of 1934), and the proposal that the FCC should prohibit local governments from using their video franchising authority to regulate most non-cable services, such as broadband Internet access service.

The Village of Addison has operated Addison Community Television (ACTV), our community's 24-hour local cable programming service, for more than 35 years. In that time, all revenue received from cable franchise fee payments has been directed to the operation and maintenance of ACTV. Allowing "in-kind" contributions to be considered as a franchise fee payment goes beyond the definition of "franchise fee" as stated in *Montgomery County, MD, et al. v. FCC* (U.S. Court of Appeals 6th Circuit). Such in-kind designation may be considered by a cable operator to include channel capacity and bandwidth for PEG use, which is a longstanding provision of the Cable Communications Policy Act of 1984 and a foundation of the U.S. cable industry from its establishment decades ago.

Further, the proposal that the FCC would prohibit local governments from regulating non-cable services only confuses consumers, and our residents, by allowing them to think that their city or village can help them with an issue related to the local cable provider when that issue is outside of regulated cable services. To me, and my fellow mayors, it does not matter. Our job is to help our residents when they have a problem with their telecommunications services. Our staff frequently assists residents with such non-cable matters such as broadband and telephone services. Prohibiting local regulatory authority further weakens local control and protection of consumers at the level of government closest and most responsive to them.

As Mayor of Addison, Illinois, and a Vice-President of the Illinois Municipal League, please consider these matters in opposition of the Second Further Notice of Proposed Rulemaking.

Sincerely,
VILLAGE OF ADDISON, ILLINOIS

Richard Veenstra, Mayor

Vice-President, Illinois Municipal League

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