**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 THE CITY OF LAUREL, MD**

The City of Laurel, Maryland appreciates the opportunity to file comments on the Second Further Notice and Proposed Rulemaking (“FNPRM”) in the above-referenced docket. Laurel, Maryland is a City of 26,000 residents, centrally located between Baltimore, Maryland and Washington DC. We operate a PEG channel known as Laurel TV. The majority of our programming is produced by local residents, and features stories and programs on events and topics of interest to our residents. There are about 9,000 cable subscribers in Laurel, MD and many of them also subscribe to the Laurel TV Official YouTube channel to watch shows and programs that originally air on Laurel TV.

We strongly oppose 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.

Laurel TV has undergone a complete overhaul, including revamping our studio and equipping it with high definition equipment. We’ve upgraded our on air graphic look and aggressively enhanced our programming to go well beyond just covering government meetings. Laurel TV has established relationships with documentary producers across the country, and tapped into numerous sources for domain free programming to enhance our on- air content. The changes were so notable, Laurel TV applied for and became only the second municipality in Prince George’s County, Maryland to be awarded a high definition channel. The quality of the picture and the content we are sending out has attracted thousands of new viewers to our public access channel. Many of commented that they cannot tell the difference between Laurel TV and the commercial channel on the dial.

Any action that would reduce the franchise fees the City of Laurel takes in to operate Laurel TV would devastate our ability to provide quality programming and make the equipment upgrades necessary to attract and retain viewers. Using fair market value to determine the amount to be considered a franchise fee will lead to arbitrary deductions and threaten the types of programming only Laurel TV currently provides for our residents. Local stories about community events in Laurel often don’t get covered by stations in the nearby larger television markets of Baltimore, MD and Washington, DC. Our locally produced health show, finance report, entertainment shows, and news stories on community events and government programs would be threatened

We 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. As demonstrated above, Laurel TV 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]](#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 at large.

We invite the Commission to view for themselves the important benefits provided by local content in PEG programming. The link below is to a video of a locally produced program airing on Laurel TV that is produced in partnership with the Maryland University of Integrative Health. It’s a monthly program that tackles various health issues that affect the people of Laurel like diabetes, the fourth leading cause of death here. Here is a link to a recent episode which tackles mental health—a topic that local communities can certainly benefit from in this day and age.

<https://www.youtube.com/watch?v=C_aYXcqCKSE&t=122s> This type of programming would

virtually disappear if our PEG station isn’t protected.

We appreciate the opportunity to add to the record in this proceeding.

Respectfully submitted,

Craig A. Moe

Laurel Mayor

8103 Sandy Spring Road

Laurel, MD. 20707

November 14, 2018

1. FNPRM ¶ 21. [↑](#footnote-ref-1)