

TOWN OF ATHOL



Board of Selectmen

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December 4, 2018

The Honorable Ajit Pai, Chairman
The Honorable Michael O'Rielly, Commissioner
The Honorable Brendan Carr, Commissioner
The Honorable Jessica Rosenworcel, Commissioner

Federal Communications Commission
455 12th Street, Southwest
Washington, DC 20544

Re: MB Docket No. 05-311

Dear Chairman Pai and Commissioners:

The Athol Board of Selectmen write to support the Comments of the Cable Act Preservation Alliance ("CAPA") and to disapprove of the proposals and tentative conclusions set forth in the FCC's September 25 Further Notice of Proposed Rule Making in *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 05- 311.

The Town of Athol is a semi-rural community of nearly 12,000 residents in north central Massachusetts. In a world of rapidly evolving technology, drastically shrinking print media and questionable data sources on social media, the role of local cable access television bringing news and community activity directly to subscribers cannot be understated.

For over 24 years the citizens of Athol, and the neighboring town of Orange, have shared in the benefits that Athol-Orange Community Television (AOTV) provides as a Public, Educational and Government access facility. AOTV remains a respected source of media communications throughout our communities, reaching 5,000 subscribers through two local cable TV channels, and tens of thousands of potential listeners through the community radio station WVAO-lp 105.9FM.

The Board appreciates the opportunity to comment on the Second Further Notice and Proposed Rulemaking ("FNPRM") in the above-referenced docket. In summary:

1. The Board opposes the notion that cable-related in-kind contributions, such as those that allow our programming to be viewed on the cable system, are franchise fees. Athol and Orange have

signed contracts with the cable company that call for five (5%) percent of revenue to be allocated to the PEG access facility, and they should not be usurped by an FCC ruling. Any in-kind deductions sought by the cable company should be over and above the bargained-for promises contained within the contracts. Otherwise, the cable company will be able to set arbitrary market values and deductions which can result in a loss in revenue to AOTV and a resulting detriment to the quality and scope of the PEG access channels.

The idea that an FCC ruling could effectively circumvent active cable franchise license agreements is troubling, as those agreements were made in good faith, based partly on the levels of compensation that would support PEG access. Consumers, as well, will continue to pay the five percent fee for PEG access with no guaranty the funds will facilitate true PEG programming.

2. The Board rejects the implication 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. AOTV provides valuable local educational, spiritual, and cultural programming and its local youth sports and veterans programs are very popular. Such programs are not otherwise available on the cable system or in other modes of video delivery such as satellite. 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.

The presence of AOTV enables the residents of Athol to watch uniquely local programming about their community and local events and issues of interest to them. This is the original intent of the PEG provisions of the 1984 Cable Act – to enhance local voices, serve local community needs and interests, and strengthen our local democracy.

By defining “franchise fee” in an overly broad fashion to include “in-kind” support, the FCC’s proposals will shift the fair balance between cable franchising authorities and cable operators and force communities to choose between franchise fees and PEG channels; something that was never the intent of the Act. The Board requests your consideration to protect PEG channels in our community and others by choosing not to adopt many of the proposals in the Further Notice.

Sincerely,

ATHOL BOARD OF SELECTMEN

Stephen R. Raymond, Chairman

William J. Caldwell, Vice Chairman

Rebecca J. Bialecki

Holly A. Young

Lee E. Chauvette

cc: Federal and State Legislators
