

A Resolution in opposition to the FCC's proposed
Rule Change on Docket 05-311 regarding In Kind Services

WHEREAS, the Lake Champlain Access Television (LCATV) provides the public with government access through taped and live productions of government activities, issues, events and meetings and public access to an open forum for all citizens, groups, organizations, clubs, and enterprises of Colchester to produce non-commercial informational programming; and

WHEREAS, the funding for LCATV is derived from franchise fees paid by cable subscribers living in Colchester; and

WHEREAS, the Selectboard has been advised that the FCC has filed Further Notice of Proposed Rulemaking (FNPRM) to allow cable companies the right to deduct the fair market value of public benefits from their franchise fee obligations, namely public, educational, and government (PEG) channel capacity and transmission and other in-kind courtesy service provisions found in towns' cable franchise agreements; and

WHEREAS, the fair market value will be extremely difficult to ascertain and the proposed FNPRM leaves this determination solely within the cable provider's discretion which threatens to limit or entirely eliminate public, educational, and government (PEG) access channels all meant to better inform and empower the public; and

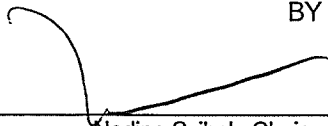
WHEREAS, the FNPRM tentatively concluded that cable-related "in-kind" contributions, such as those that allow LCATV's programming to be viewed on the cable system, are franchise fees and subject to the statutory five percent cap as set forth in Section 622 of the Communication Acts of 1934, with one limited exception; and

WHEREAS, the FNPRM implied 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 and concluded 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; and

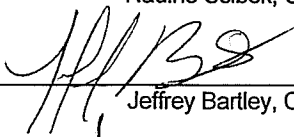
WHEREAS, the FNPRM tentatively concluded that mixed-use network ruling should be applied to prohibit LFAs from leveraging their franchising authority to regulate non-cable services, such as broadband Internet access services, except for institutional networks (I-Nets) which LFAs may regulate expressly by statute.

NOW, THEREFORE, BE IT RESOLVED BY THE SELECTBOARD OF THE TOWN OF COLCHESTER that the Selectboard strongly declares its opposition to the 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 and authorizes LCATV to file this resolution with the FCC on the Town's behalf.


ADOPTED THIS 11th DAY OF DECEMBER, 2018,
BY THE COLCHESTER SELECTBOARD



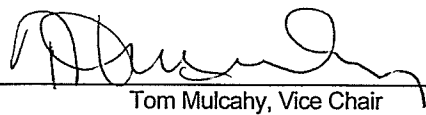
Nadine Scibek, Chair



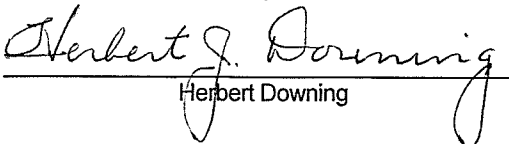
Jeffrey Bartley, Clerk



Jacki Murphy



Tom Mulcahy, Vice Chair



Herbert Downing