

12/13/18

Mr. Harry Berkowitz  
294 Benson Rd.  
Northbridge, MA 01534

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

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

Dear Chairman Pai:

I write to support the Comments of Massachusetts Community Media, Inc. (MassAccess) and 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.

I have been involved as a volunteer for our community television center close to 30 years. Thousands of shows under my belt. The education I received at my access center, through the staff and the countless local programs that I have been involved, is priceless. Our access center is also priceless. Running on a very small budget, our center is top notch. When considering your decision, please remember you have thousands of veterans like myself, all over the country, involved in their community TV centers. Also consider these Facts:

- The FCC lacks authority to impair private franchise contracts
- Section 622 of the Cable Act defines "Franchise Fees" and the FCC has no right to redefine
- Any attempt to redefine "Franchise Fees" weakens the authority of local municipalities
- The rulemaking invents "Cable-Related In-kind Contributions and "Fair Market Valuation" where there is no precedent
- Section 622 of the Cable Act states that "[a]ny Federal agency may not regulate the amount of the franchise fees paid by a cable operator."

Community media stations allow the residents of Northbridge Massachusetts to watch and create uniquely local programming about their community and local events and issues of interest to them. Such was the 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 will force communities to choose between franchise fees and PEG channels, – something that was never the intent of the Act.

We appreciate your consideration and hope you will protect PEG channels in our community and others by choosing not to adopt many of the proposals in the Further Notice.

Sincerely,

Harry Berkowitz

