

**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 PURDUE UNIVERSITY FORT WAYNE (INDIANA)

Purdue University Fort Wayne appreciates the opportunity to file comments on the Second Further Notice and Proposed Rulemaking (“FNPRM”) in the above-referenced docket. Purdue University Fort Wayne is the managing partner, which partnership includes the University and the City of Fort Wayne, for the CollegeTV Fort Wayne Center. This center serves the community of Greater Fort Wayne, including the local, non-profit colleges and universities, with higher education cable television access. These institutions include: Concordia Theological Seminary, Indiana Tech, Ivy Tech, Purdue University Fort Wayne, and the University of Saint Francis. The higher education cable access channel in our community permits these institutions to present programs of valuable education content to the community at virtually no cost for transmission. CollegeTV Fort Wayne, through its partnership with the City of Fort Wayne, has provided this service to the local community and its institutions of higher learning, for over 37 years. We have presented, among other types of programming, college courses for credit that have enabled numerous students, over the years, to progress toward graduation in their college careers. We present, on a daily basis, intellectually-stimulating and thought-provoking programs to our community. Other program offerings include college-level music and theater programs that

provide both educational benefit for the students who participate and entertainment to the local community. In addition to these types of programs, CollegeTV Fort Wayne has many times throughout its history, offered public service content to assist in informing the community how our government systems function and to inform the public of programs that are available to citizens. We have worked many times, together with local broadcasters to present political debates and forums that help inform the community of important matters of public policy. The local cable providers, Comcast Cablevision and Frontier FiOS, serve together in excess of 85,000 cable households in Allen County, Indiana. As the advocate for affordable access by local institutions of higher learning to cable television media in our community, we very 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. Without this access, the institutions of higher learning in our community would no longer have this media channel available to them in such an affordable way. This media channel is embraced daily by faculty, staff, and students who endeavor to both learn how to communicate effectively via mass media, and, to share important new research and information to aid the community in its intellectual and in its economic growth and health. This programming is only available on CollegeTV Fort Wayne in our community. No other cable channel or broadcast channel in our area presents this type of educational programming day in and day out.

The annual income from franchise fees of more than \$200,000 provides for the equipping and operation of CollegeTV Fort Wayne and is critical to the continued operation of the center. In addition, four full-time equivalent and 15 student work-study positions are presently engaged to staff the center and meet the demand for services. Eliminating this income source will put these

positions in jeopardy. The college students who depend on this work to help in supporting their college careers will no longer have this support.

We reject the implication in the FNPRM that public, education, and government (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, CollegeTV Fort Wayne 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 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. Purdue University Fort Wayne, on behalf of the local Fort Wayne colleges and universities, objects to this statement since the clear beneficiaries of the program content on CollegeTV Fort Wayne are the members of the community.

In support of this viewpoint, we invite the Commission to view for themselves these examples of programming produced for local viewing on CollegeTV Fort Wayne in calendar 2018:

¹ FNPRM ¶ 21.

“Campus Safety: It’s About More than Educational Campuses”

(https://www.youtube.com/watch?v=CMvRWMc_Bk8&list=PLmm9R_beffPB5Ync_QZU2UVWHODLLgZl3&index=11&t=0s) In this program, representatives from local law enforcement, a national advocacy organization, and a representative from the largest health care provider in Northeast Indiana present information that aides organizations and individuals in providing safe environments in the community.

“Peacemaking and Conflict Resolution: Rotary International 2018 World Affairs Conference”

(https://www.youtube.com/watch?v=Gjoe675IT70&list=PLmm9R_beffPB5Ync_QZU2UVWHODLLgZl3&index=12&t=0s) The Rotary International World Affairs Conference has become an annual event for our community as high school students participate in a conference featuring speakers, an introduction by Dan Ryan, governor of Rotary District 6540, and interactive exercises.

“If You Cannot Afford One: The Public Defender System in Indiana”

(https://www.youtube.com/watch?v=_3Ve4p8at1w&list=PLmm9R_beffPB5Ync_QZU2UVWHODLLgZl3&index=9&t=0s) This program examines, with the help of a Superior Court Judge, a chief deputy prosecutor, the executive director of the Indiana Public Defender Council and the executive director of the Sixth Amendment Center (Boston, Massachusetts), the status of the public defender system in our state and beyond.

To further underscore the value of this programming to our local community, each of these programs was aired on the local public radio station for Northeast Indiana.

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

Respectfully submitted,

A handwritten signature in blue ink that reads "Ronald L. Elsenbaumer". The signature is written in a cursive style with a large, stylized initial 'R'.

Ronald L. Elsenbaumer
Chancellor

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