

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

December 12, 2018

RE: MB Docket No 05-311 In the Matter of 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

Aloha,

I am writing as a Maui community citizen and local video producer, in opposition to the Commissions Initial and Second Further Notice of Proposed Rule-making. (FNPRM & SFNPRM)

The idea that the Commission would create an arbitrary Rule requiring any 'in-kind consideration' in franchise contracts, whose provisions and fees are negotiated by Local Franchising Authorities (LFA's), to be counted against the 5% Franchise Fee Cap at market value is short sighted and without regard to Public Access centers and the intention of the 1984 Cable Act. 'In-Kind Considerations' are currently already negotiated in franchise contracts, so why does the FCC feel it needs to create a 'rule' that would reduce the final franchise 'fees' passed to access centers and would preempt State Franchising Laws?

I have to believe the Commission is being influenced by cable businesses and their agenda to diminish the value of Public Rights of Way (PROW) for communities. Additionally, the SFNPRM looks like a ruse to limit the power an LFA would ever have for 'non-cable services'...like the internet. We know the cable operators are using our PROW for that service, and pulling a hefty profit while doing so, with no PROW rent paid back to those communities.

Considering cable subscribers are line item charged on their invoices and/or via their cable service rates for the same assets cable operators would get 'in-kind consideration' for looks like double dipping and is probably illegal.

Your proposed 'rule-making' looks to be ambiguous at best, with potential devastating impacts to community members utilizing access center services. The potential loss of revenue due to an ill thought out 'rule' would impact costs for media education, as well as, public and local government content distribution. In fact, in many areas it may well destroy local voices from being heard at all.

I request the Commission NOT adopt, and instead withdraw, the SFNPRM.

Regards,



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