

**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 Hardwick Community Television, Inc.**

**Hardwick Community Television, Inc. (HCTV)**, appreciates the opportunity to file comments on the Second Further Notice and Proposed Rulemaking (“FNPRM”) in the above-referenced docket. HCTV is a not-for-profit Public, Educational, and Government (PEG) Access facility located in Hardwick, Vermont, and serving three towns. We reach about 1,000 cable subscribers and more via our web content. HCTV strongly opposes 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.

HCTV, like most of Vermont’s 25 PEG facilities, derives the majority of its funding from franchise fee payments, and a reclassification of in-kind contributions, which may lead to a great reduction in or elimination of that funding, could be devastating to our organization, the services it provides, and the people whom we employ. Our agreements with cable operators have always stated that certain services – including, but not limited to: complimentary cable and Internet for schools, libraries, and municipalities, remote origination backhaul, and channel capacity – are separate and distinct from franchise fee funding. To change such classifications now would go against decades of established structure which has greatly enhanced and benefitted our member

communities and communities nationwide. It would jeopardize the hyper-local programming that we provide, such as municipal meeting coverage, community and school events, election forums and results, and arts programming. With the increasing decline of local newspapers and network television affiliates for smaller markets, PEG Access is frequently the only media link a community has to the news and events happening there. Additionally, PEG Access is almost always the only opportunity that residents in these communities have to participate directly in this media through the training, education, and channel time that we provide to the public for creation and distribution of their own content. In short, to lose funding from our franchise fees could potentially mean losing an invaluable and unique local resource.

We reject the implication in the FNPRM 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. As demonstrated above, HCTV 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.”<sup>1</sup> 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

---

<sup>1</sup> FNPRM ¶ 21.

programming that non-capital PEG-related provisions benefit the LFA or its designee rather than the public at large.

We invite the Commission to view for themselves the important benefits provided by local content in PEG programming. The link below is to a video entitled *Feathertop*, an adaptation of a Nathaniel Hawthorne short story produced by twelve area youth under the direction of two volunteer community members. The production allowed the children to try acting, camera work, and sound recording through a literary mode. This experience ignited a new kids' video program, *Vid-Kids*, which has continued to bring new young people to the experience of narrative video production. The video is available for viewing here: <http://hctv.us/2016/09/feathertop/>

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Leif Goldberg". The script is cursive and fluid.

Leif Goldberg  
Executive Director

Hardwick Community Television  
20 East Church St.,  
Hardwick, VT 05843

December 11, 2018