RICHARD L. MURGATROYD

2402 Parrish Hill Lane

Crestview Hills, KY 41017

December 13, 2018

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

*RE: MB Docket No 05-311. In the Matter of Implementation of Section 621(a)(1) of the Cab le Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992.*

Dear Chairman, Pai,

I am writing in support of the Comments of the Cable Act Preservation Alliance (“CAPA”) in the Second Further Notice of Proposed Rule Making. We oppose the tentative conclusions the FCC reaches in the proceeding because of their impacts on our community.

I have been involved with PEG and TBNK for over 20 years as a member of the board, negotiating contracts with local cable operators on behalf of our county and cities, setting up the structure for operations for TBNK when they took on the responsibility of programming six access channels for three Northern Kentucky counties and cities in those counties, as host of several government programs for the county and cities and as host for local election coverage.

I came from a background in public and commercial broadcasting for 26 years and serving as a member of the Kentucky House of Representatives, as Judge Executive for Kenton County, Deputy Secretary of Transportation for Kentucky, Deputy Chief of Staff for the governor of Kentucky and a member of the faculty at Northern Kentucky University.

During these years I have been a strong advocate for Peg and the programming it provides to local communities. It is the last “voice” for anyone who wishes to make their thoughts heard about important issues in their community. It provides access to government meetings which provide important information for citizens in each of our cities.

The Telecommunications Board of Northern Kentucky (TBNK) provides a professional TV studio for use of residents, non-profits and community organizations in our communities, as well as video production training and assistance for our local PEG Access producers.

The TBNK’s local community based (PEG Access) cable channels allow viewers in Northern Kentucky to watch local programming about their community that the Cincinnati, Ohio based broadcasters (located just across the river) do not provide. This includes coverage of about local government meetings per month, and local election forums and speakers and an all Northern Kentucky focused election night results program every election cycle, as ell as coverage of local high school and college sports and community events, and issues of interest to Northern Kentucky ( as opposed to the Cincinnati, Ohio focused programming we get from the local broadcasters, who seldom cover anything in Northern Kentucky.) The channels also broadcast local history documentaries about our unique, small communities in Northern Kentucky, creating a better sense of place, exposing viewers to local landmarks and interesting stories of our past; helping viewers better understand their own community. Our PEG channels also air programming from the local Chamber of Commerce and the Covington Business Council, as well as talk shows with local elected leaders, promoting economic development in our community and letting business and community leaders better inform the public.

Promoting a diversity of views and information through local programs like these was clearly the intent of the PEG provisions of the 1984 Cable Act, in order to serve local community needs and interests, and strengthen our local democratic process. The FCC’s proposals frustrate and contradict the clear intent of the cable law, as written by our elected legislators) from the 1984 Cable Act to the Telecommunications Act of 1996) and decades of application of that law in franchise agreements.

By defining “franchise Fee” in an overly broad fashion to include what the FCC calls “in-kind” support, and then further erroneously stretching this to include cable related “in-kind” support, the FNPRM would shift the fair balance between cable franchising authorities and cable operators, circumventing the franchise negotiation process set forth by congress in the Cable Act, and force communities to choose between franchise fees and PEG channels. Furthermore, the FCC provides no formula or limits for what the cable providers could charge for the PEG channels and other cable related franchise obligations. This would allow cable operators to make up any kind of extreme costs for the “value” of these obligations. Under this FNPRM the FCC would be saying that Local Franchise Authorities can require PEG channels and fees to support PEG capital needs, but cannot have operational revenue for the PEG channels, which comes primarily from franchise fees in most communities – or that LFA’s could have the franchise fees to operate the channels but not the actual PEG channels. This would render the PEG provisions of the Cable Act nonsensical. This was never the intent of the Act.

The FNPRM diminishes the ability of PEG channels to serve communities such as ours. I ask that it not be adopted.

Sincerely,

Richard L. Murgatroyd

Former Judge Executive – Kenton County