December 13, 2018

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,

We strongly disagree with the comments filed by the National Cable Television Association in response to 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.

BRIC is the Cable Access Operator for the Borough of Brooklyn in the City of New York, serving a community of nearly 3 million and seen in nearly 600,000 homes. We provide necessary and greatly appreciated services which are laid out in detail in our own comments elsewhere.

In particular, we take issue with NCTA comments citing agreements with the CAO’s in New York:

*“Recurring payments, paid per subscriber per month, to support public access in an amount varying from $1.12 to $1.40 per borough*.” Further, they complain*, “In other words, the cable operator cannot offset any of the above amounts against the five percent franchise fee…”*

In plain language, the cable operator does not pay this grant fee at all. It is a pass-through. It is paid directly by the cable-subscriber. The cable operator does not include this amount in gross revenue calculations at all. This was not always the case. Cable operators were given relief on their legal payments for use of the public-rights-of-way many years ago. In effect, they are charging the cable viewers directly for a service they were supposed to provide in as payment for the use of public property owned by those same citizens!

And now, we are asked for relief upon that relief. There is no demonstration of need for this change. Cable industry reports to stock-holders reveal hugely profitable businesses. New York alone counts for billions of dollars of annual revenue.

We are not critical of the NCTA for being in favor of these changes—they obviously would favor increasing their profits. It is not their mission to serve the public interest.

We believe that the PEG provisions of the 1984 Cable Act are fair and reasonable for all parties. They include limitations on municipal power more than adequate to insure both investment and profitability by cable companies. By redefining “franchise fee” in an overly broad fashion after decades of agreed upon practice, the FCC’s proposals will damage the thousands of communities the Cable Act was written to serve and will actually leave the program offering of the cable provider much poorer for the loss of local PEG programming.

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,

Kristina Newman-Scott Anthony Riddle

President, BRIC Vice-President, Community Media