



**Office of the City Clerk**

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**VIA ELECTRONIC FILING**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, District of Columbia 20554

*RE: 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 No. 05-311*

Dear Ms. Dortch,

By way of introduction, my name is James R. Owczarski and I serve as the City Clerk for the City of Milwaukee. Among my responsibilities is the management of the City's government access channel, hereafter "City Channel". The City Channel, under various names, has been a core service of my office since well before my time, in fact, dating to the City of Milwaukee's original cable franchise agreement. It has consistently provided impartial and official information to all City residents and provided an exceptional level of transparency for the whole of our government process.

It is with this in mind that I very much appreciate the opportunity to file comments on the Second Further Notice of Proposed Rulemaking ("FNPRM") in the above-referenced docket. Absent substantial further clarification, I am compelled to oppose the tentative conclusions in the FNPRM that cable-related in-kind contributions are franchise fees and that local governments have no authority regarding cable operators' use of the rights of way to provide non-cable services.

The City's relationship with our franchisee, presently Spectrum, has long been excellent. It has provided service to the City and its residents and has made use of our rights-of-way, conduit, and other infrastructure. This mutually-beneficial relationship has resulted in the City Channel and its broad range of publically-available content. In straightened economic times, I cannot be but concerned with any proposal, as imprecisely defined as this one may be, that threatens the revenue that makes these services possible.

As time has gone on, more and more residents have come to rely on the City Channel to permit them to view the conduct of public business directly. Although our meetings are open to the public, many residents are unable to attend due to work, transportation or mobility constraints, The

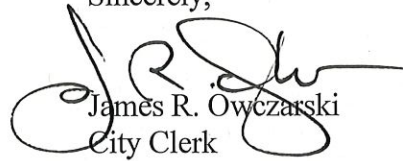


broadcast and re-airing of these meetings provides them with a seat in the room. In fact, we have had three recent requests to begin televising meetings that previously had not been. Many of those who made this request, which through our present partnership we were able to accommodate, did so in terms that made clear they felt any board of public interest that did not televise its meetings was doing the public a disservice.

In closing, I can only direct your attention to our Legislative Research Center (<http://milwaukee.legistar.com/calendar>) to view the remarkable range of government information and public transparency that our government access channel provides.

Please, again, accept this letter as expressing my opposition to the tentative conclusions in the FNPRM.

Sincerely,



James R. Owczarski  
City Clerk