

Before the
Federal Communications Commission
Washington, D.C. 20554

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)	

COMMENTS OF THE CITY OF HAVERHILL, MASSACHUSETTS
Mayor, James J. Fiorentini

I am writing as Mayor of the City of Haverhill, Massachusetts, on behalf of our over 63,000 residents, to express our City's opposition to the Commission's proposals and tentative conclusion contained in the proposed rulemaking of the Second Further Notice of Proposed Rulemaking ("FNPRM"), in *Implementation of Section 621 (a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection Act of 1992*, MB Docket 05-311.

Public, Educational and Government ("PEG") Access television is an essential part of the City of Haverhill community, connecting residents; local volunteer and other organizations, including youth sports and leagues and non-profits serving our senior citizens; churches and other places of worship; local businesses; and City and State government, to each other. PEG Access operations, video training and local programming allow Haverhill residents, businesses and organizations to be engaged in the public and community life of the City, the Merrimack Valley and the Commonwealth of Massachusetts, and to thereby better participate in preserving our nation's history and strengthening our City and Commonwealth. PEG Access television is an important part of the continuing economic redevelopment and growth of the City, the expansion of the arts, culture and local economy and the quality of life in the City both now and moving forward.

As I reflected on how to best communicate the importance of PEG Access television to Haverhill, I realized that the best way to do so was to simply list the many organizations served by and participating in community television in Haverhill and to list some of the local programming and coverage provided by the City's non-profit PEG Access provider, Haverhill Community Media (HC Media). They include:

Organizations Served Community Television

AHEPA 39, Inc.	Animal Rescue of Merrimac Valley
Al-Anon	(The) Arts Institute Group
All Saints Parish	(The) ARC of No. Essex County
Alliance Church (The)	Baha/I of Haverhill
Alzheimer's Association	Beacon Hospital
American Cancer Society	Bethany Homes
American Legion, Sons of the	Bethal Center
American Legion Aux. Unit #4	Better Block
American Red Cross	Big Friends Little Friends
AMVETS Ladies Auxiliary #147	Bradford Baseball League
AMVETS Post #147	Bradford Children's Center
Bradford Christian Academy	Haverhill Boy/Girls Club
Bradford Elementary School	Haverhill Brightside
Breakfast Exchange Club	Haverhill Church of the Nazarene
Brookridge Community Church	Haverhill, City of
Boys Scouts of America	Haverhill Clergy Association
Burnham School	Haverhill Club House
Buttonwoods Museum	Haverhill Commission On Disabilities
Calvary Baptist Church	Haverhill Community Violence Coalition
Career Resources Corp	Haverhill Family Network
Changing Lives Christian Church	Haverhill Firefighters Museum
Church Door of Hope	Haverhill Auxiliary Police Dept.
Citizen Center	Groveland Pack 113 & Troop 87
Coastal Homebuyer Program	Haitian Community Center
Commission on Disability Issues	Haverhill Garden Club
Committee to Defend Health Care	HHS Summer School Band Association
Community Action, Inc.	Haverhill Historical Society
Community for People	Haverhill Lions Club
Companion Care	Haverhill Masons
Consentino Middle School	Haverhill Police Department
Council on Aging	Haverhill Public Library
Coventa	Haverhill Public Schools
Creative Haverhill	Haverhill Recreation Department
Crossroads Church	Haverhill Public Library
DAV Volunteer Services	Haverhill Teen Coalition
DCF of Haverhill	Haverhill Tobacco Prevention
Department of Public Safety	Haverhill Northeast Veterans Council
Downtown Haverhill Association	Holy Family Parish
East Parish Neighborhood Assoc.	Holy Rosary Church - Lawrence
Exchange Club	Haverhill Cemetery Association
El Nuevo Renacer	Holy Family Parish
Elder Services	Holy Rosary Church – Lawrence
Elks Lodge of Haverhill	Hope Task Force
Energy Bucks	Horizons for Homeless Children
Emmaus, Inc.	Iglesia Adventista
Essex County Sheriff's Dept.	Iglesia Metodista Libre
Farmer & Sons Aftercare ...	International Child Care Center
First Baptist Church - Haverhill	J.G. Whittier School
First Church of Christ, Bradford	J.G. Whittier Birthplace

First Congregational Church, Hav.	Kids Fest Committee
First Congregational Church, NH	Kiwanis
First Presbyterian Church	Knights of Columbus-Haverhill
Girls, Inc. of Greater Haverhill	Ladies Philoptochos "ELPIS"
Good Shepard United Methodist	LEAP Program
Golden Hill School Lare Training	Lion's Club
Grace Methodist Church	Lorraine Post Auxiliary #29
Greater Haverhill Adult Learning	Market Street Baptist Church
Greater Haverhill Arts Association	Mass. Dept. of Children and Families Area Office
Greater Haverhill Chamber of Com.	Coalition for Suicide Prevention
Greek Orthodox Church	Cultural Council
Mass Development	Sacred Hearts Church
Families for Kids	Sacred Hearts School
State Association of the Deaf	Safe Harbor Foster Parenting
MCPCC (Cruelty to Children)	Salvation Army
MSPCA (Cruelty to Animals)	Samaritans
Merrimack Valley Community	Sarah Place Elderly Day Care
Service Corp	Savings Lives Program
Merrimack Valley Hospice	Second Baptist Church
Merrimack Valley Hospital	Second Spanish Church
Merrimack Valley Philharmonic	Seventh Day Adventist Church
Merrimack Valley Quilt Guild	Shoe City Boxing
Merrimack Valley	Ruth's House Thrift Store
Chamber of Commerce	Silver Hill School
Mitch's Place	Smokers Quit line
Moody Elementary School	SOAP Program (NFI)
Mount Washington Alliance	Somebody Cares NE
NARFE Chapter 1568	Sons of Italy – Lawrence
NEET Program	Somebody Cares NE
New Beginning Support Group	Sons of Italy – Methuen
New England String Ensemble	Spotlight Playhouse
New Heights Community Church	Starting Over Sober
New Life Christian Church	Steve Lyons Fund
New Horizon Church of God	Soroptimist International
New Moon Café	St. James Church - Groveland
North Andover Masons	St. Joseph's School
North East Independent Living	Tattersall Farm
North Essex Prevention Coalition	Team Haverhill
NorthPoint Bible	Temple Emanuel-el
Northern Essex Comm. College	The River Church
OASIS	Timberlane Regional Performing Arts Center
Operation A.B.L.E	Trinitarian Church
O+Positive	Trinity Episcopal Church, Haverhill
Parent Aide Program (NFI)	Trinity Women's Guild
Parents Advisory Council (PAC)	U.S. Air Force Recruiting
Penacook Place	U.S. Marines Recruiting
Pentucket Lake Elementary School	U.S. Navy Recruiting
Pentucket Players, Inc.	United Way of Merrimack Valley
Peoples United Methodist Church	Universalist Unitarian Church
Phoenix Rising Church	Valleywork Career Center – Lawrence/Haverhill
Phoenix Row	Veterans Northeast Outreach Ctr.

Plaistow Fish and Game Club	VFW Ladies Aux 29
Portland Street Baptist Church	VFW Santa Parade Committee
Pregnancy Care Center	Violence Intervention Prevention VIP
Project Bread	VNA of Greater Haverhill
Rebuilding Together	Walk for Hunger
Rehoboth Lighthouse Church	We Care Cancer Support Group
Riverside Memorial Church	West Congregational Church
Rogers Center	WIC
Rotary Club of Haverhill	Widows/Widowers Group
	Women's Resource Center
	Y.M.C.A. of Haverhill
	Y.W.C.A. of Haverhill

Local Government Departments Served by Community Television

City Clerk	Haverhill School Department
City Council	License Commission
Council on Aging	Mayor's Office
Department of Public Works	Police Department
Emergency Management	Public Services
Fire Department	Recreation Department
Conservation Department	Veterans Services
Haverhill Public Library	Water Department
Health Department	
Haverhill Recreation Department	

Massachusetts State Offices Served by Community Television

State Representative 3rd Essex District
 State Senate 1st Essex District
 US Congress 3rd Essex District

Sample of City Government Programming:

Haverhill City Council	Police Bulletin with Officer Paul Malone
Haverhill School Committee	National Night Out
Haverhill License Commission	City Clerk Updates
Whittier Tech School	Republican City Committee
Committee Meeting	Mayor's State of the City
Minute with the Mayor	Election Coverage
League of Women Voters	
Election Debates	

Sample of Education Programming:

Whittier Tech Graduation	Whittier Tech Open House
Haverhill High School Graduation	HHS Academic Awards Night
NECC Graduation	Whittier Tech Basketball
NECC Today	NECC Police Academy Graduation
Elementary Schools Annual	HHS Talent Show
Concerts and Events	HHS Theater Show

HHS Football
Whittier Tech Football

Exploring Careers at Whittier TECH
Junior Police

Sample Community Programming:

Greater Haverhill Chamber of Commerce Annual Dinner
Greater Haverhill Chamber of Commerce Small Business Award Breakfast
Greater Haverhill Chamber of Commerce WOW Conference
Merrimack Valley Chamber of Commerce Annual Dinner
Merrimack Valley Chamber of Commerce Small Business Award Breakfast
Chamber of Commerce Mayor's Breakfast
Kids fest
River Ruckus
V.F.W Santa Parade
Martin Luther King Interfaith Service
Yom Kippur Service
Christmas Stroll
Lighting of the Christmas Bell
Tattersall Farm Days
July 4th Fireworks and Festival
Team Haverhill Possible Dreams: Community Visioning
YWCA Tribute to Women
YMCA Educator of the Year
YMCA Legacy Event
Exchange Club St. Patrick's Breakfast
O+ Festival
Better Block
Haverhill Idol
Emmaus Stepping Out with the Valley Stars
Armenian Genocide Remembrance
Armenian Church Opening Ceremony
Bradford Rail Trail Opening Ceremony
Vietnam Veterans Moving Wall That Heals
Steve Lyons Rock Out Cookout Fundraiser
Rally Against Violence

This office will leave to others the many reasons why the long agreed upon and fundamental parts of PEG Access operations and programming, including the Access Channels themselves and the connections between video origination locations in a community and the cable operator's system, as well as institutional networks including the same, are not some stand-alone outlier from PEG Access and capital requirements under the Cable Act.

The intent of the Cable Act, as demonstrated by over 30 years of cable franchises reached by the City of Haverhill and Comcast (and its predecessors in interest) was, and remains, to enhance local voices, serve local community needs and interests and to strength local democracy. That is what the Cable Act and importantly decades of cable license agreements, have and continue to accomplished in the City of Haverhill. Respectfully, there is no historically basis for the

Commission to disrupt the working of the Cable Act and the agreements reached between cable licensing authorities and cable operators, such as here in Haverhill. Nor as demonstrated in the City of Haverhill, where this office has reached out to potential cable competitors year after year, including this year, both in writing and in face to face meetings, is there any basis to conclude that the longstanding interpretation and operation of the Cable Act interferes in any way with cable competition. The City has made clear its willingness to provide a flexible and welcoming environment and competitive conditions for potential cable competitors, and the reasons those companies provide, in an honest and straightforward manner for not overbuilding in Haverhill, have nothing to do with the potential terms of a cable license, but rather arise from very specific company conditions and approaches.

As Mayor, I urge the FCC to carefully consider this matter, taking into consideration the thousands of comments submitted to the Commission date, and I urge care and concern for this vital aspect of our community and our nation. If adopted, the proposed rule will cause significant harm to the public interest, causing a diminution of participation in public issues and matters, and will hurt community and religious institutions, the local economy, and residents of all ages, including the many young people and senior citizens who actively participate in PEG Access operations, training and programming.¹

Finally, please take another look at the many volunteer and non-profit organizations, churches and places of worship, youth sports organizations, others assisting a wide range of individuals, including veterans, listed above, while considering the matter and before taking any vote or action.

Thank you for your consideration of these comments. I respectfully request on behalf the City of Haverhill that the Commission not adopt the proposed rule addressed herein.

¹ The proposed rule will surely lead to unnecessary conflict and disputes, and inevitable litigation where none now exists. The City of Haverhill and its cable licensees have always worked cooperatively to reach cable franchise/license agreements. Comcast and its predecessors have taken pride in the local programming provide over their cable system, and continue to do so. It is an important part of what has made cable television so successful in the City. This cooperative process comes about because of the approach and structure of the Cable Act, which incentivizes both parties to consider and determine what is important to each, and to meet and discuss how that can be reflected in a cable license. This is what the City of Haverhill and Comcast (and its predecessors) have done. This deliberative and cooperative process, less and less common in in many other areas and matters across our nation and beyond, should be preserved, consistent with the Cable Act and with the longstanding practice in Haverhill and in the Commonwealth of Massachusetts. (Here is a link to the web page of the Massachusetts Division of Telecommunications and Cable, which links to the City of Haverhill's cable license agreement with Comcast, as well, I am informed, most all of the other cable licensees from across the state - <https://www.mass.gov/lists/cable-television-licenses>.) These cable licenses reflect the good faith and hard work of the parties involved, and should not be interfered with to the detriment of all, particularly to the public interest.

Sincerely,
James J. Fiorentini
Mayor, City of Haverhill

Filed with the Commission
as authorized by Mayor Fiorentini,
by Attorney William H. Solomon

A handwritten signature in black ink, appearing to read "William H. Solomon", written over a horizontal line.

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