

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
TELEPHONE COMPANY-)
CABLE TELEVISION)
Cross-Ownership Rules,)
Sections 63.54-63.58)
)
and)
)
Amendments of Parts 32, 36,)
61, 64, and 69 of the)
Commission's Rules to)
Establish and Implement)
Regulatory Procedures for)
Video Dialtone Service)

CC Docket No.

DEC 81 7 266

Rulemaking No. 8491

To the Commission:

COMMENTS OF
WAYCROSS COMMUNITY TELEVISION

Waycross Community Television submits these comments in response to rulemaking number 8491, specifically regarding issues of preferential access and in support of the comments filed in this proceeding by the Alliance for Community Media.

1. My name is Gregory Vawter. I am Executive Director of the Community Programming Board which operates Waycross Community Television, a public, educational and governmental (or PEG) access center in Forest Park, Ohio, operating pursuant to cable franchises adopted by the City of Forest Park, Village of Greenhills and Springfield Township, Ohio. Section 611 of the Communications Act of 1934, as amended, authorizes municipal and state franchising authorities to request that cable operators support cable access by PEG entities.
2. The Waycross Community Programming Board is a member of the Alliance for Community Media, a non-profit association representing PEG access centers nationwide.
3. Waycross Community Television has been in operation for twelve years; I have managed the center since its beginning in 1982.
4. Local religious, charitable, and community organizations regularly use our facilities. Among organizations that have utilized Waycross Community Television in the past year are 16 area churches and religious groups, 58 local schools, and 30 local government agencies. (A complete list of 148 nonprofit agencies using Waycross access during 1994 is attached as exhibit A.)

This is in accordance with both the letter and the spirit of Section 611, which requires that PEG centers meet the communications needs of the localities in which a cable franchise operates.

5. Waycross Community Television receives funding primarily through franchise fees, as specified by our local franchising authorities, in addition to direct provisions of access facilities by the cable operator, pursuant to terms of our three (Forest Park, Greenhills and Springfield Township) identical franchise agreements. Less than one percent of our operating budget comes from grants and contributions.
6. Section 611 of the Communications Act of 1934 permits local franchising authorities to request PEG access and facilities from a cable franchisee when such franchise is initiated or comes up for renewal. The existence of Waycross Community Television rests upon our franchising authorities' insistence that these facilities be a condition of the local franchise.
7. The Federal Communications Commission is considering promulgating further regulations on persons maintaining common-carrier services providing video images, or "video dial-tone" (VDT).
8. The Federal Communications Commission is considering promulgation of such regulations without requiring a use-fee structure which would be economically equivalent to the costs imposed on cable operators to, among other matters, ensure the continuance of PEG access.
9. The inequitable treatment of similar video transmission services may result in uneven economic pressures. These pressures would cause cable operators to cease offering PEG access to franchise authorities in order to remain competitive with non-franchised VDT services. Also, PEG access centers would close as customers shift from cable to VDT and franchise fee collections shrink.
10. If Waycross Community Television is forced to close because the cable operator and franchising authority cannot agree to its continuation, then individuals and organizations who currently utilize these facilities will be forced into the commercial marketplace.
11. One half-hour of television time (including in-studio production and all post-production costs), which is free of charge through Waycross Community Television, would cost \$1,100 at Warner Cable's local origination studio, the next-lowest-cost option for cable program producers in the Cincinnati area. This price includes \$400 for leased access time, \$300 for studio time, and \$225 for post-production services. For non-cable access facilities, I have found costs at about \$6,000 for a one-hour production.
12. Many of our users would find even leased access fees out of their range and would cease cablecasting altogether. Ninety

percent of the non-profit organizations that regularly use our PEG facilities have annual media budgets under \$10,000. To retain a schedule of weekly or even monthly productions using private sector facilities, a nonprofit group would spend its entire budget and more.

13. The erosion of PEG access could have significant deleterious effects on the practical enactment of First Amendment ideals.
14. VDT regulation which subjects both media to the same PEG requirements is the only method that will guarantee the existence of PEG access in a context of telecommunications competition.

I submit that the foregoing is truthful, based on personal knowledge, information, and belief.

Respectfully submitted,


Gregory B. Vawter

December 14, 1994.

1. Amelia Middle School
2. American Lung Association
3. Anderson High School
4. Anderson Middle School
5. Archdiocese of Cincinnati
6. Assumption Elementary School
7. Beechwoods Elementary School School
8. Bergamo Center
9. Boy Scouts of America
10. Cameron Park Elementary School
11. Catholic Alumni Club
12. Central Baptist School
13. Central States Alliance for Community Media
14. Christ Church
15. Christian Blue Pages
16. Cincinnati Academy of Medicine
17. Cincinnati Black Family Reunion
18. Cincinnati Choral Society
19. Cincinnati Office of Environmental Management
20. City of Forest Park
21. Clean Cincinnati
22. Clovernook Center for the Blind
23. Clovernook Elementary School
24. Cottonwood Elementary School
25. Denny Buehler Memorial Fund
26. Drug Abuse Resistance Education (DARE)
27. Employer Healthcare Alliance
28. Fairfield High School
29. Finneytown Civic Association
30. Finneytown High School
31. Finneytown High School Athletic Boosters
32. Finneytown Local School Board
33. Finneytown Middle School
34. Forest Park Baseball Association
35. Forest Park Business Association
36. Forest Park Environmental Awareness & Recycling
37. Forest Park Fire Department
38. Forest Park Homeowners Association
39. Forest Park Police Department
40. Forest Park Police Explorers
41. Forest View Elementary School School
42. Free Store Foodbank
43. Frost Elementary School
44. Goodwill Industries
45. Greener Elementary School
46. Greenhills Alumni Association
47. Greenhills American Legion Auxillary 530
48. Greenhills Baseball Association
49. Greenhills Civic Association
50. Greenhills Fire Department

51. Greenhills Historic Society
52. Greenhills Police Department
53. Greenhills/Forest Park Kiwanis
54. Hamilton County Board of Elections
55. Hamilton County Board of Mental Retardation
56. Hamilton County Commission
57. Hamilton County Fair Board
58. Hamilton County Park District
59. Hamilton County Police Chiefs' Association
60. Hamilton County Sheriff's Department
61. Hamilton County Solid Waste Management District
62. Hamilton High School
63. Hamilton/Clermont Coop. Assn. of School Boards
64. Harrison High School
65. HomeSchool Network
66. Hoop Elementary School
67. I.D.M.R. Church
68. Indian Hill High School
69. Jewish Community Center
70. Josie Becker Elementary School
71. Kemper Heights Elementary School
72. Kiwanis Clubs of Ohio-6th Divison
73. Lakeside Elementary School
74. LaSalle High School
75. League of Women Voters
76. Lexington Heights Civic Association
77. McCauley High School
78. Moeller High School
79. Mount Healthy Alumni Association
80. Mount Healthy City School Board
81. Mount Healthy High School
82. National Middle School Association
83. New Burlington Elementary School
84. North College Hill City School Board
85. North College Hill High School
86. North Suburban Swim League
87. Northern Hills Fire Department
88. Northern Hills Synagogue
89. Northwest High School
90. Northwest School Board
91. Ohio Bureau of Employment Services
92. Ohio Business Teachers Association
93. Ohio Crime Prevention Association
94. Ohio Healthcare Board
95. Ohio High School Athletic Association
96. Ohio Historic Preservation Office
97. Ohio Valley Network
98. Our Lady of the Rosary Parrish
99. Our Lady of the Rosary School
100. Parham Elementary School

101. Pleasant Run Farms Civic Association
102. Powell Crosley YMCA
103. Princeton High School
104. Prison Family Outreach
105. Project Nehemiah
106. Promote Wyoming Committee
107. Public Library of Cincinnati & Hamilton County
108. Quinn Chapel
109. Rex Ralph Elementary School
110. Rex Ridgeway House
111. Right to Life
112. Roger Bacon High School
113. Ruth Lyons Childrens Christmas Fund
114. SCSEP Senior Employment Program
115. Senior Olympics
116. Senior Services
117. Sickle Cell Anemia Association
118. Southwest Ohio Swimming Association
119. Southwest Ohio Wrestling Coaches Association
120. Springfield Township
121. Springfield Township Police Department
122. St Margaret Mary Elementary School
123. St. Bartholomew Elementary School
124. St. Dominic Elementary School
125. St. James Church of the Valley
126. St. John Neuman Parrish
127. St. Martin of Tours Elementary School
128. St. Mathias Parrish
129. St. Vincent DePaul Society
130. St. Vivian Elementary School
131. St. Xavier Alumni Association
132. St. Xavier High School
133. Teens Against Premarital Sex
134. The Ohio Department of Transportation
135. Truth Universal Baptist Church
136. Ursline Academy
137. Victory Church
138. Village of Greenhills
139. Village Voices
140. Welch Elementary School
141. Whitaker Elementary School
142. Winton Forest Elementary School
143. Winton Woods City School Board
144. Winton Woods High School
145. Winton Woods Middle School
146. Wyoming Fire Department
147. Wyoming Historical Society
148. Wyoming Middle School