

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

In the Matter of )  
 )  
Amendment to the Commission's Rules ) MB Docket No 15-53  
Concerning Effective Competition and )  
Implementation of Section 111 of )  
the STELA Reauthorization Act )

**COMMENTS OF  
AMERICAN COMMUNITY TELEVISION**

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## SUMMARY

ACT strongly urges the Commission to retain the public interest requirement to ensure all cable subscribers, regardless of the level of service they purchase, continue to have access to all PEG channels, without a requirement for additional equipment or service charges on a low cost Basic service tier accessible to all subscribers. The Commission is potentially opening a door for the cable industry to argue that revising the presumption of effective competition existing without a showing by the cable operator will allow the cable industry to remove PEG channels from the Basic service tier as the Basic service tier requirements only applies to rate regulated communities. Such an opening is not in the public interest as PEG channels have for many decades been part of the compact for the cable industry to use the public rights of way. As a result, PEG channels must be assured its place on the low cost Basic service tier.

Any revision to regulations regarding the management of effective competition the Commission adopts should ensure that the value local communities place on the uniquely democratic and transparent public interest media of PEG Access television is preserved and that Congress' intent for PEG as critical public interest requirements is carried forward. The public interest principals underlying access to PEG channels by all subscribers that were clearly intended by Congress, and which serve every day successfully implementing the important values of localism and diversity in media by providing thousands of hours of programming across the nation, should not be set aside or ignored merely because a more streamlined approach to rate regulation is enacted.

## I. INTRODUCTION

American Community Television (ACT) respectfully submits these comments in the

Matter of Amendment to the Commission's Rules Concerning Effective Competition and Implementation of Section 111 of the STELA Reauthorization Act (MB Docket No. 15-53).

American Community Television is a non-profit, 501 (c) 4 organization dedicated to the preservation of public, educational and government access television channels through the promotion and advocacy of positive federal legislation. ACT works, through communication with federal officials, for the passage and protection of federal statutes which establish and enhance the ability of local communities to use electronic media for the benefit of their citizens via public, educational and government access (PEG) television channels and to insure the accessibility for all citizens regardless of their socio-economic status.

Public, Educational and Government (PEG) access television has served the local public interest for over fifty years. This public interest includes providing local government transparency, educational programming, nonprofit entity programming and opportunities for **local** free speech and political discourse. The PEG channels and support are a substantial part of the compensation local communities receive for allowing the cable operators use of the public rights of way. The Commission must ensure that in any determinations it makes, that PEG channels and support survive in the coming years.

## II. THE NEED FOR LOCALLY PRODUCED PUBLIC, EDUCATIONAL AND GOVERNMENT PROGRAMMING HAS INCREASED AND IS NECESSARY TO CONTINUE TO BE ACCESSIBLE TO ALL CABLE SUBSCRIBERS

While the media landscape has changed since the Commission adopted rules on effective competition in 1993, the need for locally produced public interest programming has not changed. Importantly, when the Commission addressed the presumption of no effective competition existing in 90's it did so with a backdrop of the competitive non-competitive differential being between

10% to 17%. Today, based on recent Commission cable price surveys, the competitive differential has evaporated. On a public interest level, ACT asserts it is misguided to address this presumption on all but the small cable operators codified in the STELA Reauthorization Act. Notwithstanding our desire for a more limited NPRM, the Commission must ensure the longstanding compact and public interest benefit of having PEG channels mandated on the Basic service tier and respectfully requests that the Commission issue specific guidance to ensure PEG channels placement.

If anything, ACT asserts that the need for locally produced public interest programming has increased rather than decreased. In many areas of the country, particularly rural, suburban and “bedroom” communities, there is very little access to timely local information through commercial media outlets. Public, Educational and Government (PEG) television channels provide local information, news, sports and entertainment that is extremely micro in content.

For instance, in Howard County Maryland, a suburban community outside of the two major media markets of Baltimore, Maryland and Washington, D.C., there is no local daily paper and no local radio station. There are, however, four PEG access television channels that serve Howard County through the franchise the County has with Comcast. On these channels, Howard County cable subscribers can view County Council and other government meetings; school board meetings and general school district information; educational programming through Howard Community College to include for-credit courses; and programming of general interest to the County cable subscribers through Public access television.

The rural community of Connersville, Indiana is served by three media markets, that being Indianapolis, Indiana, Dayton, Ohio and Cincinnati, Ohio. Each of these media markets is more than one hour from Connersville. There is a regional daily newspaper but we are told there is very little coverage devoted to Connersville. Additionally, there is a regional radio station, but again,

very little time is spent covering issues of concern to Connersville residents. CTV-21, the Connersville Government and Community access channel on the Comcast system, produces over 2,000 hours of local programming each year. It covers nearly every government meeting, school district information and events and local community events. CTV-21 is well-known in the community, and in fact, when a company called Metro-Net built fiber-to-the-home and offered video programming, residents complained that CTV-21 was not included in the lineup. That situation was eventually resolved.

Longview, Washington is a community in Cowlitz County, Washington with a population of 36,000. Cowlitz County itself has a total population of 100,000 but is substantially large geographically. Longview is one hour north of Portland, Oregon and two hours south of Seattle, Washington. Longview became the center of rescue and recovery operations during the eruption of Mount St. Helens in 1980. The City of Longview is also significant in that it sits on the Columbia River and is home of the deep water Port of Longview, which manages two billion tons of bulk and forest products each year.

While Longview, for its relatively small size is extremely important, it is served by the Portland media market, an hour away. KLTV, the PEG access operation that runs three channels, is the source of local government, educational and community information for Longview, Kelso, Kalama, Woodland, Toutle, Castle Rock and the County of Cowlitz. There is a regional daily paper that pulls a majority of its content from the Associated Press and does provide some coverage of major local stories in Cowlitz County. There is a music format radio station that provides two minutes of local news during breaks in the hour.

### III. THE PUBLIC INTEREST AND CONSUMER PROTECTION PRINCIPLES THAT HAVE BEEN SUPPORTED BY THE BASIC TIER OF SERVICE MUST BE PRESERVED

There is a clear public interest in preserving a limited Basic tier of cable service. The Basic tier as defined by the Cable Acts of 1984 and 1992, includes the broadcast channels and PEG access television. ACT is concerned that the Commission may eliminate the requirement that cable operators carry a limited Basic tier of service or at the least, open the door for cable operators to argue that they no longer have an obligation, as defined by the Cable Acts of 1984 and 1992, to carry PEG access television on its lowest tier of service that reaches all subscribers—that being the limited Basic tier.

First, the immediate impact of relieving cable operators of the obligation to offer a limited Basic tier to its subscribers would be financial. ACT agrees with the National Association of Broadcasters (NAB) in its estimate of the financial impact on cable subscribers if the limited Basic Tier were eliminated as part of a finding of effective competition.

In Comcast's February 1, 2015 price sheet notification to customers in Howard County, Maryland, limited Basic is listed at \$21.25 (with an additional add-on of the Broadcast channels of \$3.00). Expanded Basic with an SD converter and remote is priced at \$48.70. Eliminating the Basic tier would force customers to have to subscribe to the Expanded Basic package at twice the amount of monthly payment. This would adversely affect the Forty-five million Americans, or approximately fifteen million households, that live in poverty<sup>1</sup>

Next, the impact of eliminating the limited Basic tier of service would be to force PEG access channels into a higher priced tier and put the purpose of PEG channels at risk. PEG

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<sup>1</sup> According to a Huffington Post article [45 Million Americans Still Stuck Below Poverty Line: Census](#), the "Poverty Line" in 2013 was \$23,550 per year for a family of four.

channels exist to serve the communities in which they reside. As with the three examples of communities we referenced above, very often PEG channels are the only source of local information. The people of Connersville most likely do not care about the local information from a City one hour and one state away, but they certainly do care about the local information of Connersville. To eliminate an affordable limited Basic tier of service would rob many cable subscribers in Connersville the ability to receive local information.

The intent of Congress in the Cable Act of 1984 was that PEG should be provided as a free speech forum for use by individuals and organizations and as a vehicle for government transparency. The historical narrative of the Cable Communications Policy Act<sup>2</sup> states:

*“Public access channels are often the video equivalent of the speaker’s soap box or the electronic parallel to the printed leaflet. They provide groups and individuals who generally have not had access to the electronic media with the opportunity to become sources of information in the electronic marketplace of ideas. PEG channels also contribute to an informed citizenry by bringing local schools into the home, and by showing the public local government at work.”*

If the Commission eliminates the public interest content requirements of the limited Basic tier in its ruling on effective competition, deliberately or unintentionally, the Commission will be telling the general cable subscribing public that only those who can afford it deserve to receive this local information. ACT is certain that was not the intent of the Congress when they wrote the Cable Act and it is certain that cannot be the intent of the Commission now.

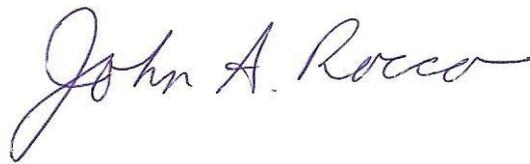
PEG access support and channels are essential services and are a significant part of cable public interest requirements and must be retained and available to all cable subscribers as part of the low cost Basic service tier. PEG ensures robust localism, the ability of communities to determine and address a broad range of local and community based programming needs, and

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<sup>2</sup> P.L 98-549 (page 30)

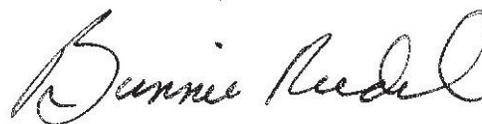
unparalleled government transparency and civic participation afforded by PEG channels. PEG channels also support and encourage the highly valued diversity of programming participants and providers in a time in which diversity is greatly needed. And PEG channels and centers are at the forefront of providing the means for civic engagement and democratic participation. In short, PEG is a keystone of local information, education, participation and engagement that is critical to a citizen-centric democracy.

Respectfully submitted,



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