



August 25, 2015

Ms. Marlene H. Dortch

Secretary

Federal Communications Commission

445 12th Street, SW

Washington, DC 20554

Re: Promoting Innovation and Competition in the Provision of Multichannel Video Programming Distribution Services (DN 14-261)

Dear Ms. Dortch:

I am writing on behalf of CreaTV San Jose, a four-channel community media center serving a population of 1 million in San Jose, California. Our organization is a job training hub for digital storytellers in all careers, a safe outlet for thousands of youth to develop and hone their creative digital skills and a distribution site for commercial free, locally produced content in ten different languages.

We are concerned about the impact the proposed rulemaking (DN 14-261) will have on our organization and our ability to provide Public, Educational and Government (PEG) Access services to our community. We strongly support the comments and reply comments of the City of San Antonio and of Anne Arundel County *et al.* in this proceeding.

We are particularly concerned about the rulemaking's proposal to classify over-the-top (OTT) video services provided by cable franchise holders as something other than a "cable service." Such a designation would allow cable franchise holders to undercut their public interest obligations.

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Losing PEG Fees would effectively shut down our organization. The rent that telcos pay for using our public rights of way in the form of PEG fees are over half of our annual operating budget, and 100% of our fixed assets budget. Losing PEG fees means that we would no longer be able to provide thousands of students in San Jose with video equipment for use in the classroom as a part of meeting California's new common core standards. These students produce nearly 100 videos annually to share on our Classrooms Channel 28 – our education channel on Comcast.

Losing channel capacity means that thousands of diverse, local voices are silenced in our community. Our programming includes the only Native American talk show in the region, discussing critical issues to the Native community, to programming by Catholic Charities that highlights social service resources, to programs targeted to Assyrian, Somali and Vietnamese populations in our region. This programming is unavailable anywhere else on cable television.

In 2014, CreaTV San Jose provided low to no cost video services to 179 organizations in San Jose, including hospitals, schools, social service non-profits, arts groups and city departments. Shutting us down by taking away PEG fees means that a significant group of non-profits – and therefore their clientele – go underserved.

We ask the Commission not to diminish these vital PEG public interest requirements as it considers this proposed rulemaking.

Respectfully submitted,

Kaitlan Beck

Cc: Chairman Tom Wheeler
Commissioner Mignon Clyburn
Commissioner Jessica Rosenworcel
Commissioner Ajit Pai
Commissioner Michael O'Rielly