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AUG 24 2015

FCC Mail Room

UC OREGON TV
1904 Adams Avenue
La Grande, OR 97850
(541) 316-5650

August 17 2015

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

Re: 17th Report on Annual Assessment of Video Programming, MB 15-158

Dear Ms. Dortch:

I submit this comment to the record of the report and request for comments.

As a leased access programmer and one who has endured over 22 months of inquiring, dialing, mailing and talking with over 17 employees of Charter Communications in my quest to launch leased access in my 97850 area, I am elated to finally be able to communicate with the FCC as to my experience.

In the Triennial Report to Congress (FCC 11-33)¹, released March 3, 2011, in Section F, the FCC advised Congress of the interest to obtain and implement new standards to make leased access easier or more conducive to programmers:

Section F:

Adopted new standards to facilitate the use of leased access channels on cable systems, providing an easier way for independent programmers to gain access to cable distribution

After nine hours of searching on the FCC's website, Google, Yahoo and Bing, I am unable to locate any record or document that provides further information to me as a leased programmer, member of the American public or even a follow-up to Congress on what exactly the new standards are for leased access.

In this instant case, Docket 15-158, there is no mention of leased access or that leased access is a form of video programming. On page 7116, you list other forms of programmers, but leave out leased access.

Leased access was instituted by Congress to establish diversity among programmers, but also to allow Americans to offer their respective communities programming that is local, that is pertinent to the community for which it serves and for Americans to engage in the delivery of news, content and programming via cable television.

¹ https://apps.fcc.gov/edocs_public/attachmatch/FCC-11-33A1.pdf

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LAPA

Leased Access Programmers Association

leasedaccess.org

ucoregontv.com

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Page Two
Comment to 15-158
E. Garcia
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On page 7126 of this report², it talks about Internet delivery and video programmers. As a leased access programmer, it is no different in our ability or capacity to deliver video content to our viewers in that we utilize the Internet as effectively as the Internet was meant to be a strong and reliable delivery source.

Prior to the advent of the Internet, satellite or microwave and even tape-to-tape was the optimal delivery mechanism. In this era, we deliver our news, our local programming and all other content to the headend by Internet and it is the most reliable source for that connection. To that end, we believe that the use of the Internet in the headend to connect our technically and compatible equipment to the cable TV operator's equipment is a standard mechanism and there should not be a charge or fee for an Internet signal within the simple compound of the headend. Our delivery equipment sits side-by-side to the cable TV operator's equipment and is not an intrusive, not a large piece of equipment and it does not create additional expenses or staff time for the cable TV operator.

I have inquired through a simple method (i.e.) phone call that Comcast Spotlight of Portland, OR., is the contracted entity to provide TV commercials (inserts) on the Charter system in the 97850 DMA. The commercials are inserted via the Internet from the advertiser to the Comcast Spotlight system and then routed to the Charter 97850 system. There is no additional charge for the Internet connectivity and the only cost is the airing of said commercial. So why am I, as a leased access programmer, protected by the Cable Act and the intent of Congress, being charged for Internet connectivity?

However, in my case, I endured over 22 months to simply get an answer from Charter Communications as to my initial inquiry for leased access and then the delays persisted. Employee after employee kept putting me off to another employee who only put me off to yet another. After the painstaking months of delaying with over 17 Charter employees, we are at a standstill now over the Internet connectivity at the headend.

I refer to the MB Docket 04-227³, released 6/17/04, in paragraph 22 of page 8, whereby the FCC seeks input regarding commercial leased access:

In addition, we seek information on the use of commercial leased access channels, either on a part time or full time basis. Are these channels accomplishing their intended purpose of providing competition to the programming channels under the control of the cable operator?

² https://apps.fcc.gov/edocs_public/attachmatch/DA-15-784A1_Red.pdf

³ https://apps.fcc.gov/edocs_public/attachmatch/FCC-04-136A1.pdf

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leasedaccess.org

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Page Three
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I have been unable to locate any substantive, any conclusive or any determinable response from the FCC as to an adequate reply to this question, posed by the FCC. Is it not a sincere inquiry and/or interest on the part of the FCC or Congress to truly know how commercial leased access has been hindered, in either a part time or full time basis?

Cable TV operators are abusing their power, "their monopoly" in preventing leased access programmers from exercising our rights and Congress turns a blind eye to the overall effect of the cable TV operators' actions or in-actions. From the perspective of a leased access programmer, we are not fully capable of exercising our rights or launching a leased access channel due to the obstacles placed by cable TV operators.

It begins with the bouncing around to various employees and then to an outdated and lengthy agreement, that contains irrelevant or unnecessary clauses to the instant issue of charging us for Internet connectivity. Many of the irrelevant or unnecessary clauses are dismissed once we challenge their application or veracity. In my case, the original leased access agreement of more than 60 pages was whittled down to less than 15, not including three exhibits. It is my personal experiences and opinion, that these barriers are erected by the cable TV operators to dissuade a lease access programmer from pursuing a dream - their leased access channel.

Therefore, it is incumbent upon the FCC to establish a clear path on how we, leased access programmers, are to connect to the headend (vis-a-vis) Internet and whether we are subject to paying for that connection. This hurdle regarding Internet is creating a barrier for us to launch leased access in any respective American market. Also, to have a clear understanding of what the *new standards* are for leased access that is mentioned in the aforementioned report (FCC 11-33) and what is the policy regarding Internet use, its application regarding leased access programmers and the headend.

Time and time again, I've been told, "File a complaint or petition with the FCC to get this clarified". The issue with a petition filing is the months it takes to review and render a decision. So I ask, -- no, I implore for the FCC to once and for all clear up the misinterpretation or the uncertainty as to the use of the Internet and the headend use so we, as leased access programmers, can exercise our rights, within the rules, law (Cable Act) and provide local content to our communities.

Sincerely,
/EDDIE V. GARCIA
Eddie V Garcia
UC OREGON TV, CEO
Director, Legislative & Regulatory Affairs, LAPA



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Leased Access Programmers Association

leasedaccess.org

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on this day (8/17/15) I uploaded
a PDF of this letter to the
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8/17/15

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