

Ex Parte Submission MB Docket No. 14-261

VIA US MAIL and ECFS

August 31, 2015

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

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

Madame Secretary:

The Metropolitan Area Communications Commission (MACC) is the franchising authority for fifteen member jurisdictions with approximately 140,000 cable subscribers. Shortly, MACC will add CenturyLink to the two cable competitors (Comcast and Frontier) in our area.

In exchange for the right to use and semi-permanently occupy our publicly maintained public rights-of-way, these three cable companies pay cable franchise fees and support our Public, Education and Government Access system. Comcast, the incumbent operator, has agreed in its renewed franchise agreement to continue to provide I-Net services throughout the area – about 120 public safety, educational, health and recreation sites are connected through this partnership which is now over thirty years old.

As the Commission is aware, there is no customer service assistance available to cable television customers anywhere other than the local franchise authority. Despite the competitive market our residents have enjoyed since 2007 – one that MACC has encouraged – MACC continues to receive regular assistance requests due to poor or neglected customer service. It is inevitable that these requests will continue, regardless of the number of competitors – or the type of technology chosen by the cable operator.

MACC urges the Commission to consider these specific points:

- MACC supports the Commission's conclusion that the Cable Act's "definition of 'cable service' includes linear IP video service" and that "merely using IP to deliver cable

service “does not alter the classification of a facility as a cable system or of an entity as a cable operator.”<sup>1</sup>

- MACC supports the comments of NATOA, ACM, San Antonio, and Anne Arundel County, which state that if the Commission opts to expand the definition of an MVPD, all MVPDs should have comparable obligations – including obligations to carry local public, educational, government (PEG) community programming. That is the standard MACC has set with our three providers – and something that all three providers have agreed to. We also support the comments of NAB to the extent that they highlight the importance of Congressional and Commission actions and policies to foster the provision of local news and information, and the importance of addressing the obligations of being an MVPD in totality with the benefits of being an MVPD.<sup>2</sup>
- MACC does not support the Commission’s tentative conclusion that OTT video service offered by cable operators should be regulated as anything other than cable service.<sup>3</sup> Local governments and Congress have worked for years to have cable operators offer lower cost packages for subscribers. Nothing prevents cable operators from offering lower cost cable packages using current technology. The Commission should not arbitrarily assert that cable operators be relieved of important public interest obligations merely through the use of alternative technology to deliver the same video programming. To do so would put the Commission in the position of creating incentives to undercut franchise obligations for no public or consumer purpose.

MACC urges the Commission to support the continued viability of local franchising and the important local community benefits that this regulatory structure provides.

Sincerely,



Fred M. Christ  
Administrator  
MACC

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<sup>1</sup> Notice of Proposed Rulemakings, MB Docket No. 14-261, FCC 14-210 (Dec. 19, 2014)(“NPRM”) ¶ 72.

<sup>2</sup> NAB p. 16.

<sup>3</sup> NPRM ¶ 78.