City of Wyoming Michigan

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August 31, 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)

Madame Secretary:

The City of Wyoming, Michigan has granted cable franchises to Comcast and AT&T. In exchange for the right to use and semi-permanently occupy our publicly maintained rights-of-way, our cable company partners pay cable franchise fees and support our community media efforts through the offering of public, educational and governmental (PEG) programming.

In the City of Wyoming, we dedicate a significant portion of these cable franchise fees to create local community programming that provides vital information about our community that is not available from regional broadcasters or national media companies.

The City of Wyoming 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."[1] As Blueriddle CBA stated, adopting IP or any other technology does not transform cable service or cable

[1] Notice of Proposed Rulemakings, MB Docket No. 14-261, FCC 14-210 (Dec. 19, 2014))"NPRM")¶72

systems, similar to the way that switching from analog to digital technology did not transform cable service or cable systems into something else.[2]

The City of Wyoming supports the comments of NATOA, ACM, San Antonio, and Anne Arundel County, 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, governmental and community programming. These local PEG channels are also a primary source of emergency alert information for elderly and low income residents, who, for a variety of reasons, are low adopters of alternative forms of communication, such as Twitter and other social media. 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.[3]

The City of Wyoming 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.[4] 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. To have the Commission arbitrarily assert that cable operators should be relieved of important public interest obligations merely by opting to use alternative technology to deliver the same video programming puts the Commission in the position of creating incentives to undercut franchise obligations for no public or consumer purpose. The video programming would be delivered over the same closed-transmission-path facilities.[5]

The City of Wyoming urges the Commission, that as it seeks to promote competition in the delivery of video entertainment, that it not undercut the numerous public benefits that are captured by the current MVPD and cable franchising regime.

Sincerely,

Heidi A Sahlman, Deputy

for Curtis Holt
City Manager

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[2] Blueriddle CBA p. 32.
[3] NAB p. 16.
[4] NPRM ¶ 78.
[5] In addition, as noted by Discovery Communications and the Electronic Frontier Foundation (Discovery Communications p. 10-13; EFF p. 5-6.), reclassifying cable service as something else jeopardizes customer service, privacy, and accessibility protections. If the Commission classifies OTT offered by a cable operator as something that is not a cable service, then an OTT-cable subscriber would not have – even though they are viewing the same linear video programming offered by the same cable operator, the protections they have traditionally enjoyed.