

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

In the Matter of)	
)	
Application of Charter Communications, Inc.,)	MB Docket No. 15-149
Time Warner Cable Inc., and)	
Advance/Newhouse Partnership for Consent)	
to the Transfer of Control of FCC Licenses)	
and Authorizations)	

**JOINT PETITION TO DENY OF
THE ALLIANCE FOR COMMUNITY MEDIA AND
THE ALLIANCE FOR COMMUNICATIONS DEMOCRACY**

Michael S. Wassenaar
President
Alliance for Community Media
4248 Park Glen Road
Minneapolis, MN 55416
(612) 298-3805

James N. Horwood
Tillman L. Lay
Spiegel & McDiarmid LLP
1875 Eye Street, NW
Suite 700
Washington, DC 20006
(202) 879-4000

October 13, 2015

TABLE OF CONTENTS

I. INTRODUCTION AND SUMMARY..... 1

II. PEG PROGRAMMING IS ESSENTIAL TO PRESERVING LOCALISM, DIVERSITY AND AN INFORMED ELECTORATE..... 5

III. THE TRANSACTION WOULD INFLICT SUBSTANTIAL AND INCURABLE HARM ON PEG, LOCALISM AND THE PUBLIC INTEREST. 10

A. By further consolidating an already-concentrated cable industry, the Transaction would inherently undermine PEG and localism. 11

B. Charter has systematically disregarded franchise obligations and abused its power in its treatment of PEG; expanding its cable footprint is therefore not in the public interest. 14

1. Channel relocation. 14

2. PEG channels rarely appear on Charter’s Electronic Programming Guide. 15

3. Charter has discontinued providing free connections and cable services to public buildings and schools. 16

4. Charter has discriminated against PEG by refusing to provide upstream connections from the PEG center to Charter’s headend. 16

5. Charter refuses to pay PEG fees, as mandated by state laws. 17

C. If the Application is not denied, the Commission should impose the following conditions in any approval. 17

1. PEG Condition No. 1: As a condition to any approval of the Transfer, New Charter should be required to make all PEG channels on all of its cable systems universally available on the basic service tier, in the same format as local broadcast channels, unless the franchising authority specifically agrees otherwise. 17

2. PEG Condition No. 2: As a condition to any consent to the Transfer, the Commission should protect PEG channel positions. 19

3. PEG Condition No. 3: As a condition to any consent to the Transfer, the Commission should prohibit discrimination against PEG channels, and ensure that PEG channels will have the same features and functionality, and the same signal quality, as that provided to local broadcasters’ primary channels. 19

4. PEG Condition No. 4: As a condition to any consent to the Transfer, the Commission should require that all PEG programming is easily accessed on menus and easily and non-discriminatorily accessible on all New Charter platforms. 20

5. PEG Condition No. 5: As a condition to any consent to the Transfer, the Commission should require that PEG channels have the ability to be distributed on HD tiers. 22

IV. CONCLUSION 23

The Alliance for Communications Democracy: Aggregate Data on Cable Viewership.....	Appendix 1
Results of ACM Fall 2012 Survey of Over 200 PEG Centers’ Election Coverage and Programming	Appendix 2
Examples of PEG Election-Related Programming.....	Appendix 3
Charter Communications, PEG Access and Other Public Service Obligations.....	Appendix 4
Declaration of Michael S. Wassenaar.....	Appendix 5

**JOINT PETITION TO DENY OF
THE ALLIANCE FOR COMMUNITY MEDIA AND
THE ALLIANCE FOR COMMUNICATIONS DEMOCRACY**

I. INTRODUCTION AND SUMMARY

The Alliance for Community Media (“ACM”) and the Alliance for Communications Democracy (“ACD”) submit this petition to deny the joint applications of Charter Communications, Inc. (“Charter”), Time Warner Cable, Inc. (“Time Warner Cable”), and Advance/Newhouse Partnership (“Advance/Newhouse” and, together with Charter and Time Warner Cable, the “Applicants”) seeking consent to transfer control of various Commission licenses and other authorizations pursuant to Sections 214 and 310(d) of the Communications Act of 1934, as amended.¹ These transfers are a necessary component of proposed transactions through which Charter, Time Warner Cable, and Advance/Newhouse’s Bright House Networks, LLC (“Bright House Networks”) will merge into a new company, “New Charter” (the “Transaction”).²

ACM is a national nonprofit membership organization representing over 3,000 public, educational, and governmental (“PEG”) access organizations and community media centers, and PEG programmers throughout the nation. Those PEG organizations and centers include more than 1.2 million volunteers and 250,000 community groups that provide PEG access television programming in local communities across the United States.

¹ See 47 U.S.C. §§ 214, 310(d); Applications of Charter Communications, Inc., Time Warner Cable Inc., and Advance/Newhouse Partnership for Consent to the Transfer of Control of Licenses and Authorizations (filed June 25, 2015) (“Application”).

² See *Application of Charter Commc’ns, Inc., Time Warner Cable Inc., & Advance/Newhouse P’ship for Consent to the Transfer of Control of Licenses & Authorizations*, MB Docket No. 15-149 (“MB Docket No. 15-149”), Public Interest Statement 2 (June 25, 2015) (redacted “Public Interest Statement”).

ACD is a national membership organization of nonprofit PEG organizations that supports efforts to protect the rights of the public to communicate via cable television, and promotes the availability of the widest possible diversity of information sources and services to the public.³ The organizations represented by ACD have helped thousands of members of the public, educational institutions, and local governments make use of PEG channels that have been established in their communities pursuant to franchise agreements and federal law. 47 U.S.C. § 531.

The Commission's Public Notice seeks comments from all interested persons to assist the Commission in its independent review of the proposed transfers of FCC licenses and authorizations proposed in this docket.⁴ For the reasons set forth below, consent to the proposed transfers and authorizations should be denied.

First, none of the supposed public interest benefits asserted by the Applicants are related to PEG access or localism. Indeed, the lengthy Public Interest Statement filed as proffered justification for the Transaction does not even mention PEG access or localism, in stark contrast to the public interest statement accompanying the earlier merger proposal of Comcast and Time Warner Cable.⁵

Second, the Transaction would have a substantial adverse effect on the public interest by undermining localism, which is uniquely served by PEG access programming on cable television systems. That risk is particularly acute for PEG, the one area in the Cable Communications

³ ACD's members are: Access Humboldt, Eureka, California; Capital Community TV, Salem, Oregon; Chicago Access Network Television, Chicago, Illinois; CreaTV, San Jose, California; Manhattan Neighborhood Network, New York City, New York; MetroEast Community Media, Gresham, Oregon; and Alliance for Community Media Western Region.

⁴ MB Docket No. 15-149, Public Notice, DA 15-1010 (rel. Sept. 11, 2015).

⁵ *Applications of Comcast Corp. & Time Warner Cable Inc. for Consent to Assign or Transfer Control of Licenses & Applications*, MB Docket No. 14-57, Public Interest Statement (Apr. 8, 2014).

Policy Act of 1984 (“Cable Act”) with a specific and enduring mission to encourage public participation and to foster diversity and localism. As explained further below, Charter has an unfortunately long record of poor treatment of PEG access, offering relatively little PEG support and frequently failing to comply with the PEG commitments it has made. The huge expansion of Charter’s cable footprint that would result from the Transaction would greatly amplify the threat to PEG access posed by New Charter. The proposed Transaction would therefore threaten to erode PEG and localism, literally coast-to-coast. On this ground alone, the Application should be denied.

The legislative history of the Cable Act recognizes the importance of providing for local needs in cable franchising:

The ability of a local government entity to require particular cable [PEG] facilities (and to enforce requirements in the franchise to provide those [PEG] facilities) is essential if cable systems are to be tailored to the needs of each community, [and the legislation] explicitly grants this power to the franchising authority.⁶

The Commission recognized the important role of PEG channels in its recent *AT&T/DirectTV Order*:

Cable systems are subject to special carriage requirements for PEG channels under the Communications Act. Congress afforded PEG channels special status in order to promote localism and diversity. Congress has noted that “PEG channels serve a substantial and compelling government interest in diversity, a free market of [ideas], and an informed and well-educated citizenry.” Accordingly, a cable operator is required to allocate channel capacity to PEG channels in its local market if a local franchising authority requests carriage pursuant to a franchising agreement.⁷

⁶ H.R. Rep. No. 98-934, at 26 (1984), *reprinted in* 1984 U.S.C.C.A.N. 4655, 4663.

⁷ *Applications of AT&T, Inc. & DIRECTV for Consent to Assign or Transfer Control of Licenses & Authorizations*, 30 FCC Rcd 9131, ¶ 239 (rel. July 28, 2015) (footnotes omitted) (“*AT&T/DirectTV Order*”). See H.R. Rep. No. 102-628, at 183 (1992) (“Making over-the-air broadcast and PEG access channels available on a separate tier promotes the time-honored principle of localism.”).

The Commission went on to say:

We recognize that PEG channels serve important public interest objectives by providing a platform for causes and organizations that might otherwise not receive carriage on cable systems. Among other things, PEG channels educate the local electorate by providing opportunities for local candidates to address the public during local elections. Further, we acknowledge the argument of ACM *et al.* that the programming provided on PEG channels is unique and would likely be limited or nonexistent on commercial television channels.⁸

To be sure, the Commission in the *AT&T/DirecTV Order* found that the potential PEG harms raised by ACM there were not transaction-related.⁹ But it did so because the AT&T/DirecTV transaction involved AT&T's acquisition of DirecTV, a DBS provider that is not subject to the Cable Act's PEG requirements.¹⁰ That is not the case here. The cable systems of Charter, Time Warner Cable, and Bright House Networks at issue in this proceeding are all subject to the Cable Act, its PEG provisions, and the PEG requirements in state and local franchises. That Charter is failing to fulfill the localism and diversity objectives of the Cable Act's PEG provision is transaction-related: it is directly relevant to whether the substantial expansion of Charter's cable footprint that would result from the Transaction would threaten diversity and localism in all of the markets where Charter's cable footprint would be expanded.

Charter has become increasingly hostile to PEG and has not honored franchise requirements related to PEG as described in Part III.B below. Unless the Commission denies the Application or imposes significant, *enforceable* PEG-related conditions on any consent it gives, the Transaction will result in transaction-related harm to PEG's ability to fulfill the goals of

⁸ *AT&T/DirecTV Order* ¶ 243 (footnotes omitted).

⁹ *Id.* ¶¶ 243-44.

¹⁰ *Id.*

localism and diversity throughout New Charter's greatly expanded footprint and would therefore disserve the public interest.

Accordingly, ACM and ACD urge the Commission to deny the Application. If the Commission is nevertheless inclined to grant the Application, it should impose PEG-related conditions on any consent given to the Transaction to address the following concerns: (1) PEG channels must be available on all of New Charter's video platforms in the same format as local broadcast channels are carried; (2) New Charter should carry PEG channels in proximity to local commercial channels providing similar programming so they are easily located and accessed by subscribers without having to resort to searches in "channel Siberia"; (3) New Charter should provide PEG channels with the same functions, functionality, and signal quality as provided to local broadcasters' primary channels; (4) PEG programming should be easily accessed and non-discriminatively available on all New Charter video platforms; and (5) New Charter should provide PEG channels with the ability to be delivered on HD tiers or platforms.

Unless these concerns can and will be addressed in a satisfactory manner by New Charter, the Application should be denied.

II. PEG PROGRAMMING IS ESSENTIAL TO PRESERVING LOCALISM, DIVERSITY, AND AN INFORMED ELECTORATE.

The Commission cannot grant the Application unless it finds that the Transaction would serve the public interest. 47 U.S.C. § 310(d). Thus, to justify the Transaction, Charter, Time Warner Cable, and Bright House Networks must show not merely that the Transaction will not result in harms, but that it will provide affirmative new benefits to the public.

The Application falls far short on both counts. In fact, the Transaction not only would fail to advance the public interest; it would greatly harm the public interest. The harm would flow from the substantial diminution in PEG channel availability, accessibility, functionality, and

support that the Transaction would cause. The resulting diminution of PEG would, in turn, seriously undermine localism. The Transaction would also harm the local democratic process by denying viewers access to vital and unique PEG coverage of the electoral process. Simply put, the Transaction would further nationalize, and de-localize, the video programming library available to viewers, and that would strike at the very heart of localism.

Here we describe the unique local benefits of PEG. In Part III, we point out how the Transaction would impair PEG, localism, and local participatory democracy. In particular, we describe how Charter has disregarded franchise PEG requirements and abused its power in its treatment of PEG and therefore why allowing Charter to greatly expand its cable footprint through the Transaction would disserve the public interest by harming the public interests that PEG serves.

PEG access advances Congress' Cable Act goal of providing a wide diversity of information and services by responding to the unique needs and interests of each local community. The role of PEG access in developing technological and media literacy has never been more important than today. PEG access centers provide constructive outlets for community youth to learn media skills. Seniors actively create programming on a range of issues. PEG channels provide an outlet for small, and otherwise unserved or underserved, segments of a community (such as foreign-language speakers) to produce and watch programming responsive to their unique needs and interests. PEG channels give nonprofit organizations an outlet to reach clients in need of assistance.

PEG channels also furnish a platform for civic debate about local political issues. During local elections, PEG channels provide opportunities for candidates to address the public directly and fully, without being limited to a 30-second sound bite. Thus, PEG channels are a vital

platform for causes and organizations that would otherwise not be part of public discourse. Viewpoint diversity is a long-established public interest goal of the Commission.

Thousands of hours of new, original programming appear on PEG channels every day throughout the country, bringing uniquely local information into the home that would not otherwise be seen. PEG channels welcome community members, politicians, preachers, experts, educators, and artists. PEG participants are not screened or selected by corporate management or advertising interests; they participate because it is their community, and PEG channels are their channels, and because they have something to say.

The role of PEG channels is particularly important at a time when less than 0.5% of programming on commercial television media is devoted to local public affairs. The commitment of PEG programmers to promoting social services, election information, arts and civic events, public safety, and other issues close to home, demonstrates what is possible when local individuals and community groups, rather than just larger commercial media outlets, are given the opportunity to participate in the television medium. The democratic values that form the foundation of the PEG access mission merit preservation by government, industry, and individuals alike.

The quantity of uniquely local original programming that PEG provides to communities is substantial. A sampling performed by ACM in 2010 reveals that each year, an average PEG access center ran 1,867 hours of first-run local programming on its PEG channel(s). That translates into an average of 35 hours of first-run local programming per week — an impressive number that clearly reflects the robust amount of community involvement and the value that communities place on PEG. Whether they are in an urban area, suburb or small town, PEG channels are focused 100% on the local communities they serve, cablecasting local events, town

hall and council meetings, local election coverage, and school activities that rarely receive full coverage on local broadcast or other commercial media. Because of the variables in the number of PEG channels operated in any specific jurisdiction, it is difficult to extrapolate nationwide, but ACM has estimated that PEG access channels generate over 2.5 million hours of original local programming per year.¹¹

Moreover, viewers value PEG programming highly. Attached hereto as Appendix 1 is a copy of Attachment A to ACD's comments in the *Future of Media* proceeding, GN Docket No. 10-25 (Apr. 23, 2010). That document sets forth the results of a telephone survey concerning PEG viewership and demographics, and the value that subscribers attach to PEG programming. The survey's major findings were: (1) 74% of cable subscribers say PEG programming is "very or somewhat important" to them; (2) 59% of cable subscribers say that \$1.00 or more per month per subscriber should be devoted to PEG programming; (3) PEG channel number locations matter, because channel surfing decreases dramatically as the channel number increases, especially for channels above 100; and (4) older and lower income subscribers are less likely to access the Internet and therefore rely more heavily on cable television channels for information.

Due to their uniquely local nature, PEG channels are an irreplaceable source of local election coverage. Indeed, PEG content often serves as the only source of local community news and information, so limiting its reach harms the local electorate. Attached hereto as Appendix 2 are the results of ACM's fall 2012 survey of over 200 of its member PEG centers' 2012 election coverage and programming. The survey was conducted to assess the (i) amount of 2012 election programming produced or carried by PEG centers; (ii) the type of election programming aired;

¹¹ *Examination of the Future of Media & Info. Needs of Cmty. in a Dig. Age*, GN Docket No. 10-25, Comments of ACM 15-17 (May 21, 2010).

and (iii) the involvement of community partners in developing local PEG election programming. Participating PEG centers represent a mix of public, educational, and governmental non-commercial cable channels from around the country, including urban and rural centers. Key findings include:

- 85% of PEG centers produced and/or aired 2012 election programming (Appendix 2 at 1);
- 52% of responding PEG centers aired ten or more hours of 2012 election coverage (*id.* at 4);
- Of the elections covered, 95% of PEG centers carried local election programming, 74% provided state election programming, and 33% aired federal election programming (*id.* at 5);
- The vast majority of responding PEG centers relied on three programming formats for election coverage: candidates debates, candidate interviews, and town hall/candidate forums (*id.* at 6);
- More than 75% of PEG centers collaborated with other organizations to offer election programming, with the League of Women Voters, the local Chamber of Commerce, local community colleges and universities most often cited as a key partner (*id.* at 8-9).

In addition to cable television programs, many local PEG centers also offered supplemental election information on their websites and social media platforms.¹²

¹² See *Alliance for Community Media Survey Results Demonstrate Impact of Community Media Centers*, All. For Cmty. Media (Jan. 10, 2013), <http://www.allcommunitymedia.org/latest-news/alliance-for-community-media-survey-results-demonstrate-impact-of-community-media-centers> (last visited Oct. 12, 2015).

More recent examples of PEG political and election coverage include:

- In 2013, CAN TV in Chicago cablecast 150 programs introducing viewers to 116 candidates for the March city primary election and the Illinois 2nd Congressional District’s special election, and for the March 2014 city primary election, CAN TV cablecast 137 programs introducing 96 candidates to viewers.¹³
- During November 2013 through May 2014, LBCAP/PADNET of Long Beach, California, cablecast 15 programs covering mayoral and city council candidates and elections.¹⁴
- In 2013-2014, Access Framingham (Massachusetts) cablecast well over 50 programs concerning the Framingham Selectmen, Planning Board, School Committee, Massachusetts Governor, Lieutenant Governor, state representative races, and county government races, among others.¹⁵

In sum, PEG channels are a critical and irreplaceable source of truly local programming. Any harm – or even merely an increased risk of such harm – to PEG arising from the Transaction would therefore be inimical to localism and local democratic participation, and therefore to the public interest.

III. THE TRANSACTION WOULD INFLICT SUBSTANTIAL AND INCURABLE HARM ON PEG, LOCALISM, AND THE PUBLIC INTEREST.

Despite the long and well-documented history of PEG channels providing local news, election, educational, cultural, civic, health, and religious programming to millions of Americans

¹³ See Appendix 3 hereto.

¹⁴ See *id.*

¹⁵ See *id.*

across the United States, the Applicants do not even deign to mention the benefits of preserving and protecting PEG channels in their Public Interest Statement filed with the Application, much less offer any assurance that the Transaction would not harm PEG. This is a glaring omission, particularly as many of the alleged benefits of the Transaction appear to be related to cost savings and other supposed scale economies attributable to the increased size and geographic consolidation of Charter, Time Warner Cable, and Bright House Networks into New Charter.¹⁶

The Transaction poses a direct threat to PEG and localism in at least two ways. First, it would undermine localism by further “nationalizing,” and de-localizing, cable service offerings. Second, it would improperly reward Charter’s hostility toward PEG, as discussed below in Part III.B discussing Charter’s behavior documented in Appendix 4.

The last thing the Commission should be doing is rewarding Charter’s seemingly institutional aversion to democracy-enabling PEG programming by approving the Transaction. At a minimum, the Commission should impose enforceable conditions as proposed in Part III.C below to prevent future harm to PEG programming.

A. By further consolidating an already-concentrated cable industry, the Transaction would inherently undermine PEG and localism.

The larger and more nationalized and vertically integrated the cable industry becomes, the greater the incentive each remaining cable operator has to engage in practices designed to reduce PEG access support and viewership. This is so for at least three reasons.

¹⁶ We remind the Commission that claims of scale economies in proposed mergers of already-large players like Charter, Time Warner, and Bright House Networks, should be viewed with skepticism. As Chairman Wheeler has observed:

I know that achieving scale is good economics, and that there is a natural economic incentive to accrue ever-expanding scale. We will continue to be skeptical of efforts to achieve scale through the consolidation of major players.

Tom Wheeler, Chairman, FCC, Prepared Remarks at the 2014 CTIA Show, Las Vegas, NV, 2 (Sept. 9, 2014), <https://www.fcc.gov/document/chairman-wheeler-remarks-2014-ctia-show-super-mobility-week>.

First, practices that would reduce PEG access financial support and viewership would hold the potential for freeing-up system capacity for the cable operator's preferred uses: (1) commercial programming owned by or affiliated with the operator; (2) unaffiliated commercial cable programming from which the operator derives advertising revenue; and (3) additional broadband capacity.

Second, starving PEG, in terms of channel capacity, functionality, and financial support, would damage PEG viewership and thereby competitively advantage any video programmer on the system with which the cable operator is affiliated. And New Charter would definitely have such vertical relationships with programmers. Liberty Broadband, a significant Charter shareholder, owns programming interests. And Time Warner Cable owns regional sports networks ("RSNs").

Third, even assuming for the sake of argument that the post-Transaction New Charter would not hold significant direct or indirect vertical program content interests, New Charter would still have an incentive and ability to discriminate against PEG. This is so for at least two reasons.

The first reason is that New Charter would earn significant revenue from advertising on all commercial cable programming channels on its systems, and the greater the viewership of those channels, the higher the advertising revenues that New Charter will earn. Yet every PEG viewer is, perforce, not watching those commercial cable programming channels on which New Charter earns advertising revenue when he or she is watching PEG. Thus, reducing PEG viewership would increase viewership on channels from which New Charter earns advertising revenue.

The second reason is that by discriminating against PEG and thereby reducing PEG viewership, New Charter could rely on reduced PEG viewership to undermine any attempt by a local franchising authority to justify greater cable-related needs under the franchise renewal provision of the Cable Act, 47 U.S.C. § 546, thereby potentially decreasing the amount of PEG support that New Charter could be required to provide in the franchise renewal process.

In short, discriminating against PEG, and reducing PEG viewership, would be a “win-win” strategy for New Charter’s bottom line, and a “lose-lose” proposition for the continued viability of PEG access and thus the unique localism and diversity public interests it serves.

In addition, New Charter would have incentives to use its gatekeeper control over local broadband and cable distribution systems to create a video portal service that would allow a user to select New Charter’s preferred video programming that can be accessed from either a traditional television set, a computer, or a mobile device. New Charter would likely have an increased incentive to provide preferred transmission rights to commercial programming content rather than to PEG via this portal in a number of ways that could adversely affect subscriber access to non-affiliated or disfavored programming. It could, for example, exclude its preferred programming from data limits and restrictions, thereby damaging the viability of competing programming offerings.

In short, permitting further cable industry consolidation inherently injures PEG and therefore disserves localism and thus the public interest. It would deprive the operators’ customers of access to the local electoral, educational, and civic programming that only PEG provides, and would leave them with only a largely national, cookie-cutter programming menu instead. That is not a shift that the Commission can or should permit, consistent with its obligations to protect the public interest.

B. Charter has systematically disregarded franchise obligations and abused its power in its treatment of PEG; expanding its cable footprint is therefore not in the public interest.

As explained in Part II, PEG access serves a vital, and irreplaceable, role in preserving localism and diversity in the multichannel video marketplace. As we now show, Charter has a significant history of hostile treatment of PEG. Permitting Charter to expand its cable footprint through the Transaction would therefore be inimical to diversity and localism, and therefore to the public interest.

Because of the concerns that ACM members have had about the ramifications of the Transaction on PEG, ACM asked its members about Charter's PEG practices. The answers to that request, which are summarized in Appendix 4 hereto, identified a number of cases where Charter took actions damaging to its PEG access and its other public service obligations. These results are discussed below.

1. *Channel relocation.*

Channel relocation, often referred to as channel slamming, is an action taken by a cable operator to move PEG channels from lower-numbered positions to little-viewed, high-numbered locations. In 2008, Charter moved all PEG channels on at least 31 of its Wisconsin systems to high-number locations. The result was that many viewers have serious problems in finding and watching PEG channels.

In 2014, Charter unilaterally moved PEG channels in Northbridge, Massachusetts, in violation of the Town's franchise agreement. A Charter representative said the move was a mistake, but Charter refused to restore the channels to their prior locations. Charter repeated this behavior towards PEG in Worcester, Uxbridge, and Douglas, Massachusetts.

In 2014, Charter unilaterally relocated PEG channels in Rochester and St. Cloud, Minnesota, without receiving written consent from the local franchise authorities as required by the franchise agreements in those cities.

In Missouri, Charter relocated PEG channels to distant channel locations throughout the state shortly after Missouri's state franchise law took effect in 2007, a move that required many subscribers to pay an additional \$5 monthly fee for a cable box that, as a result of the move, was required to access PEG channels and the city council meetings and other community programming those PEG channels carried.

2. *PEG channels rarely appear on Charter's Electronic Programming Guide.*

Recent surveys of cable subscribers throughout the United States reveal that a cable system's electronic programming guide ("EPG") has become the primary method used by subscribers to find information about programming on PEG channels.¹⁷ Few of Charter's Wisconsin systems include PEG program schedules on their EPG. For example, Chippewa Valley Community Television ("CVCT") in Eau Claire, Wisconsin, asked Charter to place CVCT's PEG program listings on Charter's EPG. Charter informed CVCT that it would have to pay \$100 per month for its programming to be included on the EPG, far too expensive a cost, particularly in Wisconsin, where the state franchise law prohibits PEG support fees. Moreover, although Charter demanded that the PEG center pay it a fee to be on the EPG, Charter does not charge a fee to broadcast or satellite-delivered programming channels to include their programming schedules on the EPG. Similarly, PEG channels do not appear on the EPG on

¹⁷ See Part III.C.4 below.

Charter systems in Pasadena or Long Beach, California, and many other Charter systems throughout the country.

3. *Charter has discontinued providing free connections and cable services to public buildings and schools.*

Prior to 2007, when the state franchise law was adopted in Wisconsin, local franchises required cable operators to provide cable service at no charge to public buildings and schools, and Wisconsin lawmakers were left with the impression that such free service could continue without the need to be addressed in the state franchise law. But in recent years Charter has begun charging these institutions business rates for the cable service it previously provided free of charge, plus a cable box fee of \$5.99 to \$7.99 per month per box. Because school districts could not afford the cable box fees to equip every classroom, Merrill Area Public Schools, the Whitewater Area School District, and school districts in the Village of McFarland were forced to limit service to one location in each.

Similarly, Charter has informed local schools in Long Beach, California, that cable service previously provided at no charge is being discontinued. And in Missoula, Montana, where the local franchise agreement required Charter to provide a free connection to each school, Charter informed the school district that the company's switch from analog to digital would require new digital set-top boxes for every television set in the school district's 628 classrooms. The cost to the school district to outfit each classroom with a digital box could cost between \$60,000 and \$100,000.

4. *Charter has discriminated against PEG by refusing to provide upstream connections from the PEG center to Charter's headend.*

In Long Beach, California, Charter has refused to provide free upstream connections between the local public access channel playback site and the Los Angeles County channel to

Charter's facilities. ACM is unaware of any connection fees being charged by Charter to broadcast channels or satellite-delivered services carried on any Charter system. Charter's decision to single out PEG channels—the programming service least likely to be able to afford such a fee—is an illustration of Charter's hostile attitude toward PEG.

5. *Charter refuses to pay PEG fees, as mandated by state laws.*

In several California communities in which it serves, Charter has unilaterally ceased payments of PEG support fees, even though those fees are authorized by the Digital Infrastructure and Video Competition Act of 2006 (“DIVCA”), Cal. Pub. Util. Code §§ 5800-5970, California's state video franchising law enacted in 2006. Among the communities in which Charter has ceased making PEG fee payments are Santa Cruz County, San Luis Obispo County, and the cities of Capitola, Morro Bay, and Grover Beach. To ACM's knowledge, no other cable operator has refused to make the PEG fee payments required under DIVCA.

C. *If the Application is not denied, the Commission should impose PEG-specific conditions on any approval.*

Although we believe that the Application should be denied, if the Commission concludes otherwise, it must impose the following PEG-specific conditions on any consent given to the Transaction to protect the public interest:

1. *PEG Condition No. 1: As a condition to any approval of the Transfer, New Charter should be required to make all PEG channels on all of its cable systems universally available on the basic service tier, in the same format as local broadcast channels, unless the franchising authority specifically agrees otherwise.*

While the Commission would not know it from the Applicants' Public Interest Statement, Charter has digitized PEG channels in many communities, over the objections of those communities, and often moved PEG channels to higher-numbered channels far away from local

broadcast channels and other popular commercial cable channels, in some places effectively raising the price to access PEG channels by requiring subscribers to pay for a cable box to receive it. Operators typically claim that PEG channels remain part of the basic service tier, even though subscribers must rent additional equipment, and schedule special appointments to obtain the equipment, to view digitized PEG channels, and even then subscribers have to search for PEG channels located far away from broadcast and other popular channels. In other words, PEG channels are being moved to digital Siberia.

These tactics make it far more difficult for members of the local community to access the unique non-commercial local programming provided by PEG channels. In the Comcast-NBCU merger, Comcast agreed that, as a merger condition, it would “migrate” PEG to the digital tier only when all other channels on the system are in a digital format, unless the “governmental entity that is responsible for the system’s PEG operations ... expressly agrees.”¹⁸ The Commission should impose the same obligation on New Charter.

PEG needs to be protected in the all-digital environment to which Charter has been moving. The post-Transaction New Charter has incentives to treat PEG as a “second-class” citizen in the all-digital world. As Charter and Time Warner Cable have digitized their systems and expanded their own commercial programming and online offerings, they have routinely made it more difficult for subscribers to access PEG channels. Absent Commission intervention, there is a substantial risk that PEG channels on New Charter systems will be delivered with substantially lower quality and functionality, and far less subscriber accessibility, than is enjoyed by local broadcasters.

¹⁸ *Applications of Comcast Corp., Gen. Elec. Co. & NBC Universal, Inc. for Consent to Assign Licenses & Transfer Control of Licenses*, 26 FCC Rcd 4238, 4326 n.566 (rel. Jan. 20, 2011).

2. *PEG Condition No. 2: As a condition to any consent to the Transfer, the Commission should protect PEG channel positions.*

As discussed in Part III.B.1 above, Charter has stripped many PEG stations of their long-held channel positions in the lower digits, close to local broadcast channels, and forced them to move to much higher channel numbers that are less desirable and much harder for subscribers to find and subject to interference because of lower signal quality. The Transaction will create increased incentives to provide favored channel positions to operator-affiliated programmers and the many non-affiliated programmers with whom New Charter will have commercial agreements, and to make it more difficult for subscribers to easily find alternative programming like PEG. Indeed, the much larger New Charter might well have an incentive to follow AT&T's example by eliminating linear PEG channels altogether, and providing PEG programming only via an "application" where consumers face a cumbersome and poorly designed series of dropdown menus to access what previously were multiple, separate linear PEG channels.¹⁹ These tactics will effectively cut PEG programming off from most of the viewing audience.

3. *PEG Condition No. 3: As a condition to any consent to the Transfer, the Commission should prohibit discrimination against PEG channels, and ensure that PEG channels will have the same features and functionality, and the same signal quality, as that provided to local broadcasters' primary channels.*

The Transaction would give New Charter increased incentives and ability to limit the bandwidth, quality, and functionality of PEG channels in order to free up system capacity for other uses. It is therefore appropriate to require New Charter to provide PEG channels with the

¹⁹ See *Petition for Declaratory Ruling of ACM et al.*, MB Docket No. 09-13, CSR-8126 (Jan. 30, 2009), which remains pending before the Commission.

same features, functionality, and signal quality that it provides to local broadcasters.²⁰ So long as the PEG signal is provided in an analog format, this presents little difficulty. But once New Charter moves to all-digital service, there is no guarantee that it will provide adequate capacity for PEG.²¹ As a merger condition, the Commission should therefore require New Charter to provide PEG with channel capacity with features, functionality, and quality equivalent to the capacity that it provides to local full-power broadcasters.

4. *PEG Condition No. 4: As a condition to any consent to the Transfer, the Commission should require that all PEG programming is easily accessed on menus and easily and non-discriminatorily accessible on all New Charter platforms.*

Viewer surveys indicate that a major factor to channel viewership on a cable system is subscribers' ability to find a channel, and to record the channel's programs to view at their convenience.²² A key tool to find and record that content is the EPG available on cable systems, which allows for program search and integrates with DVR recording of programs.

²⁰ In some cases, PEG programming is provided to a cable operator in an analog format, in which case the programming will by definition be "standard definition" programming. New Charter should pass through that programming without degradation, and consistent with the manner in which standard definition local broadcast signals are provided to subscribers. In many places, however, PEG providers can deliver, or are delivering, a digital PEG signal to the operator but the cable operator downgrades the signal to SD rather than HD. New Charter's obligation should be to provide a "channel" – that is, an amount of capacity – similar to that provided to local broadcasters under the Commission's advanced television standards. This will ensure that PEG signals can be provided in a manner and at a quality and functionality level consistent with the way in which local broadcast signals are provided over the New Charter system.

²¹ Most state laws require operators to provide channels, but do not specifically define the term. It is, of course, commonly understood that a "channel" involves a unique number assigned to a particular video program. But the capacity and capabilities associated with the channel numbers are disputed. It is appropriate for the FCC to define what New Charter must provide, particularly in light of the FCC's clear authority to set technical standards for cable system operations and for cable system signal quality, 47 U.S.C. § 544(e), and the FCC's authority to define "channel capacity" for Cable Act purposes, *see* 47 U.S.C. §§ 522(4), 531.

²² See for example Digitalsmiths "Q1 2014 Video Trends Report" at 18, where the Tivo subsidiary found that 44% of all pay television viewers use program-specific searches to find programs they want to view. The same survey of over 3,000 subscribers reports that only 7.5% of viewers never use a DVR, while significant numbers of viewers use the device to watch content. The report indicates over forty percent of all viewers use the DVR to view short amounts of content daily, and another forty percent watch between one and three hours of content each day via DVR use (at 6). *Q1 2014 Video Trends Report: Consumer Behavior Across Pay-TV, VOD, OTT, Connected Devices and NextGen Features*, Digitalsmiths, http://www.digitalsmiths.com/downloads/Digitalsmiths_Q1_2014_Video_Discovery_Trends_Report.pdf.

As has been documented by filings in other proceedings, EPG availability for PEG channel programming is uneven throughout the United States. Montgomery County, Maryland, and the City of Boston, Massachusetts, report at least 250 channels in 23 states have been refused access to the EPG by their local cable provider.²³

By denying subscribers the ability to search for PEG programs and the ability to record PEG programs with DVRs for later viewing (a recent Nielsen report shows that 30% of people view by time-shifting²⁴), cable operators such as Charter have created an uneven playing field for PEG channels seeking to reach viewers. PEG channels need to reach their target audiences, whether it is someone in need of health care, someone interested in local arts, or someone interested in local elections, and other local events and topics. If PEG channels, unlike virtually all other channels on a cable system, have no program-specific listings on the EPG, the operator deprives viewers of the most convenient ways to access the unique programming that comes out of PEG. If perhaps up to 30 percent or more of cable viewing is done through time-shifting on the DVR, this has a devastating impact on PEG viewership and produces two primary effects.

First, a cable company is able to manipulate viewership in order to skew numbers to drive down viewership numbers in community needs assessments in franchise negotiations with local authorities, thus freeing up potential channels, which the operator can use for advertising—supporting sales to benefit its own economic interests. Second, a cable company with ownership or other affiliation interests in program content providers (e.g., Time Warner Cable’s RSNs and programming in which Charter stock owner Liberty Broadband has an ownership interest), has

²³ *Accessibility of User Interfaces, & Video Programming Guides & Menus, et al.*, MB Docket No. 12-108, Notice of Ex Parte, Att. 2 at 2 (Sept. 13, 2013).

²⁴ *More of What We Want: The Cross-Platform Report Q1 2014*, 4, Nielsen (June 2014), <http://www.nielsen.com/content/dam/corporate/us/en/reports-downloads/2014%20Reports/nielsen-cross-platform-report-june-2014.pdf>. The Nielsen analysis reports that 29% of all television viewers watch time-shifted programs, comprising on average a half-hour of content per week for all viewers.

the incentive to manipulate viewership of its competitors to drive its own viewership up. In this case, PEG channel interests are similar to those that have been expressed by independent cable programmers.

All ACM and ACD are asking for is a level playing field, and that New Charter be required to permit the inclusion of all PEG program information *at the program level* on its system EPGs, at no cost to the local government or entities providing PEG programming, to ensure that they do not erode localism.

5. *PEG Condition No. 5: As a condition to any consent to the Transfer, the Commission should require that PEG channels have the ability to be distributed on HD tiers.*

Much the same analysis as with DVR capability and EPG availability applies to the ability of PEG programmers to get distribution of channel content in HD. While a few franchise agreements have been negotiated in the last decade that provide HD capacity for PEG (such as the various Time Warner Cable agreements with the boroughs of New York City), HD PEG carriage is the exception, not the rule, for Charter and Time Warner Cable systems. Indeed, since the New York City PEG HD arrangements were agreed to in 2011, franchise renewal negotiations have slowed to a standstill in almost all communities.

By not allowing access to the HD tier, New Charter would deny HD access to potential PEG viewers. The incentives are the same as noted above regarding EPG access. Such moves increase profitability of the cable operator because the bandwidth that might otherwise be available for PEG HD programming can be reallocated to New Charter's broadband service, or to New Charter-owned or affiliated program content providers, thus generating greater profitability from greater net ad sales and fees for the HD tier.

The argument from cable companies about their lack of ability to provide PEG channels in HD rings hollow, especially in light of the transition from analog to digital transmission of PEG channels. In many cases, local franchising authorities negotiated for a minimum level of channel capacity on analog cable systems, typically at six megahertz capacity per channel. The transition to digital distribution holds the promise for far more capacity to be used for local programming and community needs. As industry analysts describe it, each analog channel has the potential to be converted into enough space to provide two to three HD channels,²⁵ or between ten to twelve SD channels. For example, a system, which in 2011 had three analog PEG channels, could easily be converted to three HD channels simulcast in SD, with capacity left over for other needs.

To ensure that the public interest is served in the promotion of localism and diversity in media, the Commission should place conditions on any consent to the Transaction that ensures PEG channels have the ability to be distributed on HD tiers. This will allow PEG channels to compete on a level playing field to preserve the increasingly endangered localism and diversity intended by Congress in the Cable Act.

IV. CONCLUSION

For the foregoing reasons, if the Commission grants consent to the license transfers relating to the Transaction, it should impose the following PEG-related conditions on that consent:

²⁵ *The State of the Art and Evolution of Cable Television and Broadband Technology: Prepared for the City of Seattle, Washington*, 17, CTC Tech. & Energy (Oct. 9, 2013), <http://www.ctcnet.us/wp-content/uploads/2014/01/SeattleCATVTechnologyReport.pdf>.

PEG Condition No. 1: New Charter should be required to make all PEG channels on all of its cable systems universally available on the basic service tier, in the same format as local broadcast channels, unless the local government specifically agrees otherwise.

PEG Condition No. 2: The Commission should protect PEG channel positions.

PEG Condition No. 3: The Commission should prohibit New Charter from discriminating against PEG channels, and ensure that PEG channels will have the same features and functionality, and the same signal quality, as that provided to local broadcast channels.

PEG Condition No. 4: The Commission should require that all PEG programming is easily accessed on menus and easily and non-discriminatorily accessible on all New Charter platforms.

PEG Condition No. 5: The Commission should require that channels have the ability to be distributed on HD tiers.

Respectfully submitted,

Michael S. Wassenaar
President
Alliance for Community Media
4248 Park Glen Road
Minneapolis, MN 55416
(612) 298-3805

/s/ James N. Horwood
James N. Horwood
Tillman L. Lay
Spiegel & McDiarmid LLP
1875 Eye Street, NW
Washington, DC 20006
(202) 879-4000

Counsel for the Alliance for Community
Media and the Alliance For
Communications Democracy

October 13, 2015

APPENDIX 1



The Alliance for Communications Democracy (ACD)



Aggregate Data on Cable Viewership

April 2010

Attachment A - GN No. 10-25

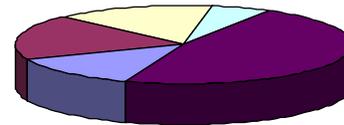
Group W
Communications, LLC
603.964.2912
www.groupwcom.com

Purpose/Methodology

ACD requested that Group W Communications compile data gathered from research conducted in PEG communities around the nation to assess to what extent people value local programming, and to compile additional findings that can help advise future media planning.

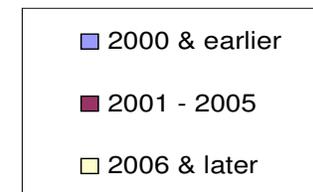
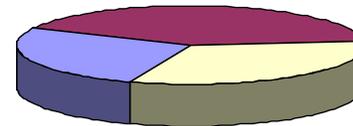
- Comparative and aggregated data based upon sampling in 53 PEG communities

- Geographic distribution:



- Communities' population ranges from 10,000 to over 2 million

- Longitudinal distribution:

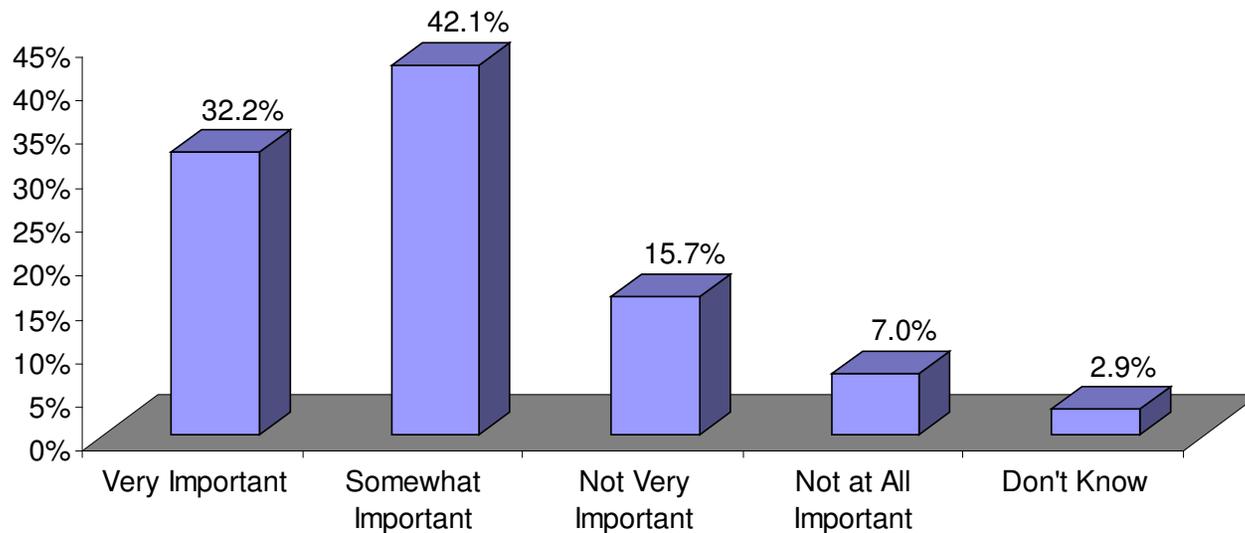


Summary of Major Findings

- Cable subscribers place importance on local community programming
 - 74% say it is very or somewhat important
- Cable subscribers value local community programming
 - 59% say \$1 or more each month should be used to create this programming
- Channel location matters
 - As channel numbers increase surfing & browsing decreases
- Digital divide is real and persists
 - Subscribers making less than \$40,000 of annual household income are significantly less likely to access the Internet
 - Just over half as many subscribers over 65 access the Internet as those under 30



74% of cable subscribers believe that local programming is important

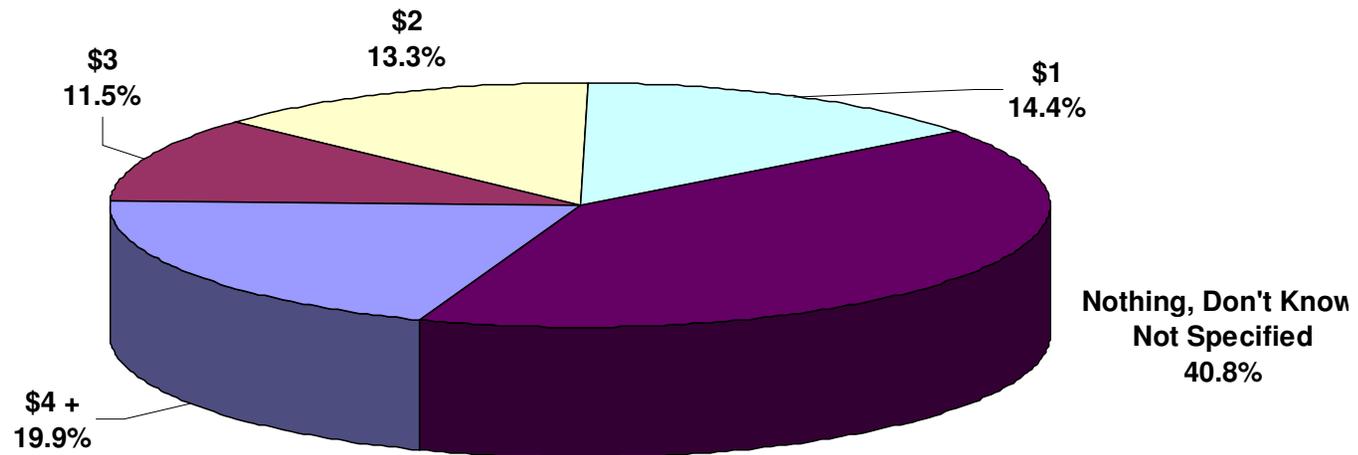


Question -- How important is it to have cable channels that feature local community programming about organizations, individuals, events, schools, and local government? (combined "very" & "somewhat" important)

- Aggregate data based upon sampling in 44 communities

Cable subscribers value local programming

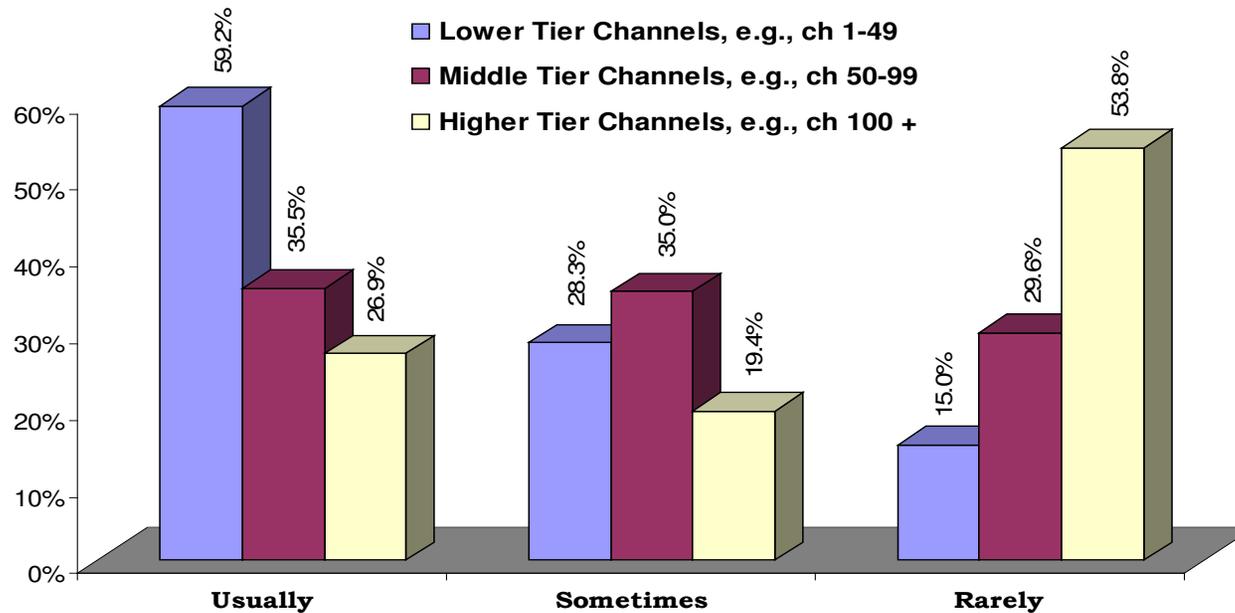
59% of cable subscribers say \$1 or more per month should be used to create local community programming



Question -- How much of your monthly cable bill do you think should be set aside and used to create local community programming about organizations, individuals, events, schools, and local government?

- Aggregate data based upon sampling in 29 communities

As channel numbers increase, surfing behavior decreases

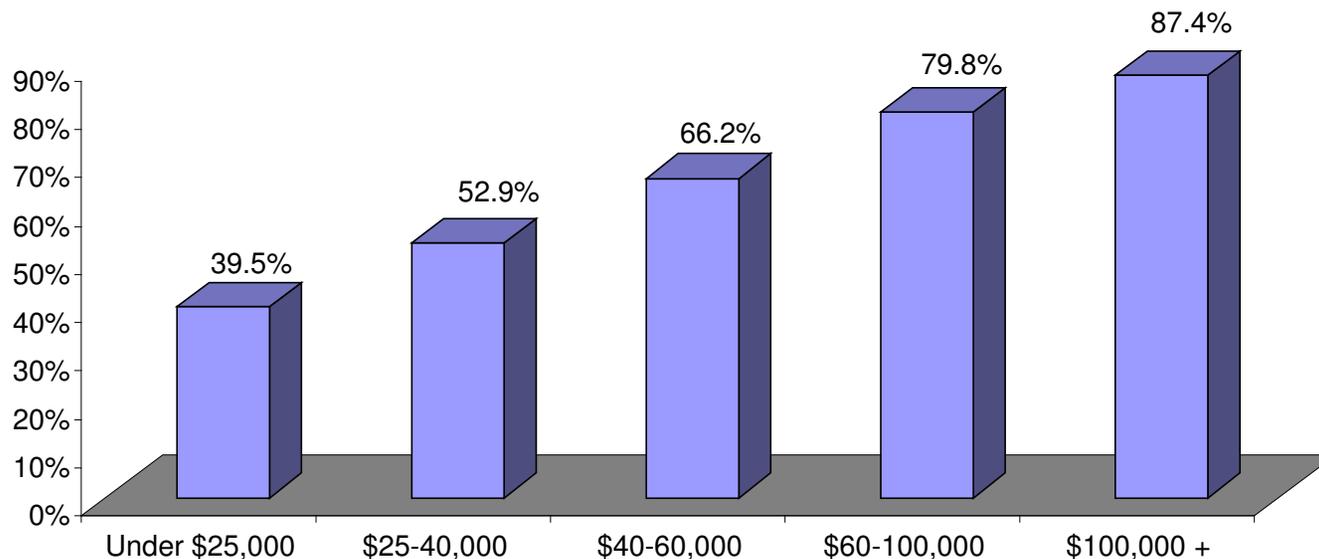


Question -- Cable companies now offer hundreds of channels of video programming. Please think about your viewing habits for a moment, and estimate how often you watch programs that are shown on:

- Preliminary data based upon sampling in four communities

Digital divide is real & persists

Subscribers making less than \$40,000 of annual household income are significantly less likely to access the Internet

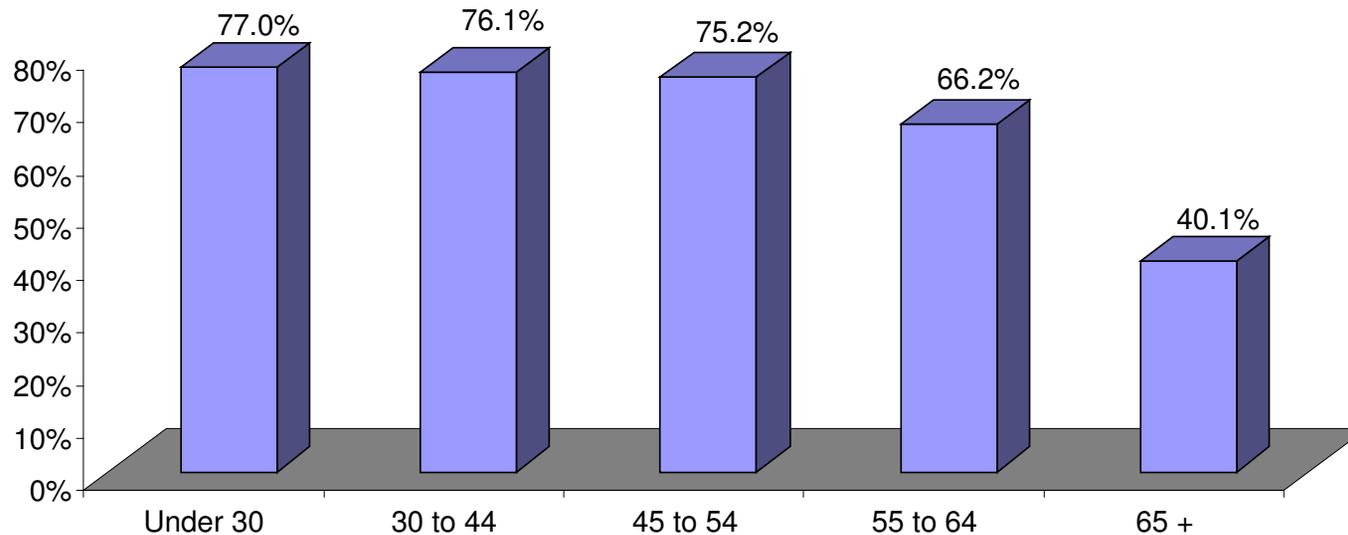


Percent of cable subscribers that access the Internet by Household income

- Aggregate data based upon sampling in 45 communities

Digital divide is real & persists

Just over half as many subscribers over 65 access the Internet as those under 30



Percent of cable subscribers that access the Internet by Age

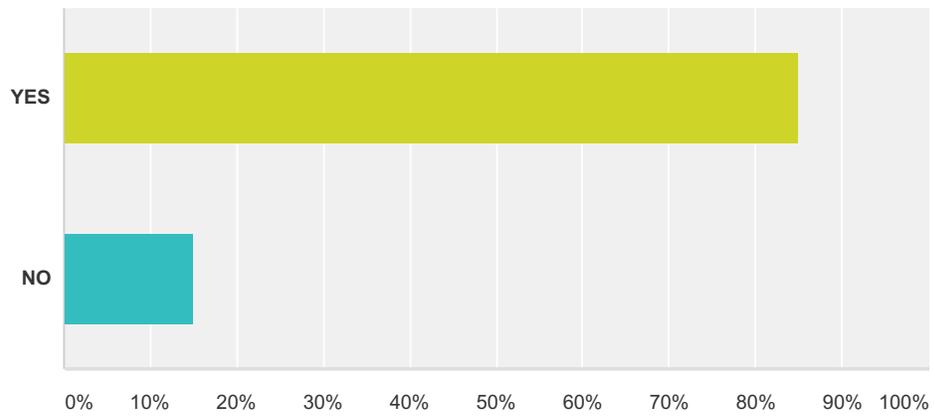
- Aggregate data based upon sampling in 44 communities

APPENDIX 2

**RESULTS OF ACM FALL 2012 SURVEY
OF OVER 200 PEG CENTERS' ELECTION
COVERAGE AND PROGRAMMING**

Q1 Will your access center/CMC produce or distribute election programming this year?

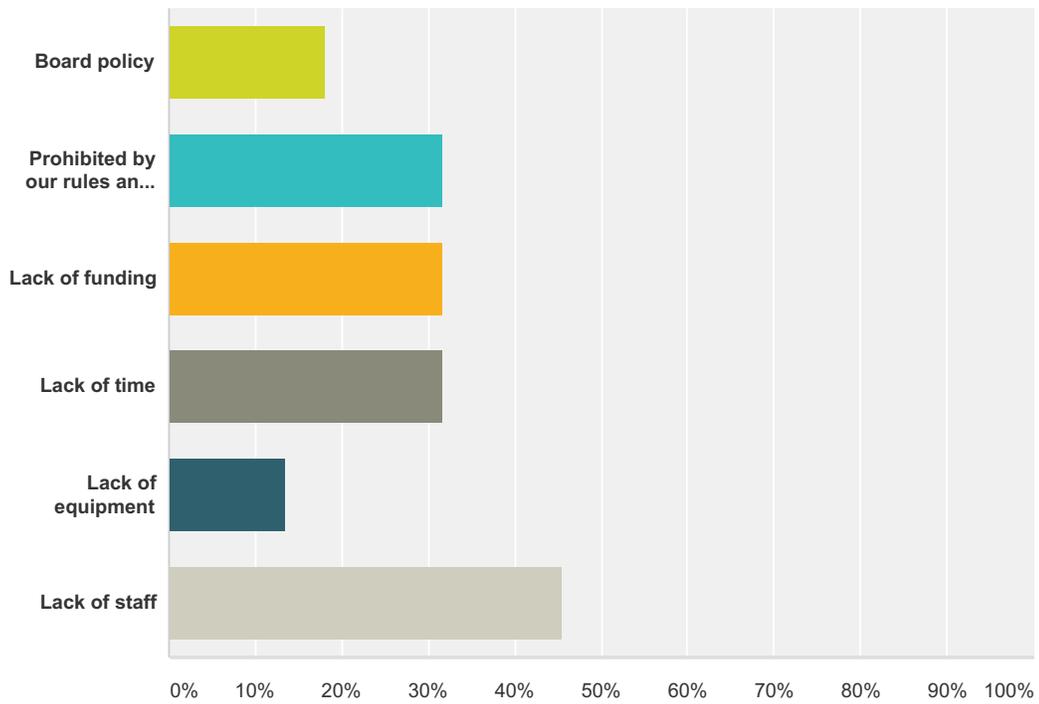
Answered: 207 Skipped: 0



Answer Choices	Responses
YES	85.02% 176
NO	14.98% 31
Total	207

Q2 If your answer to Question 1 was "No" please indicate why:

Answered: 22 Skipped: 185



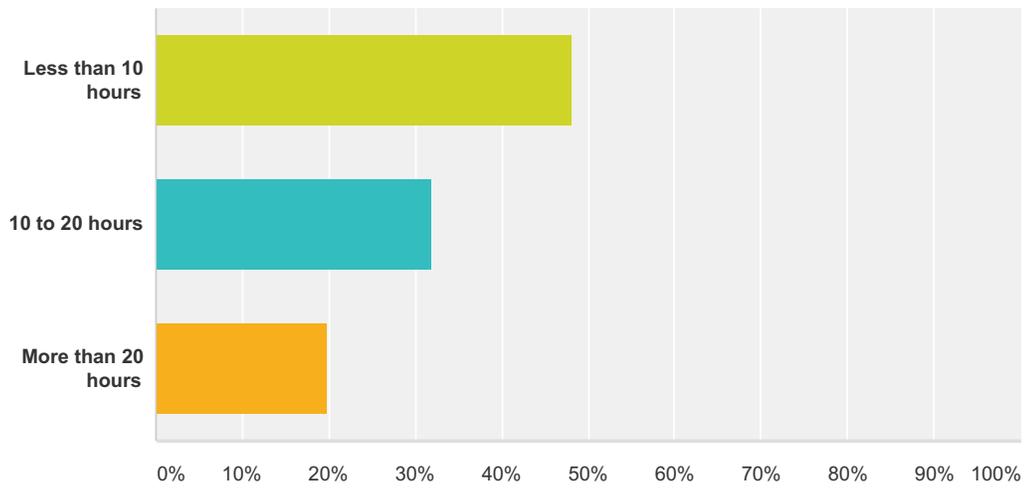
Answer Choices	Responses
Board policy	18.18% 4
Prohibited by our rules and procedures	31.82% 7
Lack of funding	31.82% 7
Lack of time	31.82% 7
Lack of equipment	13.64% 3
Lack of staff	45.45% 10
Total Respondents: 22	

#	Other (please specify)	Date
1	We are a full service PEG organization run directly by city government. We would respond to any request for election programming, but we do not initiate or solicit election programming.	12/12/2012 4:55 PM
2	only produce local election programming - this was a non city election year	12/11/2012 8:02 AM
3	Not operational at the moment	12/4/2012 4:33 PM
4	No procedures in place. Yet.	12/4/2012 8:49 AM
5	We are new (relaunching the station in Long Beach, CA)	12/3/2012 4:09 PM
6	There has been no request or interest in it from the town	12/3/2012 10:21 AM
7	No students wanted to discuss the issue.	11/30/2012 5:32 PM

8	We do local non partisan candidate forums	11/30/2012 12:45 PM
9	Must not be partisan	11/30/2012 10:44 AM
10	no pre-election activity within town borders.	11/11/2012 1:08 PM
11	Dificulty of going live from location	10/15/2012 10:08 AM

Q3 How many hours of original election programming will you produce?

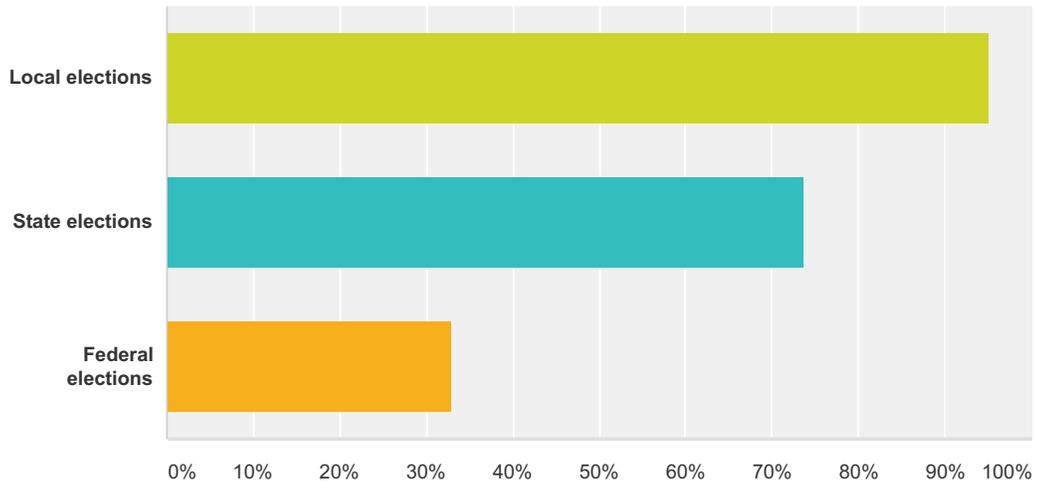
Answered: 166 Skipped: 41



Answer Choices	Responses
Less than 10 hours	48.19% 80
10 to 20 hours	31.93% 53
More than 20 hours	19.88% 33
Total	166

Q4 Which of the following will your access center/CMC cover?

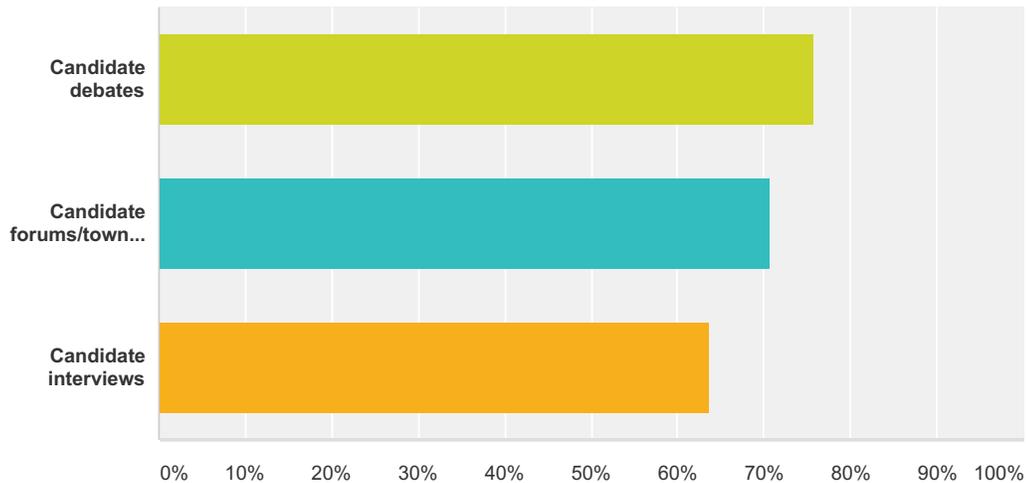
Answered: 164 Skipped: 43



Answer Choices	Responses
Local elections	95.12% 156
State elections	73.78% 121
Federal elections	32.93% 54
Total Respondents: 164	

Q5 What format(s) will you use?

Answered: 157 Skipped: 50



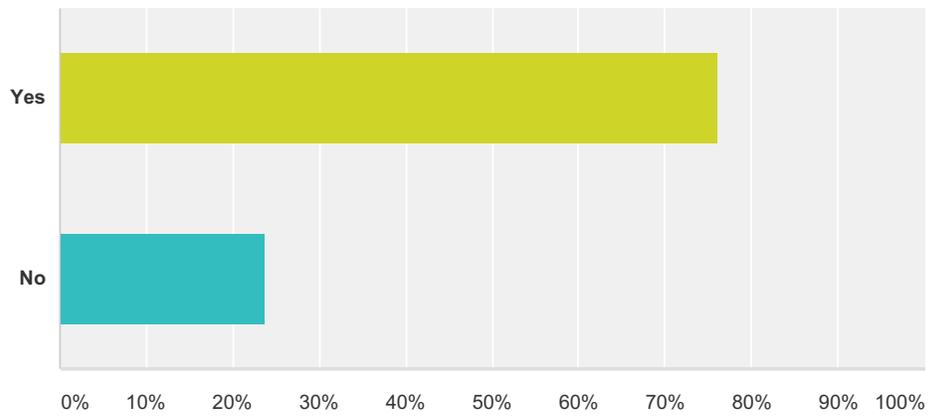
Answer Choices	Responses
Candidate debates	75.80% 119
Candidate forums/town hall	70.70% 111
Candidate interviews	63.69% 100
Total Respondents: 157	

#	Other (please specify)	Date
1	Election results	12/17/2012 12:27 PM
2	Candidate Profiles, Debates, League of Women Voters Informational Programs	12/11/2012 12:38 PM
3	Candidates can submit programs.	12/11/2012 11:41 AM
4	Candidate Statements (5 min)	12/10/2012 3:36 PM
5	locally produced "talk" shows invite candidates to be a guest on our shows.	12/10/2012 6:53 AM
6	Meet the Candidates (Taped in their homes) "The person behind the candidate"	12/6/2012 3:25 PM
7	Video Voters Guide	12/5/2012 10:20 AM
8	5 minute candidate statements	12/5/2012 10:17 AM
9	we might do interviews but its not for sure yet	12/5/2012 8:20 AM
10	meet the candidates station produced show- candidates speak to the public- 2 shows per party during campaign period	12/4/2012 6:09 PM
11	discussion on talk shows	12/4/2012 3:58 PM
12	daily news reports	12/4/2012 11:47 AM
13	"Candidates on Demand" CATS (Community Access Television Services) has been offering 3-5 minute candidate statements to all candidates since 1999	12/4/2012 11:17 AM
14	5 minute candidate infomercials	12/4/2012 10:26 AM
15	League of Women Voters-sponsored candidates questions forums.	12/4/2012 10:06 AM

16	field segments	12/4/2012 4:20 AM
17	Election results on our bulletin board	12/3/2012 4:22 PM
18	Live Election Coverage	12/3/2012 4:09 PM
19	Candidate Statements	12/3/2012 3:00 PM
20	candidate forums/debates organized by others-filmed by us	12/3/2012 11:18 AM
21	Local Live CG updates on Election Night	12/3/2012 8:58 AM
22	For Voters - Informational Issue Programs	11/30/2012 8:57 PM
23	5 minute candidate statements	11/30/2012 6:07 PM
24	Candidate Profiles	11/30/2012 4:11 PM
25	candidates deliver their prepared 2-3 minute introduction	11/30/2012 3:45 PM
26	We also hosted local interviews on the propositions	11/30/2012 2:38 PM
27	Live Election Results	11/30/2012 1:37 PM
28	Party representative interviews, candidate statements, ballot resolutions / measures discussions	11/30/2012 12:40 PM
29	Campaign PSAs	11/30/2012 12:24 PM
30	Candidate statements	11/30/2012 12:04 PM
31	Forum on voter ID	11/30/2012 11:46 AM
32	Candidates are provided a 15-minute opportunity to talk about themselves and their campaign in talk show format.	11/30/2012 11:11 AM
33	also Community Commentary / editorials, news coverage	11/30/2012 10:50 AM
34	Public Service Announcements	11/30/2012 10:13 AM
35	Video Voter Guide	11/30/2012 9:06 AM
36	Community Bulletin Board slides	11/30/2012 8:40 AM
37	Live local election coverage on election day. local election results, meet the candidates	11/12/2012 1:03 PM
38	Live call-in	11/12/2012 8:58 AM
39	Video Voter's Guide	11/5/2012 7:34 PM
40	Important community issue panel discussions.	11/5/2012 12:43 PM
41	Live Election Night Coverage	11/5/2012 9:49 AM
42	Election Night Results Show focusing solely on our area in Northern Kentucky, which the local Cincinnati Ohio Broadcasters largely ignore	10/24/2012 10:34 AM
43	Candidate sponsored shows	10/22/2012 9:57 AM
44	Meet the Candidates - statements	10/17/2012 9:54 PM
45	Video voters guide (3 minute per candidate)	10/15/2012 11:06 AM

Q6 Do you partner with local organizations to co-produce/host election programs?

Answered: 189 Skipped: 18



Answer Choices	Responses
Yes	76.19% 144
No	23.81% 45
Total	189

**Q7 If you answered "Yes" to Question 6,
please indicate the names of partnering
organizations:**

Answered: 143 Skipped: 64

#	Responses	Date
1	LWV	1/25/2013 2:06 PM
2	Reporters from local newspapers and radio Stations.	12/15/2012 3:09 PM
3	League of Women Voters. In past elections.	12/12/2012 4:56 PM
4	League of Women Voters of Greater Hartford	12/11/2012 12:38 PM
5	chamber of commerce	12/11/2012 8:02 AM
6	League of Women Voter's	12/10/2012 5:10 PM
7	League of Women Voters (several different branches)	12/10/2012 3:37 PM
8	League of Women Voters	12/10/2012 12:00 PM
9	Northern Kentucky University	12/10/2012 11:33 AM
10	League of Women Voters	12/10/2012 11:29 AM
11	town government , league of women voters, senate liasons and aides, other access centers.	12/10/2012 6:54 AM
12	Local Chamber of Commerce	12/6/2012 11:44 PM
13	Local League of Women Voters	12/6/2012 3:51 PM
14	Mass Senior Action Council Malden Observer Malden Patch Malden Chamber of Commerce	12/6/2012 3:25 PM
15	League of Women Voters, Area Chambers of Commerce	12/6/2012 10:59 AM
16	PACE at Salisbury University	12/6/2012 8:04 AM
17	Chamber of Commerce, City Council, Local non profits, Republican and Democratic Parties.	12/5/2012 11:34 PM
18	NH League of Woman Voters Greater Claremont Chamber of Commerce	12/5/2012 2:29 PM
19	Dakota County (MN) Regional Chamber of Commerce Apple Valley (MN) Chamber of Commerce	12/5/2012 2:01 PM
20	Labor groups, Women's groups, Media Justice groups, Youth groups, Neighborhood orgs, Arts advocacy, City depts	12/5/2012 12:52 PM
21	League of Women Voters, The Bismarck Tribune	12/5/2012 12:28 PM
22	other access centers	12/5/2012 11:39 AM
23	League of Women Voters Local Chamber of Commerce	12/5/2012 10:21 AM
24	League of Women Voters Chamber of Commerce	12/5/2012 10:17 AM
25	Cheshire-Wallingford League of Women Voters Wallingford Community Women	12/5/2012 9:15 AM
26	Chamber of Commerce, League of Women Voters, Senior Center	12/5/2012 9:10 AM
27	League of women voters (we will only televise if hosted by a neutral 3rd party)	12/5/2012 8:19 AM
28	American Association of University Women League of Women Voters Arlington Civic Federation Arlington Patch - local news blog	12/4/2012 11:18 PM
29	League of Woman Voters, Area Chambers of Commerce, Local Newspaper	12/4/2012 6:13 PM
30	League of women voters	12/4/2012 6:10 PM

31	NOt this year. In the past we partnered with the Community Newspaper Group.	12/4/2012 6:01 PM
32	Chamber of Commerce	12/4/2012 5:14 PM
33	Bethel University League of Women Voters various Human Rights Commissions	12/4/2012 5:09 PM
34	Somerville Community Corporation Common Cause MA Democratic Party	12/4/2012 4:00 PM
35	League of Women Voters	12/4/2012 3:15 PM
36	League of Women Voters, Chamber of Commerce, etc.	12/4/2012 2:46 PM
37	League of Women Voters	12/4/2012 2:10 PM
38	LEAGUE OF WOMEN VOTERS LOACL NEWSPAPER- THE FORT BRAGG ADVOCATE.	12/4/2012 2:08 PM
39	Greenbelt Homes Incorporated, Greenbelt East Advisory Coaliltion	12/4/2012 12:21 PM
40	Local Newspapers	12/4/2012 11:45 AM
41	Local churches, local newspaper and local magazine.	12/4/2012 11:25 AM
42	Community Radio WFHB	12/4/2012 11:17 AM
43	Chamber of Commerce, League of Women Voters	12/4/2012 10:38 AM
44	Local Democrat and Republican Parties Pioneer Jr. Woman's Club past - Chamber of Commerce	12/4/2012 10:27 AM
45	WGTD 91.1 FM of Gateway Technical College	12/4/2012 10:07 AM
46	League of Women Voters	12/4/2012 10:06 AM
47	Allegany College of Maryland WCBC Radio	12/4/2012 6:35 AM
48	Kula & Kihei Community Associations West Maui Taxpayers Association Maui News Maui Economic Development Board Sierra Club	12/4/2012 4:22 AM
49	Our local elctions are off year we partner with The New Bedford Standard Times and WBSM	12/3/2012 5:23 PM
50	League of women Voters NYC	12/3/2012 4:45 PM
51	League of Women Voters	12/3/2012 4:26 PM
52	League of Woman Voters Local News Organizations	12/3/2012 4:21 PM
53	Contra Costa Times(Bay Area News Group); League of Women Voters of Diablo Valley; Contra Costa Council(NGO/NPO); Contra Costa County Clerk-Recorder; Dean and Margaret Leshar Foundation	12/3/2012 4:14 PM
54	League of Women Voters, Green Party, local environmental orgs.	12/3/2012 4:12 PM
55	We will once the next election comes	12/3/2012 4:10 PM
56	Local Newspaper	12/3/2012 3:27 PM
57	Center for the Study of Local Issues (internal to our organization)	12/3/2012 2:49 PM
58	Chamber of Commerce, League of Women Voters, Valley Women's Club, Democratic Women's Club of Santa Cruz County, Santa Cruz Neighbors, Civinomics	12/3/2012 1:06 PM
59	Chamber of Commerce Community College	12/3/2012 11:38 AM
60	League of Women Voters of the Midland Area. Midland County Republican Party produced their own program during the primary featuring their candidates for Sheriff.	12/3/2012 10:27 AM
61	sturgeon bay, Sevastopol access channels	12/2/2012 10:54 PM
62	local news and/or radio and local Chamber	12/2/2012 6:20 PM
63	League of Women Voters	12/2/2012 2:49 PM
64	League of Women Voters	12/1/2012 7:17 PM
65	Association of Hawaiian Civic Clubs	11/30/2012 8:58 PM
66	League of Women Voters and various community organizations	11/30/2012 7:42 PM

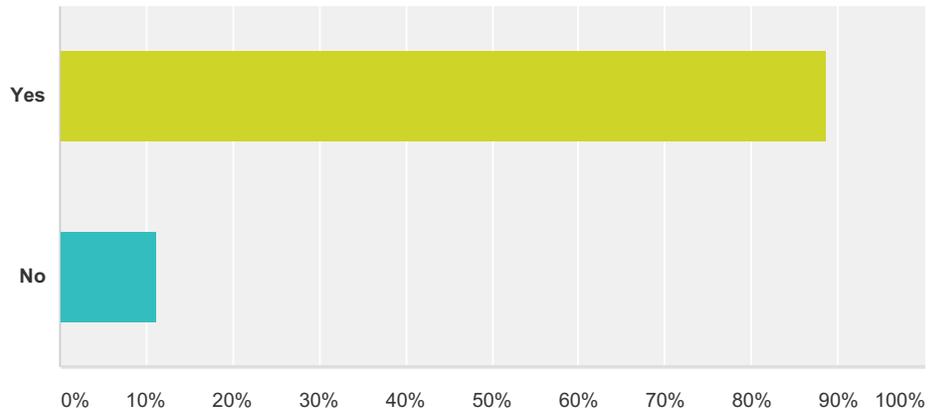
67	League of Women Voters	11/30/2012 4:54 PM
68	League of Women Voters	11/30/2012 4:11 PM
69	League of Women Voters	11/30/2012 4:02 PM
70	Orion Area Chamber of Commerce	11/30/2012 3:46 PM
71	Salem News Jewish Journal League of Woman Voters	11/30/2012 2:59 PM
72	this year we also worked with the chamber and the League of woman voters	11/30/2012 2:39 PM
73	Patriot Ledger News paper	11/30/2012 2:37 PM
74	Salem Evening News; Peabody Chamber of Commerce	11/30/2012 2:31 PM
75	League of Women Voters	11/30/2012 2:00 PM
76	Kiwanis, City Club, Farm Bureau, Small Woodlands Assn.,	11/30/2012 1:57 PM
77	Campbell County League of Women Voters Campbell County Commissioners City of Gillette Basin Radio Network	11/30/2012 1:38 PM
78	Chamber of Commerce	11/30/2012 12:46 PM
79	League of Women Voters, Chamber of Commerce, Political parties	11/30/2012 12:40 PM
80	Chamber of Commerce, West Kauai Business & Professional Association, Princeville Community Association & Friends of the North Shore	11/30/2012 12:33 PM
81	NAACP Westside Chicago Chapter, Board of Elections, etc.	11/30/2012 12:25 PM
82	UW-Barron County (Local 2-year degree university)	11/30/2012 12:23 PM
83	League Women Voters	11/30/2012 12:11 PM
84	WFWA PBS 39	11/30/2012 12:10 PM
85	League of Women Voters	11/30/2012 12:07 PM
86	League of Women Voters Local churches local newspapers	11/30/2012 12:00 PM
87	League of Women Voters Campaign mangers for all local candidates Local Magazine style news shows. Local radio shows	11/30/2012 12:00 PM
88	ywca	11/30/2012 11:48 AM
89	PA ACLU, Philadelphia NOW, City of Phila Commissioner's Office, Media Mobilizing Project, Prometheus Radio Project	11/30/2012 11:47 AM
90	Asian & Pacific American Political Alliance (APAPA) City of Elk Grove Sacramento Press Elk Grove Patch Sacramento Bee League of Women Voters	11/30/2012 11:46 AM
91	Local Newspapers PTO Groups Schools Chamber of Commerce	11/30/2012 11:36 AM
92	Billerica Minuteman Billerica.org Billerica Green Council on Aging	11/30/2012 11:33 AM
93	tow local League of Women Voters organizations	11/30/2012 11:30 AM
94	Centre County League of Women Voters	11/30/2012 11:29 AM
95	Leagues of Women Voters, local Chambers of Commerece, area economic development group	11/30/2012 11:12 AM
96	League of Woman Voters, Local Tea Party, Democratic Committee, local Election Commission, Cultural Coalition, Local Radio Station (simulcasting events), and more.	11/30/2012 10:59 AM
97	LWV	11/30/2012 10:48 AM
98	Local "Patch" website and Local Newspaper	11/30/2012 10:40 AM
99	Patch.com, local newspapers and Wicked Local	11/30/2012 10:24 AM
100	League of Women Voters, Tri-City Herald, Pasco Chamber of Commerce, Charter Communications, City of Richland CityView TV	11/30/2012 10:20 AM

101	Lincoln County News	11/30/2012 10:16 AM
102	Senior Center Block clubs	11/30/2012 10:15 AM
103	League of Women Voters	11/30/2012 10:06 AM
104	Local newspaper	11/30/2012 10:06 AM
105	Other access centers	11/30/2012 9:37 AM
106	Jaycees	11/30/2012 9:25 AM
107	League of Women Voters Chanber of Commerce	11/30/2012 9:21 AM
108	League of Women Votes	11/30/2012 9:06 AM
109	League of Women Voters and other access centers	11/30/2012 9:02 AM
110	League of Women Voters	11/30/2012 8:56 AM
111	Town Governments, Local Journalists, Community Action Groups	11/30/2012 8:53 AM
112	The Green Group. League of Women Voters. NAACP	11/30/2012 8:35 AM
113	Newspaper, radio, chamber	11/30/2012 8:33 AM
114	Covington Center for Great Neighborhoods Covington Partnership Villa Hills Civic Center OASIS	11/30/2012 8:32 AM
115	Local Newspaper (Fall River Herald News), Local Universities (U-Mass Dartmouth)	11/30/2012 8:29 AM
116	Democracy Now. CMU News Central	11/29/2012 4:18 PM
117	Falmouth League of Women Voters	11/12/2012 1:03 PM
118	League of Women Voters, Bismarck Tribune	11/12/2012 11:11 AM
119	League of Women Voters	11/12/2012 10:50 AM
120	PBS-WFWA WANE	11/12/2012 9:42 AM
121	League of Women Voters of Amity, but usually during spring municipal election season.	11/11/2012 1:08 PM
122	League of Women Voters The Olympian (newspaper) Thurston County Chamber of Commerce Lacey Chamber of Commercer	11/5/2012 7:35 PM
123	Chamber of Commerce of Hawaii; Hawaiian Civic Clubs; Honolulu Japanese Chamber; University of Hawaii Law School, various others	11/5/2012 12:45 PM
124	League of Women Voters Belmont Citizen-Herald Belmont Patch Belmont Democratic & Republican Committee Citizen Forum	10/24/2012 11:09 PM
125	OASIS, Center For Great Neighborhoods of Covington, Covington Business Council, Covington Neighborhood Collaborative, Friends of Covington, Latonia Business Association, Mainstrasse Village Association, Villa Hills Civic Club,	10/24/2012 10:38 AM
126	Chamber of Commerce	10/24/2012 9:49 AM
127	Local PBS affiliate	10/23/2012 7:23 AM
128	Local Newspapers	10/23/2012 12:04 AM
129	League of Women Voters.	10/22/2012 10:35 AM
130	League of Women Voters, Pasco Chamber of Commerce, Tri-City Chamber of Commerce, Tri-City Herald, Charter Communications, City of Richland	10/22/2012 10:15 AM
131	League of Women Voters	10/22/2012 9:59 AM
132	Greater Salem Chamber of Commerce Rotary Knights of Columbus School groups	10/22/2012 9:58 AM
133	Local Newspaper (Easton Journal), Local website (Easton Patch)	10/22/2012 9:43 AM
134	League of Women Voters; Democratic and Republican Central Committees; student organizers; local blogs; local newspapers; City Media Services; Patch.com	10/17/2012 9:55 PM

135	Local Newspaper and other Media Centers	10/17/2012 5:12 PM
136	League of Women Voters; Twin Cities North Chamber of Commerce	10/15/2012 1:59 PM
137	LWV	10/15/2012 1:34 PM
138	League of Women Voters	10/15/2012 12:40 PM
139	League of Women Voters Chambers of Commerce	10/15/2012 11:07 AM
140	League of Women Voters	10/15/2012 10:19 AM
141	Fort Wayne Chapter of The Links Inc. NAACP Fort Wayne Branch 3049 Aktion Club	10/15/2012 10:14 AM
142	Northern Kentucky University	10/15/2012 10:14 AM
143	Hampshire Gazette, Valley Free Radio (WXOJ), League of Women Voters, WHMP, Valley Advocate, Northampton Media, Valley Time Trade	10/15/2012 9:54 AM

Q8 Have any elected officials visited our access center/CMC in the past 2 years?

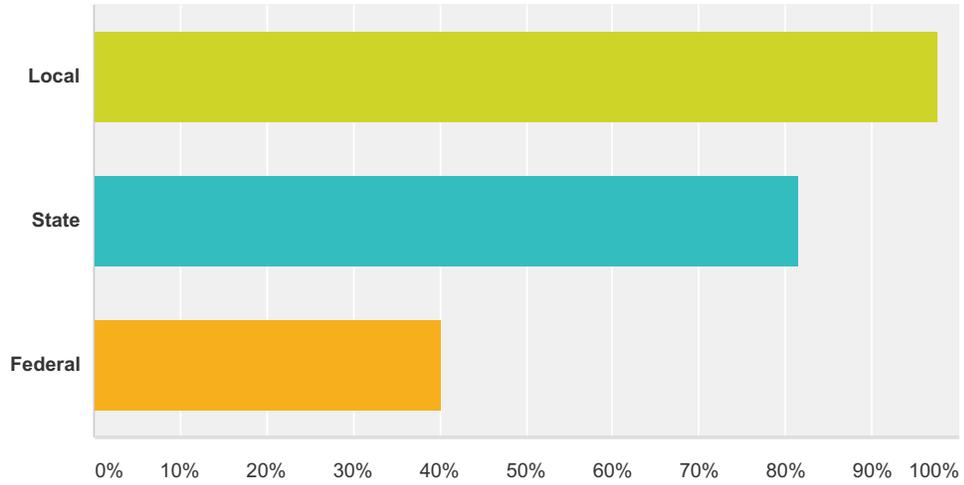
Answered: 187 Skipped: 20



Answer Choices	Responses
Yes	88.77% 166
No	11.23% 21
Total	187

Q9 Please indicate the level(s) of office held by the elected officials that visited your access center/CMC:

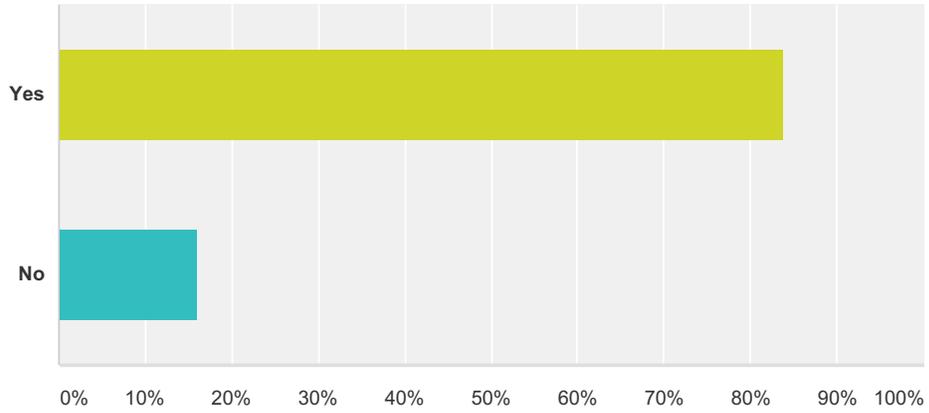
Answered: 169 Skipped: 38



Answer Choices	Responses	Count
Local	97.63%	165
State	81.66%	138
Federal	40.24%	68
Total Respondents: 169		

Q10 While the elected official(s) visited your access center/CMC did you educate them about PEG issues?

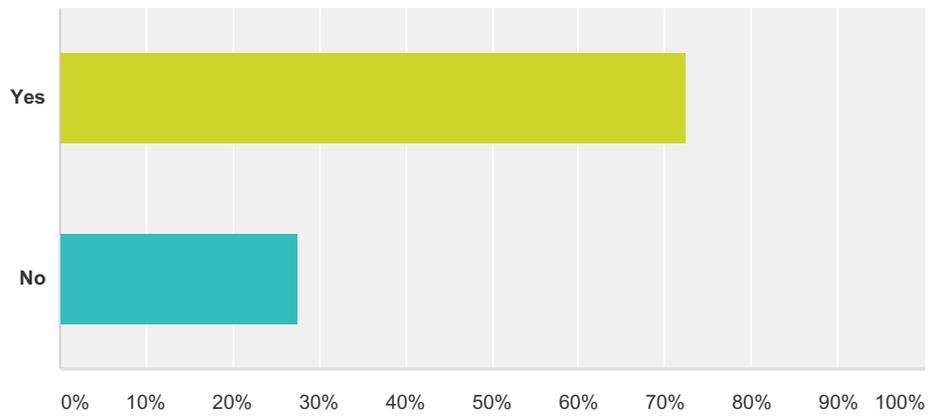
Answered: 167 Skipped: 40



Answer Choices	Responses	
Yes	83.83%	140
No	16.17%	27
Total		167

Q11 Have you ever visited any elected officials to discuss PEG issues?

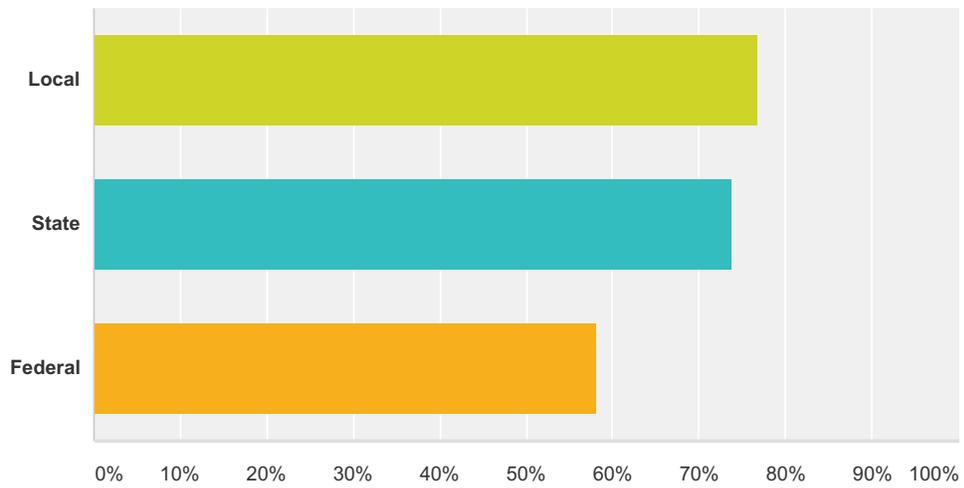
Answered: 185 Skipped: 22



Answer Choices	Responses
Yes	72.43% 134
No	27.57% 51
Total	185

Q12 What level(s) of office where held by the elected officials that you visited?

Answered: 134 Skipped: 73



Answer Choices	Responses
Local	76.87% 103
State	73.88% 99
Federal	58.21% 78
Total Respondents: 134	

APPENDIX 3

**EXAMPLES OF PEG ELECTION-RELATED
PROGRAMMING**



Government Programming on **can tv**

CITY OF CHICAGO



CAN TV provided coverage of a town hall meeting on gun violence featuring Mayor Rahm Emanuel and others.

Local programs on CAN TV:

- Chicago Aldermen Walter Burnett (27) and Willie Cochran (20) present regular programs on ward activities.
- CAN TV's weekly *Political Forum* features elected officials taking phone calls live from viewers about ward and district activities.
- In 2013, 150 programs introduced viewers to 116 candidates for the March primary and 2nd Congressional District's special election.
- *Caucus Talks* is a monthly live call in show featuring members of the Chicago Aldermanic Black Caucus discussing relevant issues for the communities they serve.
- For the March 18, 2014 Primary Election 137 programs introduced 96 candidates as they campaigned for 21 elected positions.
- CAN TV provided live coverage on TV and online of a new CPS initiative: Be Active, Eat Right, Learn Better!

City Officials and Agencies on CAN TV (2013 to present):

MAYOR Rahm Emanuel, **TREASURER** Stephanie Neely, **CHICAGO POLICE DEPARTMENT SUPERINTENDENT** Garry McCarthy.

ALDERMEN | Proco Joe Moreno (1), Robert Fioretti (2), Pat Dowell (3), Will Burns (4), Leslie Hairston (5), Roderick T. Sawyer (6), Natasha Holmes (7), Michelle Harris (8), Anthony Beale (9), John Pope (10), George Cardenas (12), Toni Foulkes (15), Willie Cochran (20), Howard Brookins, Jr. (21), Ricardo Muñoz (22), Roberto Maldonado (26) Walter Burnett, Jr. (27), Jason Ervin (28), Deborah Graham (29), Ariel E. Reboyras (30), Ray Suarez (31), Scott Waguespack (32), Deb Mell (33), Carrie Austin (34), Rey Colon (35), Nicholas Sposato (36), John Arena (45), Ameya Pawar (47), Harry Osterman (48), Joe Moore (49)

CITY AGENCIES | Department of Cultural Affairs, Department of Family Support Services



Chicago Westside Branch NAACP hosted a debate between Cook County Board candidates covered live by CAN TV.

County programs on CAN TV:

- Clerk of the Circuit Court Dorothy Brown gives viewers the opportunity to call into her agency's live show to get information about record expungement, child support and the other services available through her office.
- Cook County Recorder of Deeds Karen Yarbough hosts a regular live, call-in show called "Housing Matters" and answers a variety of viewer calls related to housing issues.
- Many Cook County Circuit Court judges weighed in during the Illinois Judicial Council's Juvenile Justice Symposium, which CAN TV covered.
- Members of the Cook County Bar Association provide free legal advice to viewers during their live call-in show

County Officials and Agencies on CAN TV:

COUNTY REPRESENTATIVES | Cook County Board President Toni Preckwinkle • State's Attorney Anita Alvarez • Clerk of the Circuit Court Dorothy Brown • Cook County Recorder of Deeds Karen Yarbrough • County Sheriff Tom Dart • County Clerk David Orr • Commissioner Jesus Garcia (7) • Commissioner Bridget Gainer (10) • Commissioner Larry Suffredin (13) • Board of Review Dan Patlak.

METROPOLITAN RECLAMATION DISTRICT | Commissioner Frank Avila

COUNTY AGENCIES | Clerk of the Circuit Court of Cook County, Cook County Health & Hospital Systems, Cook County Jail, Cook County Recorder of Deeds, Cook County Sherriff's Office, Cook County State's Attorney Office, Jesse Brown VA Medical Center

JUDGES | Andrea Buford • Cynthia Cobbs • James Epstein • Jerry Esrig • Timothy C. Evans • Megan Goldish • Sophia H. Hall • Carol M. Howard • Marianne Jackson • Marilyn F. Johnson • Susan Kennedy-Sullivan • Sharon Oden-Johnson • Michael Otto • Marguerite Anne Quinn • William Raines • Jesse G. Reyes • Kristal Rivers • Diana Rosario • Alfred Swanson, Jr. • Sybil C. Thomas • Peter Vilkelis



CAN TV provided live coverage as Gov. Pat Quinn signed marriage equality into law in Illinois

"[CAN TV] empowers residents to use media responsibly while exercising the power of free speech."

Illinois Rep. Arthur Turner

State programs on CAN TV:

- CAN TV provided live coverage on TV and online of a House Judiciary Committee hearing on concealed carry, pension reform events, and immigration reform protests
- CAN TV provided live coverage on TV and online of a public hearing on gambling expansion amendments to Senate Bill 1739
- CAN TV provided coverage on TV and online of Gov. Pat Quinn signing the state marriage equality legislation into law
- The Illinois Channel covers legislative hearings, Illinois Supreme Court hearings, and public policy events from across the state.

State Officials and Agencies on CAN TV:

EXECUTIVE BRANCH AND LEGISLATIVE LEADERS | Governor Pat Quinn • Lieutenant Governor Sheila Simon • Secretary of State Jesse White • Attorney General Lisa Madigan • Treasurer Dan Rutherford • Illinois State Comptroller Judy Baar Topinka • Senate President John Cullerton (6) • Senate Republican Leader Christine Radogno (41) • House Republican Leader Tom Cross (84).

STATE SENATORS | Mattie Hunter (3), Kimberly A. Lightford (4), Patricia Van Pelt (5), John Cullerton (6), John G. Mulroe (10), Jacqueline Y. Collins (16), Donne Trotter (17), Steve Rauschenberger (22), Kirk Dillard (24), Jim Oberweis (25), Matt Murphy (27), Pamela Althoff (32), Toi Hutchinson (40), Christine Radogno (41), Jeanne Ives (42), Bill Brady (44)

STATE REPRESENTATIVES | Kenneth Dunkin (5), Esther Golar (6), Emanuel Chris Welch (7), LaShawn K. Ford (8), Arthur Turner (9), Ann Williams (11), Kelly Cassidy (14), Robert F. Martwick, Jr (19), Michael McAuliffe (20), Michael J. Zalewski (21), Silvana Tabares (21), Michael Noland (22), Daniel Burke (23), Christian Mitchell (26), Monique D. Davis (27), Mary E. Flowers (31), Andre Thapedi (32), Marcus C. Evans, Jr. (33), Elgie Sims, Jr. (34), Keith Farnham (43), Fred Crespo (44), Dennis M. Reboletti (46), Patricia Bellock (47), Ed Sullivan Jr. (51), Elaine Nekritz (57), Scott Drury (58), Rita Mayfield (60), Jack Franks (63), David Harris (66), Charles Jefferson (67), John Cabello (68), Ron Sandack (81), Jim Durkin (82), Tom Cross (84), Jim Sacia (89), Jehan Gordon (92) Jil Tracy (94), Brandon Phelps (96), Rich Brauer (100), Adam Brown (101), Dwight Kay (112), Jay Hoffman (113), Mike Bost (115), John E. Bradley (117)

STATE AGENCIES | Department of Children and Family Services (DCFS), Department of Healthcare & Family Services, Department of Human Services, Illinois African-American Family Commission, Illinois Commerce Commission, Illinois Student Assistance Commission, Illinois Tollway

JUDICIAL BRANCH | **Appellate Judges:** Freddrenna Lyle

Government Programming on **can tv**



U.S. Senator Dick Durbin provides updates to his constituents on his program "A Different View."



Congressman Danny K. Davis hosts "Listening to the People."

Federal programs on CAN TV:

- In 2013, CAN TV provided live coverage on TV and online of all the candidate debates for the 2nd Congressional District special election
- After 19 years, the U.S. Social Security Administration continues to educate the public- in English and Spanish- on changes to services like Medicare and retirement benefits
- Congressman Danny K. Davis (7th) gives Chicago residents the opportunity to call into his weekly live program to discuss community and civic issues, as he has for 15 years
- Jesse Brown VA Medical Center and National Veterans Art Museum do live, call-in programming as part of "Veteran's Issues," providing peer support and information to help veterans heal from the psychological toll of war

"I believe in the power and responsibility of free speech and consider CAN TV a unique and extraordinary vehicle for the exercise of this fundamental First Amendment right of all our people."

Congressman Danny K. Davis

Federal Officials and Agencies on CAN TV:

FEDERAL REPRESENTATIVES | Secretary of Agriculture Tom Vilsack • Senator Dick Durbin • Rep. Robin Kelly (2) • Rep. Peter Roskam (6) • Rep. Danny K. Davis (7) • Rep. Jan Schakowsky (9) • Rep. John Conyers, Jr. (MI-13).

FEDERAL AGENCIES | Centers for Medicare & Medicaid Services, Jesse Brown VA Medical Center, Social Security Administration



LBCAP/PADNET Election Shows

Show Date	TRT	Content	VOD views as of 6/4/14
5/28/14	60 min	Election Perspectives: City Council District 5 Runoff	101
5/14/14	60 min	Election Perspectives: City Council District 1 Runoff	39
5/7/14	60 min	Election Perspectives: Mayoral Runoff	74
3/12/14	60 min	Ninth City Council District Candidate Forum	54
3/5/14	60 min	Seventh City Council District Candidate Forum	42
2/19/14	60 min	Fifth City Council District Candidate Forum	131
2/12/14	60 min	Third City Council District Candidate Forum	59
2/5/14	60 min	First City Council District Candidate Forum	83
1/22/14	60 min	Mayoral Candidate Forum	139
11/3/13	30 min.	Ninth City Council District Candidate Forum	45
10/30/13	30 min.	Seventh City Council District Candidate Forum	26
10/30/13	30 min.	Fifth City Council District Candidate Forum	66
10/23/13	30 min.	Third City Council District Candidate Forum	38
10/23/13	30 min.	First City Council District Candidate Forum	79
11/2/13	60 min	Mayoral Candidate Forum	103
TOTALS	12.5 hours		1079

Access Framingham

Election Related Programming

Premiere

Date	Program Title
2/2/2013	Eric Silverman for School Committee (Public Access Production)
3/11/2013	Political Discussion with Dave Hutchinson
3/25/2013	Political Discussion with Dave Hutchinson
3/25/2013	The Audrey Hall Show
4/1/2013	Political Discussion with Dave Hutchinson
4/3/2013	2013 PTO Candidate Forum
4/4/2013	Framingham Sierra Club Candidate Forum
4/8/2013	Political Discussion with Dave Hutchinson
6/20/2013	Ed Markey for US Senate Rally (Public Access Production)
8/12/2013	Political Discussion with Dave Hutchinson
8/26/2013	Political Discussion with Dave Hutchinson
8/26/2013	Political Discussion with Dave Hutchinson
9/2/2013	Political Discussion with Dave Hutchinson
9/2/2013	The Audrey Hall Show
9/9/2013	Political Discussion with Dave Hutchinson
9/9/2013	Political Discussion with Dave Hutchinson
9/23/2013	Political Discussion with Dave Hutchinson
9/23/2013	Political Discussion with Dave Hutchinson
9/28/2013	5th Congressional District Democratic Candidates Forum at FSU
10/7/2013	Political Discussion with Dave Hutchinson
10/7/2013	Political Discussion with Dave Hutchinson
10/7/2013	Political Discussion with Dave Hutchinson
10/10/2013	5th Congressional District Republican Candidates Forum at FSU
10/30/2013	Temple Beth Am Brotherhood Breakfast
11/17/2013	Jim Pillsbury LIVE (Public Access Production)
3/6/2014	Political Discussion with Dave Hutchinson
3/6/2014	Political Discussion with Dave Hutchinson
3/13/2014	Political Discussion with Dave Hutchinson
3/13/2014	Political Discussion with Dave Hutchinson
3/20/2014	Political Discussion with Dave Hutchinson
3/25/2014	Townwide PTO Candidate Forum
3/28/2014	Framingham Sierra Club Candidate Forum at Heritage
4/21/2014	Political Discussion with Dave Hutchinson
5/5/2014	Political Discussion with Dave Hutchinson
5/19/2014	Political Discussion with Dave Hutchinson
5/19/2014	Political Discussion with Dave Hutchinson
5/31/2014	Democratic Candidates Breakfast, Part 1 (Public Access Production)
6/4/2014	Democratic Candidates Breakfast, Part 2 (Public Access Production)
6/9/2014	Political Discussion with Dave Hutchinson
6/9/2014	Political Discussion with Dave Hutchinson
6/23/2014	Political Discussion with Dave Hutchinson
7/3/2014	Political Discussion with Dave Hutchinson
7/7/2014	Political Discussion with Dave Hutchinson
7/7/2014	Political Discussion with Dave Hutchinson
7/21/2014	Political Discussion with Dave Hutchinson
7/21/2014	Political Discussion with Dave Hutchinson
8/4/2014	Political Discussion with Dave Hutchinson
8/4/2014	Political Discussion with Dave Hutchinson
8/11/2014	The Audrey Hall Show
8/18/2014	Political Discussion with Dave Hutchinson
8/18/2014	Political Discussion with Dave Hutchinson
8/25/2014	The Audrey Hall Show
8/29/2014	Vote for Don Berwick (Public Access Production)
9/1/2014	Political Discussion with Dave Hutchinson
9/1/2014	Political Discussion with Dave Hutchinson
9/6/2014	District Attorney Debate at Framingham Public Library
9/10/2014	Political Discussion with Dave Hutchinson

Serving Town of Framingham, pop. 65K, and adjacent communities served by Verizon FIOS

All local production also offered on line and on demand

Description	Race	Running Time
Eric Silverman	Framingham School Committee	0:29:12
Charles Sisitsky	Framingham Selectmen	0:30:00
Andrea Carr-Evans & Lew Colton	Framingham Planning Board	0:57:02
Candidates for Planning Board	Framingham Planning Board	1:01:30
Victor Ortiz and Sue Bernstein	Framingham Planning Board	0:59:31
Candidate for Town Election	Multiple Town Offices	1:29:55
Many Candidates	Framingham Selectmen and Planning Bd	1:00:00
Michael Bower	Framingham Selectmen	0:29:23
Ed Markey	US Senate	1:03:56
Karen Spilka	US Congress	0:59:08
Katherine Clark	US Congress	0:28:51
Peter Koutoujian	US Congress	0:28:55
Kristen Hughes, Chair of MA GOP	Fall State and National Races	0:27:38
Karen Spilka	US Congress	0:59:01
Carl Sciortino	US Congress	0:28:19
William Brownsberger	US Congress	0:28:21
Martin Long	US Congress	0:28:27
Paul John Maisano	US Congress	0:28:35
Many Candidates	US Congress	1:58:40
Frank Addivino	US Congress	0:27:20
Tom Tierney	US Congress	0:28:22
Mike Stopa	US Congress	0:28:47
Many Candidates	US Congress	1:06:46
Katherine Clark & Frank Addivino	US Congress	1:03:37
Jim Aulenti	US Congress	0:30:00
Deborah Butler	Framingham Selectmen	0:28:50
Doug Freeman	Framingham Selectmen	0:28:32
Cheryl Tully-Stoll	Framingham Selectmen	0:28:52
Ryan Gagne	Framingham Selectmen	0:29:11
Laurie Lee	Framingham Selectmen	0:28:54
Candidates for Town Election	Multiple Town Offices	1:46:06
Candidates for Town Election	Multiple Town Offices	1:10:22
Steve Grossman & James Arena-DeRosa	MA Governor & MA Lt Governor	0:57:58
Carmine Gentile & Brian LeFort	Candidates for State Rep	0:54:27
Brian Herr	US Senate	0:27:58
Mike Lake	MA Lt. Governor	0:28:28
Many Candidates	MA Governor & MA Lt Governor	
Many Candidates	MA Attorney General & MA Treasurer	1:16:27
Leland Cheung	MA Lt. Governor	0:29:07
John Miller	MA Attorney General	0:28:58
Don Berwick	MA Governor	0:29:00
Steve Kerrigan	MA Lt. Governor	0:28:45
Deborah Goldberg	MA Treasurer	0:28:44
Chris Walsh	State Rep	0:29:17
Tom Conroy	MA Treasurer	0:29:10
Tom Sannicandro	State Rep	0:28:55
Maura Healey Interview	MA Attorney General	0:29:14
Suzanne Bump Interview	MA State Auditor	0:29:01
Martha Coakley Interview	MA Governor	0:29:19
Sheldon Schwartz Interview	US Congress	0:28:57
Mark Fisher Interview	MA Governor	0:28:46
Carmine Gentile & Brian LeFort	Candidates for State Rep	0:59:45
Don Berwick	MA Governor	0:25:08
Karyn Polito Interview	MA Lt. Governor	0:29:25
Warren Tolman Interview	MA Attorney General	0:29:30
Marian Ryan and Michael Sullivan	Middlesex County DA	1:23:25
Karen Spilka Interview	State Senate	0:28:38

APPENDIX 4



Alliance for Community Media

**Foundation of the Alliance
for Community Media**

www.allcommunitymedia.org
info@allcommunitymedia.org

Minnesota Headquarters
4248 Park Glen Road
Minneapolis, MN 55416
p: 952 928 4643

Washington DC Office
8817 2nd Avenue
Silver Spring, MD 20910

**CHARTER COMMUNICATIONS,
PEG ACCESS AND OTHER PUBLIC SERVICE OBLIGATIONS
September 21, 2015**

The Alliance for Community Media (www.allcommunitymedia.org) and its members are concerned about the ramifications of the proposed merger between Charter Communications, Time Warner and Bright House Networks to create a “New Charter”. We have identified a significant number of cases which reveal troubling actions by Charter as it relates to the company’s Public Educational and Government (PEG) Access and other local public service obligations.

We summarize the issues below. They are organized by state, but reflect a reasonable characterization of Charter’s behavior related to PEG and public service obligations that are beyond the borders of any particular state.

It should be noted that one of the key “lenses” through which the Federal Communications Commission has viewed other proposed mergers has been whether the situation related to any particular concern will be worse under a merged environment than it would be if the merger does not occur.

WISCONSIN

Charter and Time Warner Cable operate the majority of cable holdings in Wisconsin.

Time Warner Cable has a call center in Appleton. Charter's call center in Fond du Lac is located about 45 miles from Appleton. These call centers would likely be consolidated after the merger, which would cause significant job losses.

Channel Relocation (*Often referred to as "Channel Slamming" is an action taken by a cable company to move PEG channels from lower-numbered positions to little-viewed, high-numbered locations.*)

In 2008, Charter moved all PEG channels on at least 31¹ of its Wisconsin systems from low numbers (like 1, 2, 3, 4, 10, 12, 13, and 19 -- where they had been for decades) to 982-994. Since then, many viewers reported serious reception problems for the PEG channels in the new channel locations. Wisconsin's video franchise law only requires that PEG channels be "transmitted." Signal quality concerns are not addressed.

Time Warner Cable has continued to carry PEG channels on low channel numbers. PEG channel reception problems are rarely reported by Time Warner Cable subscribers. If Charter takes over Time Warner Cable's systems, will Charter relocate these PEG channels to the upper-900s and have no concerns about their signal.

PEG Channels Rarely Appear on Charter's Electronic Program Guide ("EPG")

Recent surveys of cable subscribers throughout the United States reveal that a cable system's EPG has become the primary method used by subscribers to find information about programming on cable TV channels. Unfortunately, few of Charter's Wisconsin systems include PEG program schedules on their EPG. For example, efforts by **Chippewa Valley Community Television (CVCTV) in Eau Claire** to get their listings on the EPG were fruitless. Charter would charge them at least \$100 per month for this capability, far too expensive for CVCTV and other financially struggling PEG management organizations that serve rural and other small communities in Wisconsin, where its state franchise law prohibits PEG fees. *Charter charges PEG channels – but not broadcast or satellite-delivered programming channels -- to include their program schedules on the EPG.*

Charter Charges School Districts for Cable Service

Prior to 2007, when the state franchise law was adopted in Wisconsin, local communities required that cable companies provide cable service at no charge to public buildings and schools. During legislative discussion, lawmakers were left with the impression that such free service would continue without the need for a provision in the state franchise law. However, in recent years, Charter has begun charging these institutions business rates (\$70 per month) for cable service – plus a cable box fee of \$5.99 to \$7.99 per month per box. For example, Charter told **Merrill Area Public Schools** and the **Whitewater Area School District** that one cable box would be provided at no charge to each school, but any

¹ Including these PEG channels: **Beloit Access TV, Chippewa Valley Community Television, City of Algoma TV, Columbus Cable, Deerfield Community Access TV, Fitchburg Access Television, Janesville JATV Media Services, Jefferson JPEG and SDOJ, Lake Mills Community Access TV, Madison City Channel, Madison Metro School District, Marshfield Community Television, Monona School/Community TV, Mount Horeb Village Cable, Rice Lake Public Access Television, River Cities Community Access, Stevens Point Community Television, Sun Prairie Media Center, Superior Community Television, The Ripon Channel, Town of Sevastopol TV, Village of Cambridge TV, Village of Cottage Grove TV, Waterloo Community Access TV, Watertown Television, Waunakee Community Access TV, Whitewater Community Television, WIN-TV (Waupaca), WMCF McFarland, WSCS Sheboygan.**

additional boxes would cost \$7.99 per month. Since the school district could not afford Charter's cable box fees to equip every classroom, the only location where educational cable programming is available is in the school library, where the one free box is kept.

Charter's only-one-free-box-per-school policy caused the same result for financially struggling schools in the **Village of McFarland (Monona Grove School District and the McFarland School District)**.

CALIFORNIA

Non-Payment of PEG Fees as Mandated by the State Franchising Law (DIVCA)

In several California communities that it serves (including **Santa Cruz County, San Luis Obispo County, and the Cities of Capitola, Morro Bay and Grover Beach**), Charter has unilaterally ceased payments of PEG fees established by these communities in conformance with DIVCA (Digital Infrastructure and Video Competition Act), due to the company's interpretation of state law. No other cable operator has done this.

Refusal to Provide Free Connection between PEG Channel Playback Site and Charter's Facilities

In **Long Beach**, Charter discontinued its management of the Public Access channel in 2009, immediately after DIVCA went into effect. Subsequently, nearly four years passed with no Public Access channel in Long Beach, until a local nonprofit organization secured grant funding, which enabled it to set up PADNET (Long Beach Public Access Digital Network), a new Public Access management entity to serve this community.

When PADNET was ready to connect its playback system to Charter's headend, its representatives were told by Charter that a substantial fee would be charged to PADNET for that connection to occur. If PADNET had refused to pay this fee, the revived Public Access channel would not be transmitted to Charter's subscribers.

Although other PEG facilities throughout California do not – and have never -- paid such a connection fee, Charter decided to take this unilateral action against the new Public Access operation in Long Beach.

The **Los Angeles County** channel is another PEG channel that could be serving the residents of Long Beach (which is located within Los Angeles County), but it is not available to Long Beach subscribers because Charter requires the City to pay the company to transmit this channel.

We are unaware of any "connection fee" being charged by Charter to a broadcast channel or satellite-delivered service carried on any Charter system in the United States. Charter's decision to single out PEG channels -- the least likely programming service to be able to afford such a connection fee illustrate much about Charter's attitude about PEG.

*Based on available information, we believe that Charter was the first cable MSO in the United States to impose a connection fee as a condition of PEG channel transmission. Regrettably, other MSOs are starting to follow Charter's example (e.g., in the **San Diego** area, Cox recently sent notices to several cities and PEG channel managers to inform them that the company will begin charging for PEG channel transport from their facilities).*

Charter to Begin Charging Schools for Cable Service

Mirroring its practice in Wisconsin, Charter has informed local schools in **Long Beach** that cable service previously provided by the company at no charge to public buildings and schools is being discontinued.

PEG Channels Do Not Appear on Charter's Electronic Program Guide ("EPG")

In **Pasadena**, PEG programming information is not on Charter's EPG, due to the high fee quoted by Charter and its incorrect statement to Pasadena Media that the information has to be locked in at least one month in advance.³ PEG programming information is also unavailable on Charter's EPG in **Long Beach**.

³ According to Rovi (a company that provides EPG service to Charter), 30 days of current data must always be present, but *it can be changed/updated as late as one day in advance*. (See: <http://alist.rovicorp.com/farsight/Include/ALISTHelp.pdf>)

MASSACHUSETTS

Channel Relocation

Charter has moved PEG channels in several locations in Massachusetts. For example, in 2014 Charter unilaterally moved PEG channels in **Northbridge** from 11, 12, and 13 to 191, 192 and 194. This was done despite the Town's franchise agreement, which stated that the PEG channels would be on 11, 12 and 13. At a public meeting, Charter representative Tom Cohan told the Northbridge Selectmen that it was a mistake for Charter to agree to the PEG channel location terms in the franchise agreement, but Charter would not move the channels back. Without citing any evidence, Mr. Cohan claimed that lower channel positions are unimportant.⁴

The Selectmen believe Charter is in breach of its contract with Northbridge, but are reluctant to take Charter to court because of the expense. Charter has repeated this behavior towards PEG in **Worcester, Uxbridge, and Douglas**, unilaterally moving their PEG channels and harming service to local communities.

MINNESOTA

Channel Relocation

In 2014, Charter unilaterally decided to move the PEG channels in **Rochester**, despite the City Council's previous denial of Charter's request to do so.^{5,6} The channels were moved from 10, 19, 20, 21 and 22 to the 180s. Although the "Relocation of PEG Channels" section of the Rochester franchise agreement states that "*Grantee and Grantor may at any time agree to relocate any PEG access Channel to a different Channel number,*" Charter interpreted this to mean that the company just had to inform the city, not to have a mutual agreement. This section of the franchise agreement goes on to state that "*Grantee shall provide Grantor and all Subscribers with at least thirty (30) days prior written notice of any legally required relocation.*" However, no advance notice was given to the City by Charter, which notified Council members of the change in a letter on the day the channels were moved.

Also in 2014, Charter moved **St. Cloud** PEG channels 12, 19, 6, 21 and 20 to channels 180, 181, 187, 188 and 189, respectively.⁷ Charter did not receive written consent from the City of St. Cloud prior to the relocation, which the City stated was required by the franchise agreement. In this case, the corporation made the move after it had been denied by the city.

⁴ <https://www.youtube.com/watch?v=DZdhea-vigI&feature=youtu.be>

⁵ KTTC, October 16, 2014. <http://www.kttc.com/story/26809907/2014/10/16/charter-communications-relocates-channels-city-officials-say-potential-violation>

⁶ Rochester Post Bulletin, October 17, 2014. http://www.postbulletin.com/business/charter-change-upsets-rochester-council/article_5a1b78f4-b415-5489-85d9-225235b415a7.html

⁷ St. Cloud Times, September 4, 2014. <http://www.sctimes.com/story/news/local/2014/09/04/city-st-cloud-accuses-charter-violating-agreement/15070577/>

MISSOURI

Channel Relocation

Shortly after Missouri's state franchising law took effect in 2007, Charter moved PEG channels throughout the state from lower-numbered positions to the mid- to upper-900s, a move that required many subscribers to pay a \$5 monthly fee for a cable box to tune in city council meetings and other community programming.

St. Louis aldermen held a lengthy public hearing about this action, to no avail. They said that Charter was not listening to those residents who care about public programming.⁸ **Florissant** Mayor Robert Lowery said that this action by Charter was especially hard on older adults and others on a fixed income. **Brentwood** Mayor Pat Kelly learned about the change from residents who called him to ask why the local government channel had gone dark. Kelly said that "since we no longer have a franchise agreement with Charter, we really don't have any club to fight with."⁹

MONTANA

Charter's Switch from Analog to Digital Could Cost Schools \$60,000-100,000

In **Missoula**, the existing local franchise agreement requires Charter to provide a free connection to each school. In July of 2014, Charter informed the School District that the company's switch from analog channels to digital would require new digital set-top boxes for every TV. A cable box on every TV was not needed previously in the School District's 628 classrooms. The next month, cable service was no longer available to those classrooms.

To outfit each classroom with a digital cable box, the cost to the School District "could be anywhere from \$60,000 to \$100,000," according to Hatton Littman, Director of Technology and Communications with Missoula County Public Schools.^{10, 11}

⁸ St. Louis Post Dispatch, July 1, 2010. http://www.stltoday.com/news/local/govt-and-politics/st-louis-aldermen-fired-up-at-charter-want-cable-co/article_a215677e-853d-11df-96e2-00127992bc8b.html

⁹ St. Louis Post Dispatch, February 21, 2010. http://www.stltoday.com/news/local/metro/city-council-meetings-get-pushed-off-many-screens/article_7944de68-5acd-5f2f-aca7-cf65d658efec.html

¹⁰ Missoulian, August 27, 2014. http://missoulian.com/news/local/charter-digital-tv-conversion-could-mean-higher-costs-for-city/article_70ae6a52-2d7f-11e4-94c7-001a4bcf887a.html

¹¹ KECI, August 28, 2014. <http://www.nbcmontana.com/news/city-schools-negotiate-with-charter-to-get-cable-service-back/27781240>

APPENDIX 5

Declaration of Michael S. Wassenaar

I am Michael S. Wassenaar, President of the Alliance for Community Media. This declaration is submitted in support of the *Joint Petition to Deny* applications in FCC Docket Number MB 15-149.

The Alliance for Community Media is a national nonprofit membership organization representing over 3,000 PEG access organizations and community media centers, and PEG programmers throughout the nation. Those PEG organizations and centers include more than 1.2 million volunteers and 250,000 community groups that provide PEG access television programming in local communities across the United States.

The factual assertions in the *Joint Petition to Deny* of which official notice may not be taken are true to the best of my knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 13, 2015.

A handwritten signature in black ink, appearing to read 'M. Wassenaar', with a long horizontal flourish extending to the right.

Michael S. Wassenaar

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I, James N. Horwood, certify that today, October 13, 2015, I have served copies of the foregoing Joint Petition on the following parties and staff via email:

Vanessa Lemmé
Media Bureau
Vanessa.Lemme@fcc.gov

Ty Bream
Media Bureau
Ty.Bream@fcc.gov

Elizabeth McIntyre
Wireline Competition Bureau
Elizabeth.McIntyre@fcc.gov

Adam Copeland
Wireline Competition Bureau
Adam.Copeland@fcc.gov

Jim Bird
Office of the General Counsel
TransactionTeam@fcc.gov

John Flynn
Jenner & Block
Counsel for Charter
jflynn@jenner.com

Matthew Brill
Latham & Watkins
Counsel for TWC
mattew.brill@lw.com

Steven Horvitz
Davis Wright Tremaine
Counsel for Advance/Newhouse
SteveHorvitz@dwt.com

/s/ James N. Horwood

James N. Horwood
Spiegel & McDiarmid LLP

October 13, 2015