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Supporting community expression through media since 1998.

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April 19, 2016

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

Re: Promoting the Availability of Diverse and Independent Sources of Video (DN 16-41)

Dear Ms. Dortch:

I am writing on behalf of Wisconsin Community Media. WCM is a 501(c)(6) professional organization representing the interests of 51 Public, Education, and Government (PEG) access centers in Wisconsin. WCM's mission is to support local expression through media and we do this through a variety of member services including conferences, media fests and other activities that encourage professional development, networking, and program sharing between centers. WCM also promotes community media and lobbies at the state and federal levels.

We appreciate the opportunity to provide information for the FCC's inquiry.

The FCC asks the following questions regarding Public, Educational and Government Access channels in the inquiry:

We seek comment on MVPD's practices with respect to making PEG programming information available to subscribers. To the extent that MVPDs do not make this information available, is this for technical reasons, and if so, can the technical barriers be surmounted? Is the Congressionally-imposed prohibition against editorial control of PEG channels relevant to this issue? What is the source of the Commission's authority in this area, if any?

Electronic Program Guide

Most of our members operate access centers in areas of the state where Charter Communications holds the franchise. In Charter systems, the access channels are clustered between 979 and 994 where a casual television viewer never ventures. This is a source of great dissatisfaction to our member access centers because it renders their channels virtually invisible. The lack of carriage on the EPG reinforces that invisibility. Everyone knows that to find out what's on TV, you turn to the Electronic Program Guide. If you are unable to watch a program live, you record it, simply and easily by clicking on the name of the program. Every program service on cable television is on this list – except for 83% of WCM's member access channels. WCM found this out when it conducted a survey last fall that had a 96% return rate.

WCM is now conducting a follow-up survey. We have received responses from 24 access centers so far.

- Fifteen of the 24 (63%) would like to be on the EPG but are not;
- Three (12%) do not want to be in the guide;
- Six (25%) are on the EPG. Of these six,
 - 2 succeeded by talking directly to the EPG vendor and bypassing Charter;
 - 1 succeeded by talking to Charter only;
 - 1 each succeeded by talking with either Charter, Time Warner or Solarus and the EPG vendor.

There is no consistent approach that reaps results. Of the fifteen who tried to get on the EPG but failed, two contacted the vendor alone, three reached out to the cable company only, and four contacted both the EPG vendor and the cable company.

Access centers have been continually discouraged by cable companies from pursuing carriage on the EPG and in this latest survey, we found that six of the 15 who want to be on the EPG did not reach out to anyone. Why? We asked respondents to check all the reasons why they failed to get on the EPG.

- Four blamed the cable company for stonewalling their efforts;
- Four said the EPG vendor stonewalled their efforts;
- Five said they have no idea who to contact about this;

- Three said they didn't think it was possible to be carried; and
- Three responded that they only programmed the channel for a few hours or believed it would require too much staff time.

Stories have circulated among member access centers about the difficulties others have had trying to get on the EPG. An example I have given to the FCC before occurred in 2013. At that time, Chippewa Valley Community Television in Eau Claire attempted to get its program schedule carried on the EPG. The station contacted Charter and eventually got this response:

In order for a local access channel to have their programming information added to Charter's program guide they must first contact Rovi to coordinate a customized source code at ipgcustomersupport@rovicorp.com. This process requires them to provide their Charter source code so that it may be changed to a customized code specific for them. They can then provide specific program titles and program details for themselves. The cost to have this option is \$100 per month. Additional cost may be assessed per Rovi depending on the level of service needed to support the PEG channel/director. All costs will be at the PEG's (franchise's) expense.

CVCTV shared Charter's email with Rovi and received the following email:

Charter needs to contact their Rovi Account Rep to provide a contracted price as I am unable to provide this information. Also worth mentioning: Charter has to contact Rovi Customer Support to request a new LO source. Though this is something they should be aware of already.¹

CVCTV never received a satisfactory response from Charter after months pursuing the idea. Lacking support for this effort, CVCTV finally decided to give up; trying to get this done was taking too much staff time and the cost was prohibitive for CVCTV, which had lost over half of its funding when PEG fees ended due to the state franchise law passed in 2007.

What Wisconsin's PEG access centers need is recognition from the FCC that like every other channel on the cable system, PEG access channels must be carried in the EPG. It is completely unreasonable to expect viewers to go anywhere else to get this information. The EPG functions like the table of contents of a book. A reader expects all the chapters of a book to be listed there. No reader rifles through a book expecting unlisted "bonus chapters." If a cable operator is required to carry an access channel on its system, it follows that this channel should be listed like every other channel in the EPG with its

¹ Email of December 11, 2013 from Jeffrey Cantwell, Rovi Corporation to Donna Berry CVCTV.

programming schedule. This unequal treatment for the PEG access channels cable companies are required by law to carry is a half-measure of compliance. NCTA's suggestion that a city can use its website to list its cable access programming is no reasonable solution and it completely ignores the EPG's function as a recording system allowing VOD.

John Bloner of Kenosha Community Media put it very simply in his survey response. "Viewers should have the ability to learn about and make decisions on which shows they would like to watch."

High definition carriage.

While most access centers at this time are producing HD programming, only two access channels are carried in HD in Wisconsin. Trempealeau County Community Television is carried on a county-run cable system, Tri-County Communiation Cooperative. River Cities Community Access in Wisconsin Rapids is carried in HD on the Solarus cable system. Time Warner and Charter Communications do not carry the access channels in HD, nor does AT&T.

Technical standards.

In 2007, the State of Wisconsin passed state franchise legislation making local franchising illegal. The statute does not contain any technical standards for carriage of access channels. In a survey of stations conducted last fall, WCM found that more than half of the PEG centers on Charter systems are dissatisfied with the reception and most of these gave the company low "1"s and "2"s on a scale of 10. In comparison, most access centers rated Time Warner a "5" or higher. The few access centers with Comcast or small independent providers were very satisfied with the reception. Virtually none of the survey respondents were satisfied with the style of carriage on AT&T where access is found under a series of menu options on channel 99. Lacking any regulatory oversight, the companies are providing the service quality to access channels that they want to; this is not necessarily the same as good quality.

We appreciate the opportunity to enter this information into the record.

Sincerely,

A handwritten signature in cursive script that reads "Mary Cardona". The signature is written in black ink on a light-colored background.

Executive Director
Wisconsin Community Media