

To improve operating efficiency and customer service, Booth American seeks to conclude the headend consolidation as soon as possible. Retention of small system relief for the combined system is a critical factor in determining whether to make the capital investment necessary to combine the two headends. Consequently, Booth American asked that the Commission consider the Petition expeditiously and not delay processing while this fee waiver request is pending.

III. CONCLUSION AND REQUESTED RELIEF

The Commission determined that reduction of administrative burdens and costs of rate regulation on small cable companies serves the public interest. Because the grant of this petition will immediately reduce the costs of rate regulation on Booth American by \$910, the grant of this petition will service the public interest. Consequently, Booth American requests that the Commission waive the \$910 filing fee. Booth American also requests that the Commission entertain and, if possible, rule on the Petition without any delay attributable to this fee waiver request.

As required by 47 C.F.R. § 1.1116(e), Booth American submits this waiver request with a check for \$910 and a Form 159.

Respectfully submitted,

BOOTH AMERICAN COMPANY

By: 

**Eric E. Breisach
Christopher C. Cinnamon**

**HOWARD & HOWARD
The Phoenix Building, Suite 500
222 Washington Square, N.
Lansing, Michigan 48933-1817**

**Attorneys for Booth American
Company**

RECEIVED

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

NOV 28 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of	)	Ashe	NC 0934
	)	Avery County	NC 0638
Booth American Company	)	Banner Elk	NC 0122
	)	Beech Mountain	NC 0450
Waiver of Small System Size	)	Blowing Rock	NC 0511
Limitation	)	Boone	NC 0033
		Carter County	TN 0392
		Caldwell County	NC 0935
		Crossnore	NC 0639
		Elk Park	NC 0123
		N. Watauga County	NC 0144
		Newland	NC 0225
		S. Watauga County	NC 0637
		Seven Devils	NC 0636
		Sugar Mountain	NC 0157

PETITION FOR SPECIAL RELIEF

Eric E. Breisach
Christopher C. Cinnamon

HOWARD & HOWARD
The Phoenix Building, Suite 500
Washington Square, N.
Lansing, Michigan 48933-1817

Attorneys for Booth American
Company

Dated: November 27, 1995

EXHIBIT 1

CERTIFICATE OF SERVICE

I, Ida Buntin, a secretary at the law firm of Howard & Howard Attorneys, P.C., hereby declare that the Booth American Company Petition by a Small Cable Company for Waiver of Filing Fee was sent on the 6th day of December, 1995, by first class and certified mail to:

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
c/o Mellon Bank
Cable Services Bureau
P.O. Box 358205
Pittsburgh, PA 15251-5205

and that in a second envelope sent by first class and certified mail directed to Chairman Reed Hundt ten individual envelopes were sent, each containing a copy of the above-referred to document and a copy of the December 6, 1995 letter directed to Mr. Caton. The ten envelopes were addressed as follows:

Ms. Meredith Jones
Chief
Cable Services Bureau
Federal Communications Commission
1919 M Street NW
Washington DC 20554

Commissioner James Quello
c/o Maureen O'Connell
Cable Services Bureau
Federal Communications Commission
1919 M Street NW
Washington DC 20554

Mr. Gregory Vogt
Deputy Chief
Cable Services Bureau
Federal Communications Commission
1919 M Street NW
Washington DC 20554

Commissioner Rachelle Chong
c/o David Furth
Cable Services Bureau
Federal Communications Commission
1919 M Street NW
Washington DC 20554

Chairman Reed Hundt
c/o Mr. John Nakahata
Cable Services Bureau
Federal Communications Commission
1919 M Street NW
Washington DC 20554

Commissioner Susan Ness
c/o Mary McManus
Cable Services Bureau
Federal Communications Commission
1919 M Street NW
Washington DC 20554

Commissioner Andrew Barrett
c/o Lisa Smith
Cable Services Bureau
Federal Communications Commission
1919 M Street NW
Washington DC 20554

Thomas Power
Cable Services Bureau
Federal Communications Commission
1919 M Street NW
Washington DC 20554

John Norton
Cable Services Bureau
Federal Communications Commission
1919 M Street NW
Washington DC 20554

Sandy Parrish
Cable Services Bureau
Federal Communications Commission
2033 M Street NW
Washington DC 20554

Dated: December 6, 1995


Ida Buntin

Drafted by:
HOWARD & HOWARD ATTORNEYS, P.C.
The Phoenix Building, Suite 500
222 Washington Square, North
Lansing, Michigan 48933-1817

ccc\cable\certificate.2dc

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

In the Matter of	)	Village of Beverly Hills	MI 0662
	)	City of Birmingham	MI 0664
Booth American Company	)	Village of Bingham Farms	MI 0663
	)	City of Bloomfield Hills	MI 0928
Waiver of Small System Size	)	Township of Bloomfield	MI 0929
Limitation	)	Village of Franklin	MI 0665

PETITION FOR SPECIAL RELIEF

EXHIBITS

**Eric E. Breisach
Christopher C. Cinnamon**

**HOWARD & HOWARD
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Washington Square, N.
Lansing, Michigan 48933-1817**

**Attorneys for Booth American
Company**

Dated: December 1, 1995

CABLE COMMUNICATIONS FRANCHISE AGREEMENT

BETWEEN

THE CITY OF BIRMINGHAM, MICHIGAN

AND

BOOTH COMMUNICATIONS OF BIRMINGHAM

fifth (5th) year of the franchise in accordance with the Franchisee's Proposal and the provisions of Section 23(c) below.

(f) The Franchisee shall provide equipment for the governmental and public educational users of the institutional network as set forth in Exhibit E. In addition, the local origination equipment outlined in Exhibit F shall be made available to the governmental and public educational institutional network users. All maintenance, repair and periodic replacement of any equipment necessary on account of normal wear and tear and periodic replacement of any outmoded equipment shall be provided by the Franchisee at no charge to the governmental and public educational institutional network users or the City. Replacement equipment shall reflect advances in the state of art, provided that such new equipment is compatible with the balance of the system. The equipment to be provided by the Franchisee pursuant to this section shall be available for use within sixty (60) days after a written purchase order therefor has been submitted to the Franchisee by the Cablecasting Board.

Section 23. PUBLIC ACCESS

(a) The Franchisee shall make available, at no cost, at least one access channel exclusively dedicated for use by the public. Public Access Programming shall be made available within twelve (12) months of the effective date of the franchise.

(b) The Franchisee shall provide Fifty Thousand (\$50,000) Dollars per year, throughout the duration of the franchise, to be used in cooperation with the City and the Cablecasting Board or a community service agency (or consortium of such agencies) approved by the City for professional personnel to assist citizens and community groups in broadcasting public access programming. All personnel hired pursuant to this grant shall be part of the staffing provided by the Franchisee pursuant to Section 25. The above amount may be modified in an agreement between the Franchisee and the community service agency, which agreement shall be approved by the City.

(c) The Franchisee shall retain the National Federation of Local Cable Programmers to conduct seminars and professional training workshops and sessions for all access users. The NFLCP training programs shall be funded and conducted through the fifth (5th) year of the franchise in accordance with the Franchisee's Proposal (Form O, p. 7 of 7, Part II).

(d) The Franchisee shall provide a public access studio within the City of Birmingham and a public access facility in a mobile cablecasting van. These facilities shall be equipped as set forth in Exhibit E. In addition, the local origination equipment outlined in Exhibit F shall be made available to public access users. All maintenance, repair, and periodic replacement of the equipment necessary on account of normal wear and tear and periodic replacement of outmoded equipment shall be provided by the Franchisee at no charge to the public access users or the City. Replacement equipment shall reflect advances in the state of the art, provided that such new equipment is compatible with

the balance of the system. The equipment to be provided by the Franchisee pursuant to this Section shall be available for use within sixty (60) days after a written purchase order therefore has been submitted to the Franchisee by the Cablecasting Board.

(e) The Franchisee shall prepare a set of rules and procedures governing the availability and use of the public access studio, equipment and programming. These rules shall be prepared in cooperation with the Cablecasting Board and shall be submitted to the City Commission for its approval. Upon approval of the City Commission, the rules shall be established. The rules shall be posted at each studio location and the Franchisee's business office and shall be provided to all access users and any other person so requesting. Amendments to the rules shall be approved by the City Commission or the Cablecasting Board if so directed by the Commission.

Section 24. LOCAL ORIGINATION PROGRAMMING

(a) The Franchisee shall furnish all subscribers with local origination programming which shall include news and public affairs, sports, educational, cultural and entertainment programs oriented toward the activities and interests of the City.

(b) The Franchisee shall provide sixteen (16) hours per week of local origination programs within six (6) months after initial service is provided, ten (10) hours of which shall be produced locally by the Franchisee.

(c) The Franchisee shall provide a studio in the City of Birmingham, having a minimum size, not including the control room, of six hundred (600) square feet, for production of its local origination programming. The local origination facilities shall be equipped as outlined in Exhibit F, which equipment shall also be made available to all access users on a cooperative basis without charge.

(d) In addition to the local origination programming, the Franchisee shall provide alphanumeric origination cablecasting of news and information. Such cablecasting shall include:

(1) A community calendar of events, with specific orientation toward activities within the City and Oakland County.

(2) Transmissions from any alphanumeric terminals furnished to the City and the School District.

(3) Transmissions, on a priority basis over allocated channels, of an emergency information nature.

(4) AM and/or FM stereo radio signals or other musical offerings shall be provided by the Franchisee as audio background for alphanumeric cablecast transmissions.

Section 25. ACCESS AND LOCAL ORIGINATION PERSONNEL

(a) The Franchisee shall provide at a minimum the following personnel to operate and coordinate the access and local origination programming:

- (1) First year: five (5) full time and three (3) part time employees in accordance with following schedule:

Education Liaison Person	- 90 days
Program Director	-135 days
Public Access Coordinator	-180 days
Two additional full time and three part time	-270 days

- (2) Second through ninth year: five(5) full and three (3) part-time employees;

- (3) Tenth year and beyond: six (6) full time and three (3) part time employees.

In addition, Forty Seven Thousand (\$47,000) Dollars shall be allocated to the National Federation of Local Cable Programmers in accordance with Section 23(c) above.

As used in this section, "part time employees" are defined as employees working a minimum of twenty (20) hours per week.

(b) One of the full time employees shall be assigned the duties of full time educational liaison person and shall work exclusively with the School District and other educational institutions. The educational liaison person shall maintain an office provided by the School District. The duties of this position shall include providing ongoing training for teachers, students and administrators in the use of equipment and the production of programming, coordinating internships for on-the-job training of students and facilitating programming by universities for course offerings to the cable system subscribers.

(c) Two (2) of the full time employees shall be assigned to facilitate public access programming. One (1) employee shall be a full time public access program coordinator and the other shall be a full time public access program technician.

(d) The remaining employees shall be utilized for providing both local origination and access services, including assistance with government access programming. Once per week the Franchisee shall provide personnel to cablecast the City Commission meeting or any one public meeting designated by the City Commission on the government access channel. In cablecasting the above mentioned meeting, the Franchisee shall provide a color camera and switching equipment from its equipment pool to be used in conjunction with the camera and equipment listed in Exhibit E, Government Access, Birmingham.

Section 26. LEASED ACCESS

Charges for use of the leased access channel, or portion of any channel dedicated to such use, and for the use of any facilities and equipment, and for the services of any of the Franchisee's personnel, shall be reasonable and shall not be subsidized by subscribers. Rules for use of the leased channels conforming to Title II, Chapter 20 of the Birmingham City Code shall be adopted by the Franchisee.

Section 27. FEES

(a) As compensation for the use of the City's streets, public ways and places, and other facilities, and for the construction, operation, maintenance, modification, and reconstruction of a Cable Communications System, and for the City's costs of maintenance, improvement, and supervision thereof, and for the City's costs of establishing and conducting the regulatory activities required by virtue of the franchise granted, the Franchisee shall pay to the City an amount equal to five (5%) percent of the Franchisee's gross revenues from all sources attributable to the operation of the Franchisee within the City of Birmingham, unless a waiver or other authorization is denied by the FCC,

EXHIBIT B

1. Non-Pay TV Subscriber Service Levels

(a) Economy Service

This service level provides 21 channels of customer service, including access to one pay-tv option.

(b) Prime Entertainment/Information

This service level provides up to 54 channels of cable communications service, including access to all pay-tv options.

2. Pay TV Service Levels

All homes equipped with reception for Economy or Prime Entertainment cable communications service may receive the Mini-Pay TV option. Only the prime entertainment cable communications service may receive the Maxi-Pay premium pay cable options.

(a) Mini-Pay TV

This service offers the Home Theatre Network/A.P. Sports Wire or a service offering equivalent to Home Theatre Network or HTN plus.

(b) Maxi-Pay TV

This service offers the programming set forth in subsection III of "Program Offerings" below.

PROGRAM OFFERINGS

I. Economy Service

1. WJBK-TV, Channel 2, CBS
2. Twenty-four hour Program Guide-Cable Program Review/Around Town
Guide
3. WDIV-TV, Channel 4, NBC
4. Local Origination-Community Calendar-Area Events
5. WXON-TV, Channel 20, IND
6. WXYZ-TV, Channel 7, ABC

EXHIBIT B (Continued)

7. Government Access-C-SPAN-Bulletin Board
8. CBET-TV, Channel 9, CBC
9. Public Access/Program Guide
10. WKBT-TV, Channel 50, IND
11. WTVS-TV, Channel 56, PBS
12. WGPR-TV, Channel 62, IND
13. ACSN-AETN-Educational Programming/Educational access
14. ALPHA-Cultural Programming/UPI News/Time/Temperature
15. Educational Access - elementary and secondary schools
16. Associated Press Sports Wire
17. Consumer Factbook/Times Mirror Shopping Service
18. Leased Access
19. Channel 38, Mt. Clemens (Future Service)
20. Job Listing

III: Prime Entertainment

1. WTBS-TV, Channel 17, IND
2. Associated Press Cable News/24 News
3. CBN/PTL/Jewish TV Network/NCN/Trinity Broadcasting/
Religious access
4. Reuters Financial News and Stocks-24 hours
5. Satellite Program Network-movies, talk shows
6. Cinamerica-travel log, etc. (Future Service)
7. Nichelodian-children's and teenage programming
8. Educational Access-higher learning (2 channels)
9. Radar weather
10. Medical/Special Service Access/Modern Satellite Network
11. CBS Cable
12. WGN-TV, Channel 9, IND
13. WOR-TV, Channel 9, IND

EXHIBIT E

ACCESS EQUIPMENT

GOVERNMENT ACCESS

Birmingham

- 1 Remote Keyboard
- 1 Channel Trapped Out
- 1 Color Camera with Tripod
- 1 VCR - VHS Format
- 1 Modulator
- 3 25" Color TV
- 2 19" Color Monitors
- 9 Modulators Institutional/Network
- 9 25" Receivers W/Converter/Cart
- * Plus Access to Mobile Van

Beverly Hills

- 1 Remote Keyboard
- 1 Portable Color Camera and VCR with Tripod
- 1 VCR - VHS Format
- 1 Modulator
- 1 7" Reel to Reel with Microphones
- 5 25" Monitors W/Converter/Cart
- 3 Modulators
- * Plus Access to Mobile Van

Franklin

- 1 Remote Keyboard
- 1 Color Camera with Tripod
- 1 VCR - VHS Format
- 3 Modulators

EXHIBIT E (Continued)

- 3 25" Monitors W/Converter/Cart
- * Plus Access to Mobile Van

EDUCATIONAL ACCESS

The following list of equipment is to be provided to the Birmingham Public School District to be Distributed in Accordance with the Request for Proposals.

- 9 Cameras GP4D
- 9 VCRs JVC HR 2200U
- 3 VCRs W/Edit system - 3/4 inch
- 47 25" Color Monitors W/Converter/Cart
- 11 Modulators
- 3 Camera Switchers WJ 4600A W/special effects
- 3 Time Base Correctors CVS506
- 1 BEI Character Generator
- 4 Remote Keyboards
- * Plus Access to Mobile Van

EXHIBIT F

LOCAL ORIGINATION EQUIPMENT

Local Origination

2 Sony DXC1800 Cameras
2 Camera Dollies ITE-T5
2 O'Connor Fluid Heads
1 Switcher Crosspoint Latch 6/04A with audio control
1 Monitor dual 8" Video TEK
1 Video TEK 12" W/X Pulse
1 Film Chain Telemedia
1 TBC CUS 506
1 Waveform Monitor Video Tek
1 Vector Scope Video Tek
1 Monitor B/W 9" W/Insert for Waveform
1 25" Color Studio Monitor
1 JVC 8200 3/4" VCR and 1 RM 88 edit control unit
1 JVC 4400 Playback Slave
1 Lighting Kit 600 sq. ft. Studio
1 Bridging Switcher
1 Character Generator BEI
1 Audio Cassette Technics RSM65
1 Audio Turntable Technics SL/200MKII
3 Desk Mike Stands
1 Studio Ladder
1 Intercom System
4 Sony Lavalier Microphones
3 Electrovoice 635A
1 Video Amp
1 Audio Amp
2 Floor Stands for microphones
1 Van
2 Sony DXC 1800 Cameras W/33' cables

CABLE COMMUNICATIONS FRANCHISE AGREEMENT

BETWEEN

THE CITY OF BIRMINGHAM, MICHIGAN

AND

BOOTH COMMUNICATIONS OF BIRMINGHAM

(d) The Franchisee shall assist its designee in organizing a citizens advisory committee and shall prepare the by-laws of said committee. Neither elected nor appointed officials of the City, nor City employees shall be eligible to serve on the committee. The purpose of said committee will be to provide the Franchisee with necessary information and other background to enable the Franchisee to meet the needs of the community, their on-going requirements with respect to cable television and, generally, to both screen and promote citizen's concerns relative to the cable system in the Franchise territory. The committee shall also report on system problems and subscriber complaints. The committee shall receive notice of all requests, demands or notices served on Franchisee by the City or Cablecasting Board under this Agreement, shall receive copies of all reports and recommendations of the City and Cablecasting Board made under this Agreement and shall be given the opportunity to appear and present reports to the City and Cablecasting Board with respect to matters arising under this Agreement.

Section 22. INSTITUTIONAL NETWORK

(a) The bidirectional forty-two (42) channel institutional network shall be activated and operational as set forth in the timetables set forth on Exhibit D and shall be available without cost to all non-profit institutions listed on Exhibit D.

(b) The Franchisee shall provide standard and institutional outlets in the numbers and in the

Each standard outlet shall receive the economy subscriber service. Programming from the prime entertainment service shall be available to institutional users upon request.

(c) Modulators shall be provided at no cost to the City and to the public school buildings in the Birmingham School District as set forth in Exhibit E. The Franchisee shall install such modulators at the locations designated by the recipient. No installation charges shall be made. The Franchisee shall provide three (3) portable modulators which shall be available for the Franchisee's own local origination programming, as well as to institutional users on a cooperative basis without charge.

(d) Each circuit of the institutional network shall interface with the subscriber cable system at the Franchisee's operation center, where equipment capable of rerouting institutional network signals onto the subscriber's service network and vice-versa, or from upstream to downstream circuits shall be operated and maintained. The operation center shall be staffed twenty-four (24) hours by persons able to reroute the circuits.

(e) The Franchisee shall provide a minimum of two hundred (200) hours of professional training to City personnel during each of the first two (2) years of the franchise. In addition, training programs shall be funded and conducted through the

fifth (5th) year of the franchise in accordance with the Franchisee's Proposal and the provisions of Section 23(c) below.

(f) The Franchisee shall provide equipment for the governmental and public educational users of the institutional network as set forth in Exhibit E. In addition, the local origination equipment outlined in Exhibit F shall be made available to the governmental and public educational institutional network users. All maintenance, repair and periodic replacement of any equipment necessary on account of normal wear and tear and periodic replacement of any outmoded equipment shall be provided by the Franchisee at no charge to the governmental and public educational institutional network users or the City. Replacement equipment shall reflect advances in the state of art, provided that such new equipment is compatible with the balance of the system. The equipment to be provided by the Franchisee pursuant to this section shall be available for use within sixty (60) days after a written purchase order therefor has been submitted to the Franchisee by the Cablecasting Board.

Section 23. PUBLIC ACCESS

(a) The Franchisee shall make available, at no cost, at least one access channel exclusively dedicated for use by the public. Public Access Programming shall be made available within twelve (12) months of the effective date of the franchise.

EXHIBIT D

FACILITIES TO BE SERVED ON THE INSTITUTIONAL NETWORK

D (I) Government and Public Service Agencies (to be fully operational within twelve (12) months)

Birmingham

Birmingham City Hall (2)
Adams Fire Station (1)
Chesterfield Fire Station (1)
Ice Arena (1)
Baldwin Library (2)
Department of Public Works (1)
Birmingham Bloomfield Art Assoc. (1)
Birmingham Community House (1)
Common Ground (1)
Springdale Golf Course (1)
Lincoln Hills Golf Course (1)

Beverly Hills

Village Hall (3)
Department of Public Safety (1)
Department of Public Works (1)

Franklin

Village Hall and Police Department (2)
Franklin Library (1)
Franklin Fire Hall (1)

D (II) School Buildings within Franchise Area

District Administration Building (3)
BCCE (1)*
Derby Middle School (45)
Midvale Elementary (17)
Pierce Elementary (26)

* If BCCE is sold to William Beaumont Hospital no drops or outlets shall be provided.

NOTE - The number in parentheses represents the number of A and P outlets in each facility.

EXHIBIT D (Continued)

Quarton Elementary (27)
Seaholm High School (105) **
Torry Elementary (1) ***
Groves High School (106) **
Berkshire Middle School (48)
Beverly School (26)
Greenfield School (25)
Franklin Elementary (1)
Bingham Farms Elementary (23) **

D (III) Schools Outside Franchise area - (See Section 6(g)
of the Agreement)

Pembroke Elementary (27)
Covington Middle School (48)

D (IV) Schools Outside Franchise area - (See Section 6(g)
of the Agreement)

Harlan Elementary (31)
West Maple Junior High (37)
Walnut Lake Elementary (23)
Meadow Lake Elementary (25)

** Schools fully operational in twelve (12) months. All others
to be fully operational within eighteen (18) months.

*** If Torry Elementary is sold to a non-public institution or
non-public service agency no drops or outlets shall be provided.

NOTE - The number in parentheses represents the number of A and B
outlets in each facility.

A G R E E M E N T

AN AGREEMENT GRANTING A NON-EXCLUSIVE
FRANCHISE TO BOOTH COMMUNICATIONS OF
BLOOMFIELD TO OPERATE A CABLE TELEVISION
SYSTEM IN THE CITY OF BLOOMFIELD HILLS
AND SETTING FORTH CONDITIONS ACCOMPANYING
THE GRANTING OF THE FRANCHISE.

5.3 Satellite Earth Stations. Grantee shall provide two (2) satellite earth stations initially [one (1) single signals and one (1) multiple signal type, both located at the Grantee's cable system facility in Birmingham, Michigan]. Grantee shall reasonably provide a sufficient number of earth stations to receive signals from all operational communications satellites that generally carry programs carried by cable systems, throughout the life of the franchise.

5.4 Capacity for Interactive Residential Services. Grantee shall provide initially the capability for interactive residential services including, but not limited to, impulse pay-per-view, one-way pay-per-view, opinion polling, security service and video games. Grantee shall also provide the capacity for energy management, electronic banking, videotext, data base access, electronic mail, interactive games and data networking services, with such services to be added within two (2) years of the effective date of this Agreement or within one (1) year of the first introduction of such service on an operational basis in Southeastern Michigan whichever occurs later. All customer equipment necessary for such services, such as addressable interactive converters, home terminals and home detectors, shall be provided to subscribers by Grantee in accordance with established and uniform rate schedules.

5.5 Cablecasting Facilities. Grantee shall provide the following cablecasting facilities or their equivalent for the cable system serving the Township of Bloomfield and the City of Bloomfield Hills, at the estimated costs shown: