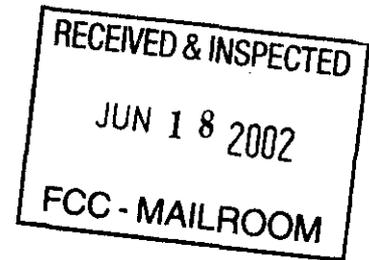


Regional Telecommunication Commission
8230 North Pelican Lane, River Hills, Wisconsin 53217
Tel: 414-347-7089
Fax: 414-347-7670
E-mail: bob.chernow@rbcdain.com

DOCKET FILE COPY ORIGINAL

June 11, 2002



Secretary
Federal Communications Commission
445 12th Street, SW
Room TW-204B
Washington, DC 20554

Docket #s **CS Docket 00-185**
 CS Docket 02-52

Dear Secretary:

The Regional Telecommunication Commission and the North Shore Cable Commission wish to respond to the FCC Declaratory Ruling of March 14, 2002 which made cable modem services an "interstate information service" and not a "cable service."

We object to this ruling for the following reasons:

1. We strongly object to any loss of control over our state and local rights of way, including our right to charge franchise fees for lines in our rights of way.

The FCC has tried on numerous occasions over the years to remove our rights of way. Local control over zoning is best done locally by those whose administration can best see what is needed for its citizens. The FCC's proven lack of enforcement of its own agreements shows that you have neither the will power nor the staff to enforce local rights of way. Non-enforcement could lead to numerous health and safety problems.

2. The FCC's ruling reduces a stream of income at a particularly vulnerable time for our communities.
3. Consumers will probably not benefit by any reduction in franchise fees since Time Warner Cable raises its fees annually. For example, Time Warner Cable spent considerable effort to reduce public access fees to "save" consumers money. They then raised rates 6% and more, much more than the "savings."
4. Our written contracts with Time Warner Cable require that they pay a franchise fee on all income that they receive. We intend to enforce our rights of contract.

5. The FCC's ruling gives an unfair advantage to Time Warner's internet system versus other high-speed systems such as SBC Ameritech, which is still saddled with regulations that Time Warner Cable is able to avoid. This presents our communities with an uneven playing field that stifles competition. The outcome is discouraging for consumers and businesses.
6. AOL has a history of agreeing to comply with consent agreements and then ignoring these agreements. For example, AOL's promotions were stopped by a coalition of state attorney generals. They needed to go to court several times to insure compliance. Full compliance never was satisfied.

When AOL merged with Time Warner, they were to allow ISP's access to their high-speed network as a condition of the merger. Few ISP's have been allowed on AOL-Time Warners' high-speed network. Indeed, AOL-Time Warner refuses to allow ISP's to advertise on cable.

Locally, SBC Ameritech may be guilty of similar anti-competitive behavior, but their violations are not as blatant.

7. When the FCC made its "social contract" with Time Warner Cable, we in local government lost our ability to control most local public pricing. Instead, the FCC permitted Time Warner Cable to increase its fees by 6% plus per year to upgrade its fiber optic system. Time Warner used this additional cash flow to upgrade the fiber optic system that their high speed cable internet infrastructure (Roadrunner) now operates. You cannot separate the fiber optic upgrade and Roadrunner.
8. We are also concerned about special privileges that the FCC has given the cable industry. For example, the cable industry charges for converter equipment that they need to block out services that customers are not purchasing. They continue to collect on this equipment long after they have been paid for all of their costs. Recently the FCC permitted the "aggregation of new and older equipment into the converter box category," allowing the cable companies to continue to charge for equipment that has already depreciated below cost.
9. The FCC needs to better balance the needs of consumers and government with the wants of the telecommunications industry. Local rights of way and restoration standards need to be preserved for local government who are in the best position to assess their communities' needs. The FCC needs to restore competition to a level playing field for all telecommunications entities.

The Regional Telecommunications Commission (RTC) is made up of the following communities in Southeast Wisconsin. These communities include: Bayside, Brookfield, Brown Deer, Butler, Cudahy, Elm Grove, Fox Point, Franklin, Glendale, Greendale, Greenfield, Hales Corner, Menomonee Falls, Mequon, Milwaukee, Muskego, New Berlin, River Hills, Saukville, Shorewood, South Milwaukee, Sussex, Waukesha, Wauwatosa, West Milwaukee, and Whitefish Bay. We are in Ozaukee, Milwaukee, and Waukesha counties and span the spectrum from big city to suburb to rural communities.

We regulate (where permitted) cable and other telecommunications matters and have negotiated contracts and agreements with several cable and telecommunications operators (Time Warner, Digital Access, Metricom). We have also created a rights of way and restoration policy for our communities, and act as a clearinghouse for wireless. The seven community North Shore Cable Commission, which is part of the RTC, has a community access cable channel and has worked on a project to place fire fighter education on cable for the North Shore Fire Department.

Sincerely,

A handwritten signature in black ink that reads "Bob Chernow". The signature is written in a cursive, flowing style.

Bob Chernow
Chair