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July 16, 2002

William F. Caton, Acting Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20024

**RE: Comments: CS Docket No. 02-52, Appropriate Regulatory Treatment for
Broadband Access to the Internet over Cable Facilities**

Dear Acting Secretary Caton:

The Upper Darby Township Telecommunications Commission submits this letter as a supplement to their June 17, 2002 comment. The basis of this letter is to further expound upon the Upper Darby Township's Telecommunications Commission's concerns related to consumer complaints and protection in light of the FCC's March 15, 2002 Declaratory Ruling and Notice of Proposed Rule Making.

As noted in the Upper Darby Township Telecommunications Commission's June 17, 2002 comment, Upper Darby Township is concerned about its role as a local franchising authority in light of the FCC's stated intent of regulating cable modem services. Presently, most consumers are under the impression that the local franchising authority is the proper entity to which to address consumer complaints regarding cable modem service as well as complaints regarding traditional video programming. Responding to these consumer complaints requires a significant investment by the local franchising authority of time and effort. Moreover, due to the fact that video programming and cable modem service are supplied by the same providers, consumers often address their complaints regarding both video and cable modem service to the local franchising authority at the same time.

Upper Darby Township is concerned that the FCC's determination to regulate cable modem service might not be matched by a willingness to solicit and respond to consumers' complaints and fill the role currently served by the local franchising authorities. Clearly, some governmental unit must undertake the role of processing consumer complaints. Traditionally,

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such role had been relegated to the local franchising authorities. The FCC's recent ruling should serve to remove this burden from the local franchising authorities and place the responsibility squarely upon the FCC.

However, if the FCC does not intend to actively solicit and process consumer complaints, it is assumed that this responsibility would continue to fall on the local franchising authority. This situation would create an untenable problem. The FCC's tentative ruling restricts a local franchising authority from enforcing a franchise fee for cable modem service creates. Thus, if the FCC desires the local franchising to continue processing consumer complaints, the tentative ruling would create a non-funded federal mandate. If the FCC intends force the local franchising authority to solicit and process consumers' complaints, the local franchising authorities should be compensated for performing this task.

Based upon the foregoing, the Upper Darby Township Telecommunications Commission is hopeful that the FCC will address their concerns related to consumer protection. The FCC must either be prepared to actively address consumer complaints, or provide financial assistance to the local franchising authorities to fund their efforts in addressing consumer complaints.

Respectfully submitted,

HOLSTEN & ASSOCIATES

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WFH/mp

cc: The Honorable Curt Weldon
F. Raymond Shay, Mayor
Upper Darby Twp. Telecommunications Commission