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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
Implementation of Section 621(a)(1) of)
the Cable Communications Policy Act of 1984)
as amended by the Cable Television Consumer)
Protection and Competition Act of 1992)

MB Docket No. 05-311

COMMENTS OF Cambridge Public Access Corporation d/b/a Cambridge Community Television

These Comments are filed by [*Name of PEG Access Organization*] in support of the comments filed by the Alliance for Community Media ("Alliance"), the Alliance for Communications Democracy, the National Association of Telecommunications Officers and Advisors ("NATOA"), and other national local government organizations. Like the Alliance, [*Name of PEG Access Organization*] believes that local governments can issue an appropriate local franchise for new entrants into the video services field on a timely basis, just as they have for established cable services providers. In support of this belief, we wish to inform the Commission about the benefits of cable franchising and the Public, Educational, and Government Access ("PEG") services in our community.

Cable Franchising in Our Community

Community Information

Cambridge is a city with a population of approximately 105,000. Our franchised cable provider is Comcast. Our community has negotiated cable franchises since 1985.

Our Current Franchise

Our current franchise began on December 30, 2000 and expires on December 30, 2010.

Our franchise requires the cable operator to pay a franchise fee to the City in the amount of 5% of the cable operator's gross revenues. The revenues for franchise fee purposes are calculated based on the gross revenues of the operator, in accordance with the Federal Cable Act.

Our franchise requires the cable operator to provide the following capacity for public, educational, and/or governmental ("PEG") access channels on the cable system. We currently

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have 3 channels devoted to public access; 2 channels devoted to educational access; and 1 channel devoted to government access.

Cambridge received a one-time equipment grant of one million dollars at the signing of the current franchise.

Our franchise contains the following requirements regarding emergency alerts: an emergency override system capable of interrupting programming on all audio and video channels. The system incorporates an auto-answering telephone modem which is accessed on a private number available to designated City personnel. The system is capable of disseminating both emergency audio messages and pre-programmed character generator text messages simultaneously. These emergency alert requirements provide an important avenue of communication with our residents in the event of an emergency.

PEG Access Services

Cambridge Community Television has provided access services in our community for 18 years. The number of access channels we operate is 3. In our most recently completed fiscal year, Cambridge Community Television provided 6260 hours of new original local programming to the cable subscribers.

CCTV is a nationally recognized media arts center. We are innovators in developing alternative funding sources, targeted outreach opportunities, and special programming initiatives. We are currently exploring alternative means of distributing community programming through the Internet, and Video On Demand. While CCTV continues its commitment to serve as a First Amendment forum for our community, we have recently revamped our Programming Policies to address the issue of appropriate time slots for certain types of programming.

During the current franchise, CCTV has:

- three times been named number one in the country for Overall Excellence in Public Access Programming
- annually provided over 15,000 hours of programming on the three community cable channels
- annually provided over 150 video production and computer classes to over 850 participants
- continuously provided weekly computer drop-in training for seniors and non-English speakers
- produced alternative coverage of the Democratic National Convention that was carried via satellite throughout the country
- produced over 50 Public Service Announcements for City departments and non-profits
- hosted 45 art exhibitions in the Drive-by-Gallery
- annually hosted the Summer Media Institute for Cambridge teens, in partnership with the Mayor's Summer Youth Employment Program and the Office for Workforce Development
- redesigned our website to manage video archiving and streaming
- expanded our services to the point that our facility can barely contain everything; we frequently have to use outside space for classes, meetings, and production groups.

CCTV also provides:

- Video bulletin board with text and graphics for community announcements.
- Community-produced television programming for special interests (such as - seniors, non-English-speaking, ethnic and cultural groups, youth, people with disabilities, advocacy groups, health care, etc.)
- Staff-produced television programming on topics of interest to the local community.
- A hotline studio for live, interactive programs that allow local experts to answer viewer questions.
- Local news coverage (not on local broadcast stations).
- Media literacy and production training for neighborhood based community organizations and individuals.
- Video production facilities including studio, field, and editing.
- Support to Media Training Centers in local schools, enhancing learning opportunities for students.
- Satellite program reception and redistribution.
- Open mic format service such as a free speech soap box.
- Local political coverage, candidate platform statements and candidate debates during campaign season.
- Internet access at public sites.
- Computer literacy training for youth and families.
- Unique non-local programming available via satellite feed.
- Election night coverage.

The Franchising Process

Under the law, a cable franchise functions as a contract between the local government (operating as the local franchising authority) and the cable operator. Like other contracts, its terms are negotiated. Under the Federal Cable Act it is the statutory obligation of the local government to determine the community's cable-related needs and interests and to ensure that these are addressed in the franchising process – to the extent that is economically feasible. However derived (whether requested by the local government or offered by the cable operator), once the franchise is approved by both parties the provisions in the franchise agreement function as contractual obligations upon both parties.

Competitive Cable Systems

Our community was approached once by RCN, but the provider chose not to enter into any formal discussions. We were interested in having a competitor and have not denied any provider the opportunity to serve in our community.

Conclusions

This NPRM is only looking retrospectively at one aspect of the franchising process. We believe that the Commission must look to the future of the public's interest in telecommunication's services. The existing franchising process has provided a basis for public interest services appropriately tailored to each community's local needs. We believe that those services such as PEG should be required of all broadband telecommunications providers.

The local cable franchising process has functioned well in [*Name of community*]. As the above information indicates, we are experienced at working with cable providers, the local franchise authority, and community interests to both see that the needs of the local community are met and to ensure that the practical business needs of cable providers are taken into account.

Local cable franchising ensures that local cable operators are allowed access to the rights of way in a fair and evenhanded manner, that other users of the rights of way are not unduly inconvenienced, and that uses of the rights of way, including maintenance and upgrade of facilities, are undertaken in a manner which is in accordance with local requirements. Local cable franchising also ensures that our local community's specific needs are met and that local customers are protected.

Local franchises can also ensure that the cable operator provides the PEG Access services which are responsive to the local community needs as determined through community needs assessments and the local knowledge of educators, local elected officials and local nonprofit organizations.

Local franchises thus provide a means for local government to appropriately oversee the operations of cable service providers in the public interest, and to ensure compliance with applicable laws. There is no need to create a new Federal bureaucracy in Washington to handle matters of primarily local interest.

Local franchises allow each community, including ours, to have a voice in how local cable systems will be implemented and what features (such as PEG access, institutional networks or local emergency alerts, etc.) will be available to meet local needs. These factors are equally present for new entrants as for existing users.

The [*Name of PEG Access Organization*] therefore respectfully requests that the Commission take this opportunity to reaffirm the primacy of local government authority over franchising and should make clear that imposition on a new entrant of PEG Access, consumer protections and other public interest services requirements that are equivalent to those of the incumbent does not constitute an unreasonable refusal to award an additional competitive franchise within the meaning of federal law..

The PEG Access model should be strengthened and applied to new technologies, assuring that localism and community participation are not displaced by commercial interests.

The nation would be well served by a policy of "Community Reinvestment" through PEG Access that includes funds and bandwidth and/or spectrum that will be used for public purposes by:

1. Allowing the local community which owns the public rights-of-way to franchise and determine the best use of the community's property;
2. Dedicating ten percent of the public airwaves and capacity on communication facilities that occupy public rights-of-way to PEG use for free speech, diverse points of view, local programs, community based education and political speech;
3. Mandating funding of five percent of gross revenues above and beyond any franchise fee to local authorities from all infrastructure and service providers and spectrum licensees to support PEG equipment, facilities, training and services; and,
4. Making PEG Access universally available to any consumer of advanced telecommunications services capable of full-motion video.

Respectfully submitted,

Cambridge Public Access Corporation, d/b/a
Cambridge Community Television

By: Susan Fleischmann, Executive Director

cc: Alliance for Community Media, Getup@alliancecm.org