

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 CAPITAL COMMUNITY TELEVISION SALEM, OREGON

These Comments are filed by Capital Community Television (CCTV) of Salem, Oregon (CCTV) 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, CCTV 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

Salem, Oregon and adjoining parts of Marion County is a state capital area with a population of 190,000. Our franchised cable providers are Comcast and Country Cable. Our community has negotiated cable franchises since 1967.

Our Current Franchise

Our current franchise began in July, 1994 and expires January of 2010.

Our franchise requires the cable operator to pay a franchise fee to the City of Salem and Marion County 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. CCTV operations are funded primarily by a 40% portion of the franchise fees. Services include the management of three channels, training classes and camps, management of a studio and \$1.6 million of equipment, and production of government and education programs.

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 have 3 channels (or capacity) devoted to combined public, educational and government access and a fourth channel devoted to educational access. Four additional channels may be added based on the amount of programming generated by the community.

Our franchise further requires that our PEG channels be supported with capital funds, use of I-Net, use of 30-second satellite "avail" time and bill stuffers.

Our franchise allows for capital support for PEG Access and other public interest services in the amount of 1.5% of gross revenues over and above the franchise fee, or about \$.70 a month for subscribers of expanded basic services. These funds buy the equipment that enables the community to use the channels; some funds are being saved to build a long-term center. CCTV is currently squeezed into 2400 square feet. Funds to date have purchased:

\$225,000 Computer server-based Channel Master Control
\$225,000 Five-camera production truck capable of live TV
\$250,000 Five-camera installations at the Salem City Council and Marion County Commission
\$75,000 Three camera production van
\$200,000 for 20 location production units
\$125,000 for four stationary and ten laptop public editing systems
\$200,000 for furniture and staff computers (also used for editing)
\$1,400,000 saved for a 10,000 square foot long-term community TV center

Our franchise contains the following institutional network ("I-Net") requirements: The City of Salem and Marion County use the I-Net for data transfer. CCTV uses the INET to connect to public buildings (see the City of Salem filing).

Our franchise contains emergency alert requirements (see the City of Salem filing). In addition, CCTV provides emergency information updates from the City of Salem and Marion County, as it did in February of 1996 during Salem's worst flooding in the past 50 years.

PEG Access Services

Capital Community Television (CCTV) has provided access services in our community for 16 years. The number of access channels we operate is three. In our most recently completed fiscal year, CCTV televised over 2100 hours of new original local programming to the cable subscribers. Programs and services include:

- Open government starting in 1990, with gavel-to-gavel television coverage of local government and budget committee meetings, including Salem City Council, Marion County Commission, Salem-Keizer School Board and the Salem-Keizer Transit District.
- Starting January of 2002, live streaming and 24-7 web access to meetings of the Salem City Council, Marion County Commission, Salem-Keizer School Board and the Salem-Keizer Transit District. Prior to streaming, taped copies of meetings in the public library.

- Emergency information from local governments, as with the 1996 flood
- Disaster Preparedness program from the American Red Cross on TV and the web
- Gavel-to-gavel coverage of state legislative sessions, hearings, and other select proceedings from the State of Oregon.
- Coverage of community planning forums and town hall meetings, including U.S. Senators Gordon Smith and Ron Wyden at Willamette University
- Production of more than 750 arts and sports programs with Salem-Keizer Schools and with local colleges and universities
- Fifteen years of televised high school graduations, now seven each year
- Support to local middle schools, enhancing learning opportunities for students through formal training classes and after-school educational programs.
- Four weeks of summer video camps for Middle School students, filling a gap left by program reductions at the schools and at Salem Parks and Recreation
- Community-produced programs on senior concerns, health and education; programs for the Native American community
- Programs in Spanish, Armenian, Persian and Marshallese Island languages
- Channel use by more than 100 non-profit organizations, including many churches
- Media literacy and production training and tours for community organizations and individuals; ongoing facilitation of community production work
- Video production facilities, including studio, field cameras and editing made available to trained members of the community.
- Satellite program reception and redistribution, including NASA and the Latter Day Saints World General Conference
- Access to political candidates with non-partisan forum programs and video voter guides on the channels and on the web
- Video bulletin board with text and graphics for community announcements.
- Special events programs produced by CCTV with primarily volunteer crews, including
 - Festival of Lights Parade
 - Annual No Child Left Behind Parent Involvement Conference
 - State of the City Address by Salem Mayor Janet Taylor

Results of Fifteen Years of CCTV work enabled by provisions of the cable TV franchise

- CCTV has produced nearly **10,000 hours** of local non-commercial programming
- Community groups and individuals have produced nearly **10,000 hours**
- Since November 26, 1990, more than **700** Salem City Council meetings televised
- Since December 12, 1990, more than **800** Marion County Commission meetings
- More than **1500** local residents trained to use the channels

The Franchising Process

CCTV has twice worked with the City of Salem and Marion County during franchise renewal to include community needs in franchise provisions.

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 Oregon's capital area 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.

CCTV 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 equivalent to the incumbent franchise 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,
Capital Community Television

By: Alan Bushong, CCTV Executive Director
Capital Community Television
585 Liberty St SE
P.O.Box 2342
Salem, Oregon 97308-2342

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