

December 12, 2006

**Ex Parte**

Ms. Marilyn Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Re: 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 on 1992, MB Docket No. 09-311

Dear Ms. Dortch,

This notice is to record my ex parte meetings with Heather Dixon, Rudy Brioche, Bruce Gottlieb, Christina Pauze and Chris Robbins. I stated my concerns directly via voicemail on December 12, 2006. My comments are summarized as follows:

I unite with Alliance for Community Media members in calling for competition without destruction of local, community controlled media.

1) The proposed rule eliminates incentive for providers to negotiate in good faith. If the city and the provider do not come to agreement in 90 days, the new provider can proceed without agreement. They can then make billions of dollars in our public land without considering local needs. This framework would be unreasonable.

2) The proposed rule lacks a remedy for geographic discrimination. Public, Education and Government Access, or PEG, are tools to engage our local communities in democracy. Democratic participation should be for all, not based on a company business rule. The public-right-of-way is owned by all in our community, not just those in an area lucky enough to be served. We believe that inevitable market imbalances must be anticipated by the FCC, as they were by Congress, and that any rule-making must provide these three elements:

A) A standard for identifying imbalances in service.

B) A party responsible for identifying the imbalance—logically, the municipality.

C) A means for prevention or remedy of the imbalance.

3) The proposed rule reduces the support for PEG or other community media services from what is allowed by current Federal law. We believe this is an arbitrary reduction which will hurt our communities. It is in direct contradiction to language authored by telephone companies and already passed in key states such as California and Texas. This reduction would eliminate a valued community resource with no demonstrated effect on either price or competition.

4) The changes being proposed are dramatic. We believe that such changes to the law should be made by Congress, not the FCC. These changes will slow competition by confusing the legal framework. Such changes to the law should be decided by law-makers, not the courts. The FCC should not usurp Congressional authority.

Please contact me if you have questions or comments.

Sincerely,

Kapua Segool  
89-568 Puakolu Street  
Waianae, Hawaii 96792  
Ph: 808-349-5115  
Email Address: [SEGOOL001@hawaii.rr.com](mailto:SEGOOL001@hawaii.rr.com)

CC: Christina Pauze  
Chris Robbins  
Heather Dixon  
Rudy Brioche  
Bruce Gottlieb  
My Congressional Delegation