

FROM : MCC-12

FAX NO. :

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City of
Madison**SUNSHINE PERIOD****FILED/ACCEPTED****DEC 20 2006**Federal Communications Commission
Office of the Secretary

December 11, 2006

Ex Parte

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

DOCKET #

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 of 1992, MB Docket No. 05-311

Dear Ms. Dortch,

This notice is to record our ex parte meetings with FCC Commissioners MacDowell, Tate, Martin, Adestein, and Copps. We stated our concerns via voicemail] on December 11, 2006. Our comments are summarized as follows:

We 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 within 90 days, the provider can proceed without an agreement. They can then make billions of dollars using 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:

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CITY OF MADISON CITY CHANNEL

communities. Rumor has it that they committed to Wall Street analysts that they would be up prior to year end.

The City of Milwaukee is bringing suit against AT&T in which the other members of the RTC will participate.

But now the FCC is about to move into your area of responsibility through "rule making" that will remove local control.

The arrogance of AT&T reminds me of the old Lilly Tomlin character Ernestine, the telephone operator who declared:

"We don't care. We're the phone company."

Help protect our municipalities and our citizens by making sure that the FCC does not by pass us or your prerogatives.

Yours,



Bob Chemow
Chair