

Thomas Horan

Subject: FW: writing about MB 05-311 on video franchising.

FILED/ACCEPTED

DEC 13 2006

Federal Communications Commission
Office of the Secretary

-----Original Message-----

From: John W. Gutmann [mailto:jgutmann@bellsouth.net]
Sent: Monday, December 11, 2006 3:36 PM
To: Demetrice Bess
Cc: John W. Gutmann
Subject: writing about MB 05-311 on video franchising.

Hello, my name is John W. Gutmann. I am a community TV producer for Dekalb Community TV, I am located in Lilburn Georgia.

I am writing about MB 05-311 on video franchising. The following are our concerns:

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 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.

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.

3) The proposed rule reduces the support for PEG, institutional networks and other in-kind services from that allowed by current Federal law. It is in direct contradiction to language written by the telephone companies and already passed in key states. This reduction would eliminate a valued community resource with no demonstrated effect on either price or competition.

4) The changes being proposed are dramatic and over-step the FCC's authority. 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. Changes to the law should be decided by law-makers, not the FCC.

I can be reached at Phone = 770-972-7082 or Email = jgutmann@bellsouth.net. Thank you for your consideration.

Sincerely,

John W. Gutmann
Atlanta Community TV, "Public Access" Producer
4581 Lucerne Valley rd sw
Lilburn, GA 30047
770-972-7082

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--
Machine Press Video Productions - small business ACM - Alliance for Community Media, Atlanta GA "Caught In Clapper" Films and Filmmaker interviews Atlanta Community TV, "Public Access" Producer www.CommunityTvShows.com Retired after 33 years with AT&T Communications Vietnam Era Veteran, US Navy 1968-1971, Retired

Thomas Horan

Subject: FW: MB 05-311

-----Original Message-----

From: David Denton [mailto:dave_sko@yahoo.com]
Sent: Monday, December 11, 2006 5:52 PM
To: Demetrice Bess
Subject: MB 05-311

FILED/ACCEPTED

DEC 13 2006

Federal Communications Commission
Office of the Secretary

Dear Ms. Bess,

Please make my feelings on this subject known to Commissioner Martin:

Dear FCC Commissioner Martin:

MB Docket No. 05-311 will attempt to amend the existing laws governing Cable Television Communications Policy Act of 1984 in way that creates new legislation. What you're office is attempting is not a simple rule change or interpretation, but SPECIAL INTEREST LEGISLATION that will affect competition in the marketplace and indeed give an unfair advantage to telephone companies who essentially will have a different set of realities than their current cable providing enjoy.

What bothers me is that you KNOW you haven't the authority to create legislation, and that you actually expect that these changes will be challenged in court and knocked down in less than two years time.

I would strongly question your integrity if you and your fellow commissioners were to follow through on this BACK DOOR LEGISLATION. What sort of motivation would cause members of your department to try to enact policies that couldn't even make it out of committee in the most corrupt congress in over 100 years?

I would appreciate an accounting of your reasoning to go ahead and overstep your boundaries, if that is what you and your colleagues decide to do. Please send a copy of your reply to my Congressman, Rep. Roscoe Bartlett (R) Maryland, who is aware of your plans.

Yours Vehemently,

David Denton

Have a burning question?

Go to www.Answers.yahoo.com and get answers from real people who know.

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MB-05-311

EX PARTE OR LATE FILED

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DEC 13 2006

Federal Communications Commission
Office of the Secretary

December 11, 2006

I have been on the Duluth Public Access Community Television Board for 20 years. I have strong concerns regarding **MB 05-311**.

1. This would eliminate a city's right to negotiate with a service provider in any meaningful way. All the provider would have to do is wait 90 days and he/she gets what he/she wants. This is a very strange way to run any city or business.
2. A company is free to discriminate geographically – cherry picking the more favorable part of a city to serve. This is unfair and makes the difference between the haves and have-nots in our society even greater than it is now.
3. This will reduce support for public, educational and government access – eliminating support that has already been agreed to by a local government and the provider. Instead of reducing support for public access, the FCC should be INCREASING support by requiring ALL providers of ANY video services to carry PEG programming on channels reserved for this purpose. We are on the brink of having a capacity of thousands of channels entering a home. Why would you not reserve a small percentage of those for use by the public and by institutions?
4. The FCC rule-making seems to be simply taking over where Congress was unable to act. These are matters of policy and belong in the Congressional arena, not the FCC.

I join proudly with other members of the Alliance for Community Media in asking you to examine ways that PEG can be supported by the FCC, rather than being practically eliminated.

Anita Stech
2420 E. 6th St.
Duluth MN 55812
218-724-5761

[Faint, illegible text]

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MB 05-311

EX PARTE OR LATE FILED

FILED/ACCEPTED

DEC 13 2006

Federal Communications Commission
Office of the Secretary

VIA FAX 202-418-2802

December 13, 2006

Ex Parte

Ms. Marilyn Dortch, Secretary

Federal Communications Commission

445 12th 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 of 1992, MB Docket No. 05-311

Dear Ms. Dortch,

This notice is to record my ex parte meeting via phone with the assistant in Commissioner Copps office who directed me to send my comments via fax or web posting. My comments are summarized as follows:

We unite with Access Montgomery and the 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 and likely result in our communities not receiving the benefit of these public interest provisions. 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 plan. 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.

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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. This reduction would eliminate a valued community resource with no demonstrated effect on either subscriber price or level of competition.

4) Any subsequent or further proposed rulemaking that would provide competitive video service providers with an exemption from having to provide PEG Access would be unacceptable. Elimination of the requirement for PEG Access would reduce diversity and localism.

5) The changes being proposed to the law 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 should be decided by law-makers, not the courts. The FCC should not usurp Congressional authority.

We look forward to working with the FCC to establish a process which supports both competition and community fairness. Please contact us if you have questions or comments.

Sincerely,

Patricia Stewart
Research, Evaluation and Development Director/MCT
7548 Standish Place
Rockville, MD 20855
pstewart@mct-tv.org

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



7548 Standish Place
Rockville, MD 20855
www.accessmontgomery.tv

Fax

Time: 4:02pm Date: 12/13/06

To: Ms. Dortch, Secretary

Company: FCC

Phone #: Fax #: 202 418-2802

Pages (Inc. Cover Sheet):

From: P. Stewart Access Montgomery

Phone: 301-424-1730 Fax: 301-294-7476

•Comments:
Comments Regarding MB-05-311

MB 05-311

EX PARTE OR LATE FILED

Hello, my name is Eugene Saunders. I am an active member and volunteer of Access
Montgomery located in Montgomery County, Maryland.

DEC 13 2006

I am calling about **MB 05-311** on video franchising. The following are my concerns:

FEDERAL COMMUNICATIONS COMMISSION
Office of the Secretary

I am calling in support of Access Montgomery and the Alliance for Community Media and its members in calling for competition in video franchising without destroying local, community created and controlled media.

- 1) The proposed rule eliminates incentive for video service 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 millions of dollars of our public land without considering local needs or the public interest, which you are here to protect.
- 2) The proposed rule lacks a remedy for geographic discrimination which in turn could result in economic discrimination when only higher income neighborhoods are wired. Public, Education and Government Access, or PEG, are tools to engage our entire local communities in the democratic process. Democratic participation should be for all, not based on a company business plan.
- 3) The proposed rule reduces the support for PEG, institutional networks and other in-kind services from that allowed by current Federal law. It is in direct contradiction to language written by the telephone companies and already passed in key states. This reduction would eliminate a valued community resource with no demonstrated effect on either price or competition.
- 4) It would be unacceptable for any further proposed rule making to give these companies a way out of providing PEG Access channels, equipment and financial support. The policies of the FCC should be to increase the diversity of programmers and protect localism.
- 5) The changes being proposed are dramatic and over-step the FCC's authority. 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 and worse create potential chaos as existing providers seek equal protection under the law. Changes to the law should be decided by law-makers, not the FCC.

I can be reached at 301-424-1730. Thank you for your consideration.

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ACCESS MONTGOMERY

Montgomery
COMMUNITY TELEVISION, INC.

7548 Standish Place
Rockville, MD 20855

Fax

Time: 3:08

Date: 12/12/06

To: Commissioner COPPS

Company: FCC

Phone #:

Fax #: 202-418-2802

Pages (Inc. Cover Sheet): 2

From: EUGENE SAUNDERS

Montgomery Community Television

Phone: 301-424-1730 ex

Fax: 301-294-7476

•Comments:

Timothy J. Regan
Senior Vice President
Government Affairs

Corning Incorporated
325 7th Street, NW
Suite 600
Washington, DC 20004

t 202 661 4155
f 202 661 4165

regantj@corning.com
www.corning.com

MB 05-311

EX PARTE OR LATE FILED

December 13, 2006

FILED/ACCEPTED

DEC 13 2006

Federal Communications Commission
Office of the Secretary

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

Re: Implementation of Section 621(a) of the Cable Communications
Policy Act of 1984, MB Docket No. **05-311**

Dear Ms. Dortch:

 CORNING
Discovering Beyond Imagination

As the inventor and world's largest manufacturer of optical fiber and cable, and as a leading manufacturer of hardware and equipment used in fiber-to-the-premise networks, Corning is writing in support of AT&T's request that the Commission establish a streamlined competitive video franchising process.¹ Corning, TIA, the Fiber-to-the-Home Council and others have established beyond dispute that the ability to offer competitive video services is critical to expanding and expediting the deployment of next-generation broadband technology. And a streamlined franchise approval process has a direct and substantial impact on the pace of such deployment: From 2005 through November 2006, Corning shipped 34 percent more FTTP ports in states with streamlined franchising.² In comparison, FTTP port shipments in states without streamlined franchising were flat.

AT&T has proposed a simple and reasonable means for assuring that competitive video franchises are granted in a timely fashion. In particular, the Commission would establish the essential features of a competitive video franchise and would prohibit certain provisions and practices that violate Section 621(a)(1) of the Act. A local franchising authority would have 30 days to grant an application containing the features specified by the Commission or to negotiate a mutually agreeable alternative agreement. If the local authority fails to approve the application within that 30-day period, the applicant automatically would obtain an interim federal franchise, which would remain in effect until the applicant and the local franchising authority enter a local franchise agreement on negotiated or litigated terms.

¹ See letter from Jim Lamoreux, AT&T, to Marlene H. Dortch, MB Docket NO. 05-311, dated Dec. 4, 2006.

² Each FTTP port is an access point to the network, and ports are indicative of the number of homes passed.

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As AT&T explains, the Commission has authority to adopt such a regime under Sections 4(i) and 303(r) of the Act and under the definition of "franchising authority" in 47 U.S.C. § 522(10). That definition expressly includes governmental entities, such as the Commission, which are empowered by federal law to exercise franchising authority. Moreover, the Commission's authority must be read broadly in light of Congress's directive in § 706 of the 1996 Act to "encourage the deployment on a reasonable and timely basis of advanced telecommunications capabilit[ies]."

By following AT&T's recommendation, the Commission can build on the tremendous success of its deregulatory policies with respect to broadband services. In the 2003 *Triennial Review Order*, the Commission excluded fiber networks from unbundling obligations, and fiber-to-the-home investment skyrocketed in response.³ In the 2005 *Wireline Broadband Order*, the Commission deregulated wireline broadband Internet access services, further stimulating deployment and triggering even more intense competition between telephone and cable companies with respect to those services. The Commission can and should complete a deregulatory trifecta as 2006 draws to a close by eliminating antiquated barriers to deployment of competitive video networks.

Respectfully submitted,



Cc: Chairman Kevin Martin
Commissioner Jonathan Adelstein
Commissioner Michael Copps
Commissioner Robert McDowell
Commissioner Deborah Taylor Tate

³ In the three years since adoption of the *Triennial Review Order*, FTTP deployment has expanded roughly 30-fold, to six million homes passed. See TIA Dec. 7, 2006 *ex parte*, MB Docket No. 05-311, at 4.



1100 Race Street
Cincinnati, Ohio 45202
(513) 651-4171
FAX (513) 651-1106



Fax

To: Bruce Gottlieb **From:** Tom Bishop

Fax: 202-418-2802 **Pages:** 3 (including fax cover)

Phone: **Date:** 12/13/06

Re: Implementation of Sec. 621 (a)(1) **CC:**

- Urgent For Review Please Comment Please Reply Please Recycle
-

MB 05-311

EX PARTE OR LATE FILED

December 13, 2006

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

FILED/ACCEPTED

DEC 13 2006

Federal Communications Commission
Office of the Secretary

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,

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 the FCC must anticipate inevitable market imbalances, 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.

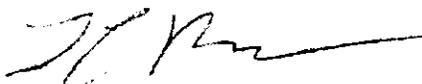
3) The proposed rule reduces the support for PEG or other community media services from what is allowed by current Federal law. We believe this is an arbitrary reduction which will hurt our communities. It is in direct contradiction to language authored by telephone companies and already passed in key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

4) The changes being proposed to the law 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 should be decided by law-makers, not the courts. The FCC should not usurp Congressional authority.

We look forward to working with the FCC to establish a process which supports both competition and community fairness. Please contact us if you have questions or comments.

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Sincerely,



Tom Bishop
Executive Director
Media Bridges Cincinnati
1100 Race Street
Cincinnati, OH 45202

CC: Christina Pauze
Chris Robbins
Heather Dixon
Rudy Brioche
Bruce Gottlieb
The Honorable Senator Mike Dewine
The Honorable Senator George Voinovich
The Honorable Senator-Elect Sherrod Brown
The Honorable Representative Steve Chabot

Elizabeth Park
 Direct Dial: (202) 637-1058
 ellizabeth.park@lw.com

555 Eleventh Street, N.W., Suite 1000
 Washington, D.C. 20004-1304
 Tel: (202) 837-2200 Fax: (202) 637-2201
 www.lw.com

LATHAM & WATKINS LLP

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FACSIMILE TRANSMISSION
 December 13, 2006

To: **The Honorable Michael J. Copps,** Fax: (202) 418-2802 Tel: (202) 418-2000
 Commissioner
 and
Bruce Gottlieb, Wireless and International
 Legal Advisor, Office of Commissioner Copps
 Federal Communications Commission

From: Elizabeth Park

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 – Ex Parte Communication*

Original(s) to follow Number of pages, including cover:

5

Dear Commissioner Copps and Mr. Gottlieb:

The following is a courtesy copy of an ex parte submission filed by Hawaiian Telcom Communications, Inc. in Docket No. 05-311 earlier today. Please contact the undersigned if you have any questions regarding this filing.

Regards,

Liz Park

The information contained in this facsimile is confidential and may also contain privileged attorney-client information or work product. The information is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received the facsimile in error, please immediately notify us by telephone, and return the original message to us at the address above via the U.S. Postal service. Thank you.

If there are any problems with this transmission, please call (202) 350-5131.

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7548 Standish Place
Rockville, MD 20855
www.accessmontgomery.tv

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DEC 13 2006

Federal Communications Commission
Office of the Secretary

Fax

Time:

4:00pm

Date:

12-13-06

To:

Ms. Marilyn Dortch, Secretary

Company:

FCC

Phone #:

Fax #:

202-418-2801

Pages (inc. Cover Sheet):

From:

P. Stewart

Access Montgomery

Phone:

301-424-1730

Fax:

301-294-7476

•Comments:

Comments re: MB-05-311

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FILED/ACCEPTED

DEC 13 2006

Federal Communications Commission
Office of the Secretary

Via Fax 202-418-2801

December 13, 2006

Ex Parte

Ms. Marilyn Dortch, Secretary

Federal Communications Commission

445 12th 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 of 1992, MB Docket No. 05-311

Dear Ms. Dortch,

This notice is to record my ex parte meeting with Demetrius via phone of Commissioner Martin's office, in which I was directed to fax my comments about 05-311. My comments are summarized as follows:

We unite with Access Montgomery and the 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 and likely result in our communities not receiving the benefit of these public interest provisions. 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 plan. 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. This reduction would eliminate a valued community resource with no demonstrated effect on either subscriber price or level of competition.

4) Any subsequent or further proposed rulemaking that would provide competitive video service providers with an exemption from having to provide PEG Access would be unacceptable. Elimination of the requirement for PEG Access would reduce diversity and localism.

5) The changes being proposed to the law 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 should be decided by law-makers, not the courts. The FCC should not usurp Congressional authority.

We look forward to working with the FCC to establish a process which supports both competition and community fairness. Please contact us if you have questions or comments.

Sincerely,

Patricia Stewart
Research, Evaluation and Development Director/MCT
7548 Standish Place
Rockville, MD 20855
pstewart@mct-tv.org

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

EX PARTE OR LATE FILED

December 13, 2006

Ex Parte

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

FILED/ACCEPTED

DEC 13 2006

Federal Communications Commission
Office of the Secretary

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 Chairman Kevin J. Martin, Commissioner Michael J. Copps, Commissioner Jonathan S. Adelstein, Commissioner Deborah Taylor Tate, and Commissioner Robert McDowell.

MNN stated our concerns directly via phone or via voicemail or via fax on December 13, 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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reduction would eliminate a valued community resource with no demonstrated effect on either subscriber price or level of competition.

4) The changes being proposed to the law 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 should be decided by law-makers, not the courts. The FCC should not usurp Congressional authority.

We look forward to working with the FCC to establish a process which supports both competition, local democracy, accountability and community fairness. Please contact us if you have questions or comments.

Sincerely,

Dan Coughlin
Executive Director
Manhattan Neighborhood Network
537 West 59th St.
New York, NY 10019
212-757-2670
dan@mnn.org

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

EX PARTE OR LATE FILED

Robert J. Levine
29 Linwood Circle
Princeton, NJ 08540
Phone 609-924-6328



December 8, 2006

Ex Parte

Ms. Marilyn Dortch, Secretary
Federal Communications Commission
445 12th 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 of 1992, MB Docket No. 05-311

Dear Ms. Dortch,

This notice is to record my ex parte meeting with Commissioners Kevin J. Martin, Michael J. Copps, Jonathan S. Adelstein, Deborah Taylor Tate and Robert M. McDowell. I stated my concerns via voicemail on December 8, 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 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:

- 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.

e-mail= rjl@gurus

Fax 609-924-5822

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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 subscriber price or level of competition.

4) The changes being proposed to the law 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 should be decided by law-makers, not the courts. The FCC should not usurp Congressional authority.

I am sure I am speaking for many other concerned members of the Princeton community, especially those who, with the assistance of NJ BUP, were instrumental in having Patriot Media take over the formerly non performing RCN and who are concerned with maintaining good service through competition

Sincerely,



Robert J. Levine

Volunteer Member, Joint Princeton, NJ Borough and Township CATV Committee.

CC: Congressman Russ Holt

EX PARTE OR LATE FILED

12/13/2006 10:01 AM FROM: Fax MCT, Inc. TO: 202-418-2601 PAGE: 001 OF 002

FILED/ACCEPTED

NOV 13 2006

Federal Communications Commission
Office of the Secretary

December 13, 2006

Ex Parte

Ms. Marilyn Dortch, Secretary

Federal Communications Commission

445 12th Street, S.W.
Washington, DC 20554

05-311

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 Commissioners Martin, Adelstein, Copps, MacDowell and Tate. I stated our concerns via voicemail on December 13, 2006. Our comments are summarized as follows:

We unite with Access Montgomery and the 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 and likely result in our communities not receiving the benefit of these public interest provisions. 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 plan. 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.

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Federal Communications Commission
Office of the Secretary

Hello, my name is Ted Arbeiter. I am the Director of Facilities and Operations for Suburban Community Channels located in White Bear Lake, Minnesota.

I am contacting you about MB 05-311 on video franchising. The following are our concerns:

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

05-311

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.

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.

3) The proposed rule reduces the support for PEG, institutional networks and other in-kind services from that allowed by current Federal law. It is in direct contradiction to language written by the telephone companies and already passed in key states. This reduction would eliminate a valued community resource with no demonstrated effect on either price or competition.

4) The changes being proposed are dramatic and over-step the FCC's authority. 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. Changes to the law should be decided by lawmakers, not the FCC.

I can be reached at 651.426-7338 or at ted@scctv.org. Thank you for your consideration.

Sincerely,


Ted Arbeiter
Director of Facilities and Technical Support Operations

Suburban Community Channels
2460 East County Road F
White Bear Lake, MN 55110

651.426-7338, x1
ted@scctv.org

Post-It® Fax Note	7671	Date	12/13/06	# of pages	1
To	202.418.2801	From	Ted Arbeiter		
Co./Dept.		Co.			
Phone #		Phone #	651-426-7338		
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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. This reduction would eliminate a valued community resource with no demonstrated effect on either subscriber price or level of competition.*

4) Any subsequent or further proposed rulemaking that would provide competitive video service providers with an exemption from having to provide PEG Access would be unacceptable. Elimination of the requirement for PEG Access would reduce diversity and localism.

5) The changes being proposed to the law 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 should be decided by law-makers, not the courts. The FCC should not usurp Congressional authority.

We look forward to working with the FCC to establish a process which supports both competition and support for public interest provisions as outlined above. Please contact us if you have questions or comments.

Sincerely,

Richard Turner
Executive Director
Montgomery Community Television, Inc.
7548 Standish Place
Rockville, MD 20853
301-424-1730 x305
rtturner@mct-tv.org

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

EX PARTE OR LATE FILED

FILED/ACCEPTED

NOV 13 2006

December 11, 2006

Federal Communications Commission
Office of the Secretary

I have been on the Duluth Public Access Community Television Board for 20 years. I have strong concerns regarding MB 05-311.

1. This would eliminate a city's right to negotiate with a service provider in any meaningful way. All the provider would have to do is wait 90 days and he/she gets what he/she wants. This is a very strange way to run any city or business. 05-311
2. A company is free to discriminate geographically – cherry picking the more favorable part of a city to serve. This is unfair and makes the difference between the haves and have-nots in our society even greater than it is now.
3. This will reduce support for public, educational and government access – eliminating support that has already been agreed to by a local government and the provider. Instead of reducing support for public access, the FCC should be INCREASING support by requiring ALL providers of ANY video services to carry PEG programming on channels reserved for this purpose. We are on the brink of having a capacity of thousands of channels entering a home. Why would you not reserve a small percentage of those for use by the public and by institutions?
4. The FCC rule-making seems to be simply taking over where Congress was unable to act. These are matters of policy and belong in the Congressional arena, not the FCC.

I join proudly with other members of the Alliance for Community Media in asking you to examine ways that PEG can be supported by the FCC, rather than being practically eliminated.

Anita Stech
2420 E. 6th St.
Duluth MN 55812
218-724-5761



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