

EX PARTE OR LATE FILED



CITY OF IOWA CITY

410 East Washington Street
Iowa City, Iowa 52240-1826
(319) 356-5000
(319) 356-5009 FAX
www.icgov.org

12/12/206
To: Heather Dixon, Media Aide
Office of Chairman Martin, FCC

FILED/ACCEPTED

NOV 13 2006

Federal Communications Commission
Office of the Secretary

Re: MB 05-311

05-311

Dear Ms. Dixon,

My name is Drew Shaffer. I am the Cable TV Director for the City of Iowa City, Iowa City, Iowa.

I am writing about MB 05-311 on video franchising. The following are the City's concerns:

1. The City believes the changes being proposed over-step the FCC's authority. The City believes such changes to the law should be made by Congress, not the FCC.
2. The proposed rule eliminates incentive for providers to negotiate in good faith. If the City and the provider do not come to an agreement in 90 days the new provider can proceed without an agreement. This provides no incentive for the provider to agree to any City concerns, interests or needs.
3. The proposed rule reduces the support for PEG, institutional networks and other in-kind services from that allowed by current Federal law. The City does not support such reductions.

Thank you for your time and attention. If you would like to discuss this matter further, I can be reached at 319-356-5046 or drew-shaffer@iowa-city.org

Sincerely,

Drew Shaffer, Cable TV Director
City Manager's Offices
Iowa City, Iowa

No. of Copies rec'd 0
List ABCDE

EX PARTE OR LATE FILED

FILED/ACCEPTED



NOV 13 2006

Federal Communications Commission
Office of the Secretary

05-311

FACSIMILE TRANSMITTAL SHEET

TO: HEATHER DIXON Legal Advisor to Chairman Martin	FROM: JULIA JOHNSON
COMPANY: FCC	DATE: DECEMBER 12, 2006
FAX NUMBER: 202-418-2801	TOTAL NO. OF PAGES INCLUDING COVER: 3
PHONE NUMBER:	SENDER'S REFERENCE NUMBER: 800-539-1470
RE: DOCKET NUMBER 05-311	SENDER'S FAX NUMBER: 850-219-5755

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

No. of Copies rec'd 0
List ABCDE

FILED/ACCEPTED



NOV 13 2006

Federal Communications Commission
Office of the Secretary

EX PARTE

December 12, 2006

Chairman Kevin Martin
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 Chairman Martin:

We write on behalf independent content providers who stand ready to provide the American public with a more diverse set of viewpoints and information as a result of new entry into the video distribution market. We strongly urge the Commission to act now in order to hasten competitive entry into the video market by addressing problem areas with the current local franchising process that delay or prevent video competition.

There is an urgent need for new competitors in the video distribution market. Not only have cable prices been rising at alarming rates over the past decade but incumbent cable operators are stifling programming diversity and localism. Independent networks, as a group, are excluded under the current structure.

Recent research indicates that under the current market structure, the top video distribution networks carried—on a non-premium, national basis—less than 1% of channels with no media affiliation. A number of studies, including one by the GAO as well as academic studies, confirm that the top cable operators are much more likely to carry their own affiliated channels than independents. At the same time, independent channels have been shown to cost less than 1/3 of what affiliated channels cost. So independent channels apply downward pricing pressure on what the consumer pays. The best way to ensure diversity of information sources, lower prices for cable TV, higher quality programming and more consumer choice is to create an environment that allows for the rapid deployment of more platforms and greater competition which will also create more competition in the content space.

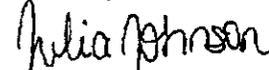
New entry into the video market will give independent programmers significant, additional opportunities for carriage. First, many new entrants, including the traditional telephone companies, are building new fiber optic networks, which have the capacity for carriage of a greater number of channels than do networks currently used by incumbent cable operators. Second, most new entrants do not own programming and, therefore, do not have the incentive to discriminate against independent

PO Box 14917, Tallahassee, Florida 32317
Phone: (800) 539-1470
Fax: (850) 219-5753
www.videoaccessalliance.org

programmers in making carriage selections. Instead, these providers have a strong incentive to offer the diverse programming of independent content providers in order to differentiate themselves and to better compete against incumbent cable providers. Making such programming available to the public is important to our democracy. The carriage of independent content providers increases the diversity of information sources and contributes to ideas in the marketplace.

New entrants, unlike their cable predecessors, are showing a willingness to carry such important content. Adopting regulations that encourage rapid new entry into the video market will promote programming diversity and localism. We, therefore, encourage you to act now to address the aspects of the current local franchising process that frustrate the pro-competitive mandate of Section 621 and that delay or prevent more widespread video competition and broadband deployment. Taking this vital step will help ensure that independent content providers have the opportunity to contribute their valuable voice to the marketplace of ideas.

Sincerely,



Julia Johnson
Chairwoman
Video Access Alliance

EX PARTE OR LATE FILED



services of Tampa Educational Cable Consortium

FAX

FILED/ACCEPTED

NOV 13 2006

Federal Communications Commission
Office of the Secretary

DATE: 12/11/06

TO: Ms. Heather Dixon : 202-418-2801

ORG: F.C.C.

FROM: Ann Goldenberg, Ex-Dir.

The Education Channel
703 N. Willow Ave.
Tampa, FL. 33606

Phone (813) 254-2253 • FAX: (813) 253-3267

Number of pages to follow: 2

REMARKS: Comments on Video Franchising Proposed Rules.

No. of Copies rec'd 0
List ABCDE



services of Tampa Educational Cable Consortium

December 11, 2006

FILED/ACCEPTED

NOV 13 2006

Federal Communications Commission
Office of the Secretary

Ms. Heather Dixon
Media Aide for Chairman Martin
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554
Fax: 202-418-2801

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. Dixon,

I was unable to leave a message in your voicemail because your mailbox was full, but I would like to inform you of my concerns about the proposed FCC video franchising rules.

My comments are simple – support local educational media.

The Tampa Educational Cable Consortium programs 2 local non-commercial educational channels for the residents of Hillsborough County, the City of Tampa, the City of Plant City and Temple Terrace in Florida. These channels provide our community with access to complete School Board meetings, math homework hotline help for our kids, lectures from the various local educational and cultural institutions, telecourses for college students and quality educational programming for children and families. These are very important, unique services that need to be preserved and enhanced.

Unfortunately, the proposed FCC video franchising rules reduce support for these types of local education channels. I would like you to revisit these rules and ensure the support of these channels.

I look forward to working with the FCC to establish a process that supports community communication needs. Feel free to contact me if you have questions or comments.

Sincerely,



Ann Goldenberg
Executive Director
Tampa Educational Cable Consortium
703 North Willow Ave.
Tampa, FL 33606
813-254-2253 x.203
anng@educationchannel.org
www.educationchannel.org

December 11, 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 is a record of my ex parte meeting(s) with [FCC Commissioners or staff names]. I stated my concerns [directly via phone or via voicemail] on [date(s)]. My comments are summarized as follows: *I am against this proposed ruling.*

I support the efforts of the Alliance for Community Media in calling for competition without destruction of local, community controlled media.

1) Setting 90 days as the limit for contract negotiation for a city and a provider would be disastrous, and would abolish any incentive for the provider to consider local needs. Why would they agree to anything when they would be able to proceed without an agreement? These mega corporations already have problems with negotiating in good faith, given their immense power, and this would do away with any local incentive to do so.

2) Geographic discrimination would be allowed under this new ruling. Since these are public-
rights-of-way issues, the FCC should anticipate any market imbalances by providing these three elements, as outlined by the Alliance for Community Media:

- 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) Local communities will be hurt by the proposed reduction in support for PEG (Public, Education, Government) channels or other community media services – a reduction from what is now allowed by current Federal law. It is in direct contradiction to language authored by telephone companies and already passed in key states such as California and Texas. And there would be no demonstrated effect on either subscriber price or level of competition.

(My additional comment is that the current federal legislation is too weak to allow new, well-supported PEG access to be established in most communities. We worked for six years here to try to convince our City to negotiate for viable PEG access, but they did not consider it to be a winnable battle without access to exorbitant resources.)

4) Such changes to the law should be made by Congress, not the FCC. The FCC should not usurp Congressional authority.

Sincerely, *Jackie Pardon*

Jackie Pardon • 11 Ten Springs Drive • Saratoga Springs, NY • 12866
jpardon@nycap.rr.com • tel. 518-587-9031

CC: Christina Pauze; Chris Robbins; Heather Dixon; Rudy Briocche; Bruce Gottlieb;
Senators Schumer, Clinton; Rep. J. Sweeney; Rep.-elect K. Gillibrand

FILED/ACCEPTED

NOV 13 2006

Federal Communications Commission
Office of the Secretary



05-311

MANHATTAN NEIGHBORHOOD NETWORK

FAX COVER SHEET

537 WEST 59TH STREET
NY, NY 10019
USA

PHONE: 212-757-2670
FAX: 212-757-1603
WEBSITE: WWW.MNN.ORG
PUBLIC ACCESS CHANNELS
TIME WARNER CABLE
34/56/57/67
RCN
107/108/109/110

SEND TO: HEATHER DIXON	FROM: DAN COUGHLIN
ATTENTION: FCC Chair Kevin MARTIN	OFFICE LOCATION: 537 WEST 59TH STREET
OFFICE LOCATION:	DATE: 12/13/06
FAX NUMBER: 202 418 2801	FAX NUMBER: (212) 757-1603
PHONE NUMBER:	PHONE NUMBER: (212) 757-2670

- URGENT
 REPLY ASAP
 PLEASE COMMENT
 PLEASE REVIEW
 FOR YOUR INFORMATION

TOTAL PAGES, INCLUDING COVER:

COMMENTS:



PUBLIC ACCESS CHANNELS

No. of Copies rec'd 0
List ABCDE



December 13, 2006

Heather Dixon
Legal Advisor, Media Issues
Office of FCC Chairman Kevin Martin
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Ms. Dixon,

I am writing to follow up on my phone call comments with your office regarding MB 05-311 on video franchising.

Manhattan Neighborhood Network (MNN) is a Public Access center located in the borough of Manhattan in New York City. We employ 48 staff and manage four cablecast channels that are carried by Time Warner Cable and RCN to more than 600,000 households in Manhattan. We also run a wide variety of training programs and provide public access to broadcast equipment and studios.

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. In New York City, for instance, Time Warner recently reported that they generated \$1.2 billion in video franchise revenues in 2005 alone.
- 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.

...2/

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.

Thank you for your consideration. If you have any questions, I can be reached at dan@mnn.org or at 212-757-2670 x324.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Coughlin', written in a cursive style.

Dan Coughlin
Executive Director

EX PARTE OR LATE FILED

FILED/ACCEPTED

DEC 13 2006

Federal Communications Commission
Office of the Secretary

Fax

To: Heather Dixon

From: Tom Bishop

Fax: 202-418-2801

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

No. of Copies rec'd 0
List ABCDE

FILED/ACCEPTED

December 13, 2006

DEC 13 2006

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

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

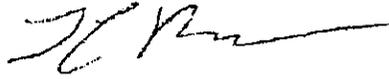
Dear Ms. Dortch,

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.

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

EX PARTE OR LATE FILED

113 S. Columbus Street
Suite 310
Alexandria, VA 22314
703-535-5836
703-535-5838 (fax)
www.ciff.org



PTED

DEC 13 2006

Federal Communications Commission
Office of the Secretary

Fax

To: Heather Dixon,
Legal Advisor to FCC Chairman Martin

From: Jeffrey Mazzella
President

Fax: 202-418-2801

Pages: 3 w/cover

Phone:

Date: 12/13/2006

Re: MB Docket No. 05-311

cc: .

Urgent For Review Please Comment Please Reply Please Recycle

• **Comments:**

Formal comment 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

No. of Copies rec'd 0
List ABCDE

CENTER FOR INDIVIDUAL FREEDOM

FILED/ACCEPTED

December 13, 2006

DEC 13 2006Federal Communications Commission
Office of the Secretary

Chairman Kevin J. Martin
Federal Communications Commission
445 12th Street SW
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 Chairman Martin:

On behalf of the Center for Individual Freedom and its more than 250,000 supporters and activists nationwide, I am writing to urge you and all other members of the Federal Communications Commission to support the implementation and enforcement of "video choice" rules for video franchising, the "Section 621(a)" provisions. The current lack of real choices for consumers in video services is harmful to our national economy and competitiveness.

Currently, only a small handful of local jurisdictions have provided consumers genuine choices in their respective markets. Consumers in most communities have only one, or perhaps two, local video service carriers to choose from, rather than the myriad options all Americans enjoy in comparable markets for telephone and Internet service. The burdensome barriers to competition that the current system has erected have created a virtual monopolistic market, dominated by a few companies, controlling both prices and the pace of innovation.

Indeed, such lack of competition violates the spirit of the 1992 Cable Act, which called for a prohibition on unreasonable refusals to award competitive franchises. Competition has been endorsed by Congress; the franchising process was meant to expedite video competition, not hinder it. Yet, in the 14 years since Congress passed the original Act, barriers have been erected to obstruct competition from ever reaching these markets.

In fact, there are competitors ready, willing and able to provide consumers alternative choices to their current video service provider. But the current system, and the anti-competitive barriers that it created, has made it too burdensome and inefficient for these new competitors and their new technologies to reach consumers.

The proposed action before the FCC would remove the artificial and counterproductive barriers to entry. It would establish reasonable deadlines for local franchising authorities to rule on franchise applications. Right now, many video service competitors are kept in limbo by local authorities, who refuse to rule on their application one way or the other.

113 South Columbus Street • Suite 110 • Alexandria, VA 22314
Phone: 703.535.5836 • Fax: 703.535.5838

www.cfif.org

This practice is unfair and unreasonable, and it demands remediation. The action before you would also prohibit the imposition of unreasonable build-out demands and unreasonable application fees, which have been imposed to artificially protect local monopolies from competition. Finally, it would clarify the authority of local franchising authorities over the construction and placement of mixed-use fiber optic networks.

These are all reasonable reforms that would immediately lower barriers to entry into this crucial market. The American people deserve the same choices – and the same benefits of competition – in their television service as they enjoy now in all other telecommunications services.

The FCC has a responsibility, and the authority, to solve this inequity. I respectfully urge you to use it.

Sincerely,



Jeffrey Mazzella
President

cc: Commissioner Adelstein
Commissioner Copps
Commissioner McDowell
Commissioner Tate



✓ MB-05-311

December 13, 2006

EX PARTE OR LATE FILED

VIA FAX FILED/ACCEPTED

DEC 13 2006

Federal Communications Commission
Office of the Secretary



Dear FCC Commissioner Copps:

Hello, my name is Kimberly Watkins. I am an active member and volunteer for Access Montgomery located in Montgomery County, Maryland.

I am writing to you today in support of Access Montgomery and the Alliance for Community Media about **MB 05-311** on video franchising. I am concerned that this Rule may destroy local and community created programming for the following reasons:

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 off 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.

7548 Standish Place
Rockville, MD 20855

301.424.1730 Ph
301.294.7476 Fax

www.accessmontgomery.tv

No. of Copies rec'd 0
List ABCDE



Page 2

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.

Thank you for your consideration.

Kimberly Watkins

Kimberly Watkins
Community Project Manager
Team Coordinator
Access Montgomery Television

7548 Standish Place
Rockville, MD 20855

301.424.1730 Ph
301.294.7476 Fax

www.accessmontgomery.tv

A DIVISION OF
Montgomery
COMMUNITY TELEVISION, INC.



~~CONFIDENTIAL~~
This document contains information that is confidential and intended only for the individual named. If you have received this document in error, please notify the sender immediately by telephone or email. Do not disseminate, distribute or copy this e-mail. Please notify the sender immediately if you have received this e-mail by mistake. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by telephone if you have received this e-mail by mistake. Do not use the information contained herein for any purpose other than that for which it was intended. E-mail messages are not secure. You should not send confidential information via e-mail.

Fax

To: Michael J. Capps From: Michael Max Knobbe
Fax: 202-418-2802 Date: 12-13-06
Phone: _____ Pages: 3
Re: _____ CC: _____

- Urgent For Review Please Comment Please Reply Please Recycle
-

MB 05-311

EX PARTE OR LATE FILED

The Bronx Community Cable Programming Corporation

BRONXNET

FILED/ACCEPTED

DEC 13 2006

Federal Communications Commission
Office of the Secretary

12/13/06

Michael J. Copps
Commissioner
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 Commissioner Copps,

BRONXNET is the independent not-for-profit community media center serving the people of the Bronx. 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:

- 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

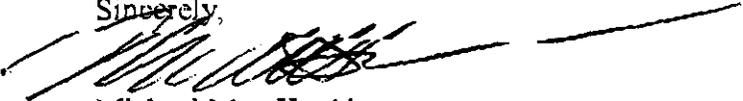
3) The proposed rule reduces the support for PEG or other community media services from what is allowed by current Federal law. We believe this is an arbitrary reduction, which will hurt our communities. It is in direct contradiction to language authored by telephone companies and already passed in key 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.

No. of Copies rec'd 0
List ABCDE

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 lawmakers, not the courts. The FCC should not usurp Congressional authority.

We've trained thousands of residents in media production and provide access to studios, equipment, channels and other resources so they might engage in civic participation through media. Each year BRONXNET trains hundreds of intermediate school, high school, and college students through our Training Program for Future Media Professionals. We provide access and training to not for profits so they may deliver important information to the public regarding health, education, and social services. All of this and other services that stations like BRONXNET provide, contributes to community development and economic vitality in our society, while furthering our democracy. 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,



Michael Max Knobbe
Executive Director
BRONXNET
250 Bedford Park Boulevard West
BRONX, NY 10468
(718) 960-7158
max@bronxnet.org

CC: Christina Pauze
Chris Robbins
Heather Dixon
Rudy Broche
Bruce Gottlieb
The Bronx Congressional Delegation

FILED/ACCEPTED

MB 05-311

DEC 13 2006

EX PARTE OR LATE FILED

Federal Communications Commission
Office of the Secretary

Hello, my name is Alysia Thaxton. I am an active member and volunteer for Access Montgomery located in Montgomery County, Maryland.

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

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.

No. of Copies rec'd 0
List ABCDE



ACCESS MONTGOMERY

Montgomery
COMMUNITY TELEVISION, INC.

7548 Standish Place
Rockville, MD 20855

Fax

Time: 12:10 **Date:** 12/12/06

To: CHAIRMAN WPPS

Company: FCC

Phone #: **Fax #:** 202-418-2802

Pages (Inc. Cover Sheet): 2

From: Alysia Haxton **Montgomery Community Television**

Phone: 301-424-1730 ex 302 **Fax:** 301-294-7476

•Comments: