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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

)
)In the Matter of
)Annual Assessment of the Status of
)Competition in the Market for the
) MB Docket No. 06-189
)Delivery of Video Programming
)

COMMENTS OF THE CITY OF JENKINS, KENTUCKY

These Comments are filed by the City of Jenkins, KY ("City") in support of the comments filed by the National Association of Telecommunications Officers and Advisors ("NATOA"), the National League of Cities ("NLC"), the National Association of Counties ("NACo"), the United States Conference of Mayors ("USCM"), and other national municipal organizations. Like the national municipal organizations, the City of Jenkins, KY believes that local governments want and encourage competition in the video programming marketplace. The local franchising process works and helps to ensure that all residents share in the benefits that increased competition brings to a City.

Our City previously filed Comments in the franchising proceeding, MB Docket No. 05-311, the 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. Because this Notice of Inquiry raises many of the same issues that were addressed by our earlier Comments, we are attaching a copy of those Comments for inclusion in this proceeding.

The local cable franchising process functions well in and it ensures that our City's specific needs are met and that local customers are protected. While we applaud efforts to increase competition in the video programming marketplace, the Commission should do nothing to impair the operation of the local franchising process as set forth under the existing federal regulatory scheme. The local cable franchising process should not be used as an excuse for the failure of new cable service providers to enter into the marketplace.

Respectfully submitted,

Mayor Robert Shubert

The City of Jenkins, KY
By: Mayor Robert Shubert
PO Box 568
Jenkins, KY 41537-0568
November 28, 2006

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An Open Letter to the FCC Commissioners

December 26, 2006

This is written in response to FCC's solicitation for data and information in the matter of the Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming

I'm Charles H. "Charlie" Stogner, CEO of StogMedia, a firm that is quite possibly the largest single user of 'leased access' with agreements in effect with more cable sites than any other single LAPER (leased access programmer) in the U.S.

I'm writing to hopefully alert you that although the law that created 'leased access' has been in effect since 1984 and that although when Congress in 1992 instructed FCC to conduct an annual assessment of video competition, 'leased access' was again addressed, the fact is the realization of what Congress described as a 'genuine outlet' for local video produced by entities unaffiliated with the local cable operator has never materialized as it was so obviously desired.

It has been that from my personal experience and extensive research and review of past problems LAPers have had when trying to 'exercise the right' to leased access that the obstacles placed in the path by cable sites and the lack of stringent rules and guidelines from FCC has resulted in cable operators assuming they're empowered to dictate agreements that have, in essence, become 'adhesion contracts' LAPers are forced to accept or be denied that which Congress created for them.

I suggest that the Commission instruct the Media Bureau to have all cable sites submit to FCC a copy of the agreements they present to applicants seeking leased access; the number and placement of channels 'set aside' for leased access; what leased access users do they have on their site and their name and addresses; what is the programming aired as 'leased access' and any 'application' forms they may require entities seeking leased access to complete and also, in general, review the status of the use of 'leased access'.

It is obvious 'leased access' is or can be a major factor in the development of locally focused content but has not been able to do so in a manner anywhere near what it appears Congress envisioned and the main reason is that the FCC staff has never fully assumed the role of insuring the law is fulfilled.

There are far too many instances of 'wrong-doing' on the part of cable operators and too many of these supported by FCC's Media Bureau in the process of 'petitions for relief' due to these procedures being structured in such a manner as to preclude the Bureau from really investigating the 'alleged' offenses.

I understand there will soon be a new rulemaking process that may address leased access matters. Sadly it appears had FCC long ago done this there would not still today be cable sites that attempt to run roughshod over leased access applicants.

Bottom line—leased access does not provide anywhere near the level of local video competition Congress so obviously intended so long ago and does not due as much or more due to FCC's failure to adequately insure the law is fulfilled.

Respectfully yours,

Charlie Stogner

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