

SandraLyn Bailey

06-189

From: Ted Blunt [tblunt@ci.wilmington.de.us]
Sent: Tuesday, December 19, 2006 5:11 PM
To: KJMWEB
Cc: Michael Copps; Jonathan Adelstein; dtayloratateweb; Robert McDowell
Subject: City of Wilmington

Importance: High

Attachments: FCC_telecommunications_Joint letter to Congressional Delegation 121306.pdf



FCC_telecommunica
tions_Joint l...

Chairman Martin-

Attached below, please find the City of Wilmington's letter of opposition to the proposed FCC order to expedite the entry of video providers into the cable market.

Thank you.

Theodore Blunt
City Council President
Wilmington City Council
800 N. French Street
Wilmington, De 19801
302.576.2141 (office)
302.571.4071 (fax)
tblunt@ci.wilmington.de.us

FILED/ACCEPTED
DEC - 9 2006
Federal Communications Commission
Office of the Secretary

<<FCC_telecommunications_Joint letter to Congressional Delegation 121306.pdf>>

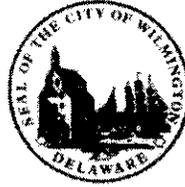
no. of Copies rec'd 0
LIST ABOVE

JAMES M. BAKER
MAYOR

THEODORE BLUNT
CITY COUNCIL PRESIDENT

City of Wilmington
Delaware

LOUIS L. REDDING - CITY/COUNTY BUILDING
800 FRENCH STREET
WILMINGTON, DELAWARE
19801 - 3537



FILED/ACCEPTED

11/11 - 9 2006

Federal Communications Commission
Office of the Secretary

December 19, 2006

Chairman Kevin J. Martin
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

RE: Federal Communications Commission Proposed Order To Expedite Cable-Franchising Process For Telephone Companies

Dear Chairman Martin:

On behalf of citizens in the City of Wilmington, we have significant concerns about the proposed order to be issued by the Federal Communications Commission to expedite the entry of telephone companies into the cable market. Wilmington is on record with the Delaware Public Service Commission and with our local telephone company, Verizon, of its desire to promote competition within the cable television market by providing Wilmington residents with a choice. However, we believe that the proposed order will not create a fair process that will promote competition and benefit our residents.

To date, the telephone company has not expressed a definite date of entry into the Wilmington market. Instead, Verizon has offered a vague promise that it plans to come to Wilmington soon. Thus, our current cable operator (Comcast) continues to be the only television provider in the City even though we are very eager to begin discussions that could lead to welcome competition.

First, we oppose the time limits to negotiate a franchise agreement. The telephone companies espouse a theory that the local municipalities are holding up the negotiation process and they propose to limit the negotiation period to only 90 days or 180 days depending on whether there is a pre-existing right to use the public right of way. If an agreement is not reached, then they would like to be permitted to deliver service as a matter of right while continuing to negotiate with the local municipality. This proposed solution unfairly limits the local municipality's ability to negotiate and gives the telephone company unfettered control. A time limit that permits service as a matter of right and does not sanction a telephone company's failure to negotiate in good faith is, in fact, a penalty against the local municipality. There is nothing to prohibit the telephone company from adopting a "take it or leave it" attitude during negotiations, especially since, within 3 to 6 months, they will be permitted to deliver service as a matter of right. We ask therefore, where is the telephone company's incentive to negotiate in good faith with the local municipalities? Any sort of time

limited negotiation period must be predicated on the concept that both parties are negotiating in good faith. Failure to do so should result in sanctions applicable to both the telephone company and the local municipality that would include no access without an agreement.

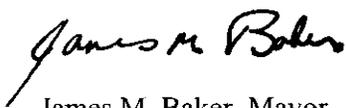
Second, the proposed order does not permit cities to impose 'build out' requirements on the telephone companies beyond what is in the initial application, or in the best case, beyond the area where telephone service is provided. The telephone companies argue that they are making an investment without a customer base and to require 'build out' is not fair. They also state that 'build out' should be driven by market share. If the premise of the proposed order is to provide competition, then there needs to be some requirement that the telephone company specifically state when all residents in a service area will have access to their video service. Anything less than such a requirement permits telephone companies to pick and choose who has access to the video service. The telephone companies advocate that competition is good for the consumer. However, consumers can only benefit from competition when there is competition.

The third and final concern is that municipalities will receive a flat five percent (5%) franchise fee from which all in-kind services will be deducted. For most municipalities, the franchise fee is used to fund local government access stations and city projects. The reduction in the five percent (5%) franchise fee on very limited income will result in a financial loss to most municipalities. We propose increasing the franchise fee percentage paid to municipalities to cover the additional costs of in-kind services currently rendered by the cable providers, or in the alternative, expanding the applicable income from which the franchise fee is taken.

We hope that the important principle of equal access to the new technology for all citizens will prompt your support of our positions on this particular issue.

If you have any questions, please feel free to contact us at 302.576.2100 or 302.576.2140.

Sincerely,



James M, Baker, Mayor
City of Wilmington



Theodore Blunt, President
Wilmington City Council

Cc: FCC Commissioners
Senator Joseph Biden, Jr.
Senator Thomas Carper
Congressman Michael Castle
Delaware League of Local Governments
National League of Cities
U.S. Conference of Mayors
Delaware Public Service Commission

Sandralyn Bailey

01-10-07

From: Mike Foster [mike.foster@tvinc.net]
Sent: Tuesday, December 19, 2006 5:37 PM
To: Kevin Martin
Cc: Jonathan Adelstein; Michael Copps; Robert McDowell; Deborah Tate
Subject: FW: Cable TV Competition In Rural Kansas

FILED/ACCEPTED

JAN - 9 2006

Federal Communications Commission
Office of the Secretary

TWIN VALLEY
telephone

December 19, 2006

Dear Chairman Martin,

I read with interest the article on the front page of the Money Section in the Dec. 1st edition of USA Today. The story is written by Leslie Cauley, and has to do with your proposed rules to spur competition and ease of entry for phone companies into the video business which I understand are going to be voted on tomorrow. The article mentions that the average price of cable TV in 2005 was \$43.33, and where satellite TV was also available, the average price was \$43.34. But in markets with another "wired" video provider, the price was \$35.94. Ms. Cauley mentions that our brethren in the Cable TV industry blame the increased cost of programming for the continuing escalation of prices, (93% increase from 1995 to 2005), but that does not explain the big difference in price when there are two wired providers. She goes on to point out that AT&T and Verizon are building advanced broadband networks so they can sell bundles of TV, voice, wireless and high speed Internet services, but the process is very slow, in part because of the franchising process. And that more than two years after entering the video business, Verizon has only 300 video franchises and AT&T has only about 24

Do not discount totally what the cable industry is saying about the cost of content. The content providers have been out of control for sometime. A perfect example of their power is being played out as we speak concerning the NFL network. Cable companies are forced to put channels on the basic package that should be on a tier. The other thing I would like to caution you on Chairman Martin is what you are being told by AT&T and Verizon about the franchising process. For your information Kansas passed a statewide franchise bill this past session. Despite this, AT&T which serves 1.2 million access lines in Kansas and only about 10% of the land mass of the state does not have a single cable franchise in Kansas. Twin Valley has been providing video service over DSL lines since 2003 at a monthly rate of \$39.95 for its basic package of 70 channels. And unlike Verizon or AT&T, we make that service available to our entire service area that, as you know, is extremely rural in nature, (Senator Brownback letter dated September 13, 2006). And without any statewide franchising bill, Twin Valley had very little trouble acquiring 30 county and municipality franchise agreements in our service area of 2400 square miles. A much bigger problem as far as entry into the video business is concerned, is the

No. of Copies rec'd 0
 List ABCDE

1/10/2007

price of content and getting the content providers to even talk to newly formed cable companies. The NFL Network recently began broadcasting games that cannot be viewed by a large portion of the United States. Very recently they also acquired the rights to the Texas Bowl in which Kansas State is participating. This practically necessitates that Twin Valley air the network. We serve customers in the heart of Wildcat land and are working hard at getting the network in place prior to the game. The cost of the NFL Network averages almost \$.60 per customer, per month and rivals only ESPN for the top cost per customer. Additionally, they require that you put their channel on the basic package of service which raises the cost for customers who want basic television service only. Back East the NFL network made a deal with the large providers so that the Rutgers fans could see the game; a deal which was not extended to our company or any company serving Kansas. AT&T and Verizon will not have content issues because they will probably be extended the same premium pricing that is enjoyed by large cable companies and the satellite providers. The frequent (almost annually) price increases for some of this programming that is a must to have, is unreasonable. The other problem is the discounting structure. Dish Network and Direct TV's programming is significantly cheaper than programming that is available to small operators. Further, operators, such as Twin Valley, that have infrastructure in place pay state and local taxes on that infrastructure and the satellite providers are exempt from such taxes.

I am drawing your attention to these issues only because of Twin Valley's continuing struggles with the FCC. I mentioned Senator Brownback's letter written to you on Twin Valley's behalf earlier in order to refresh your memory on our struggle with the FCC over the past 15 months.

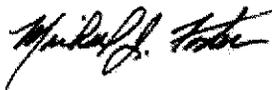
As your recall in that correspondence, Senator Brownback is telling how we are deploying advanced service capable infrastructure in 13 exchanges we purchased from Sprint earlier this year, and how Twin Valley is investing in rural Kansas and its future. Chairman Martin, you have been quoted many times about your advocacy of advanced services deployment for all Americans. I would like to point out sir that your agency's actions as they relate to our company and their interpretation of the FCC rules do not support your comments. When your statements specifically stress how dedicated you are to seeing that the entire nation have advanced services available and you know how vital those services are to rural America, then I would hope the bureau that is making the decisions that either help or hinder that deployment is on board with your agenda. It has been my experience sir that so far they are not..

I don't know how the vote is going to go tomorrow. What I do know is the FCC has the chance to approve reconsideration of a waiver that would grant \$900,000 of Universal Service funding to Twin Valley after purchasing exchanges with the sole purpose of deploying advanced services as well as improving voice communications from a company, (Embarq/ Sprint), that enjoyed the same \$900,000 in annual USF support for serving this same rural area and never making an investment of any consequence to improve service let alone deploy advanced services.

Chairman Martin, I don't know if Senator Brownback is truly going to monitor the progress of our waiver and reconsideration as he stated in his letter to you, but I will report that at this time there has been no progress.

Thank you Chairman Martin for your consideration in this mater.

Sincerely,
Twin Valley Telephone, Inc.



Michael J. Foster

President



Twin Valley Telephone, Inc.

Michael J. (Mike) Foster

President

mike.foster@tvttinc.net

22 Spruce

Miltonvale, KS 67466

tel: 785-427-9211

fax: 785-427-2216

mobile: 785-427-8041

Add me to your address book... Want a signature like this?

SandraLyn Bailey

06-189

From: NEIL SINGER [MYCROFTT2@YAHOO.COM]
Sent: Wednesday, December 20, 2006 3:41 PM
To: KJMWEB
Subject: Comments to the Chairman

NEIL SINGER (MYCROFTT2@YAHOO.COM) writes:

I STRONGLY SUPPORT THE COMMERCIAL DEREGULATION OF THE CABLE INDUSTRY.. WHY IS CABLE THE LAST REGULATED MARKET IN A SUPPOSEDLY FREE MARKET SOCIETY ???... IF THE WIRELESS MARKET IS OPEN WHY CAN'T THE CABLE INDUSTRY BE LIKEWISE..

Server protocol: HTTP/1.1
Remote host: 192.104.54.5
Remote IP address: 192.104.54.5

FILED/ACCEPTED
JAN - 9 2006
Federal Communications Commission
Office of the Secretary

No. of Copies rec'd 0
List ABCDE

SandraLyn Bailey

JAN - 9 2006

de-189

From: Don Lively [donlive@pacbell.net] Federal Communications Commission
Sent: Thursday, December 14, 2006 12:10 AM Office of the Secretary
To: KJMWEB
Cc: Michael Copps; Jonathon.Adelstein@fcc.gov; dtatylortateweb@fcc.gov; Robert McDowell
Subject: Cable TV Competition

Dear Commissioner Martin,

Just a brief request that you urge your colleagues to support the "Competition in Cable TV" issue now under consideration by the FCC. As one who has spent his professional life in the FCC-regulated environment, this is clearly a time to let competition and the market settle such matters. As a local CATV commissioner, I've been able to observe first hand, the need for choice in such matters as "a la carte" channel selection, service quality, etc. I've also written to Commissioners Copps and Adelstein re getting on with the Bell South-AT&T merger...no response. Clearly, the Bell breakup was a disaster - this, if for no reason other than loss of the priceless Bell Labs Research & Systems Engineering division (judicial treason in my mind).

Sincerely,

Donald E. Lively
3412 McEllen Ct.
Lafayette, CA 94549
925 283 1409

No. of Copies rec'd. 0
List ABCDE

Sandralyn Bailey

do-189

From: Victor Peckus [vpeckus@verizon.net]
Sent: Monday, December 18, 2006 1:04 PM
To: KJMWEB
Subject: Comments to the Chairman

FILED/ACCEPTED

JAN - 9 2006

Federal Communications Commission
Office of the Secretary

Victor Peckus (vpeckus@verizon.net) writes:

Sir,
Thank you for taking the side of the consumer in addressing competition to the Cable Companies domination of television services. The rates keep going up, %30+ of their offerings I am not interested in (Spanish, Japanese, Greek, Polish, etc.) but I still have to pay for them.

Again, thank you for looking out for us.

Respectfully,

Victor Peckus
324 Millstone Rd
PO Box 111
Clarksburg, NJ 08510

Server protocol: HTTP/1.1
Remote host: 192.104.54.5
Remote IP address: 192.104.54.5

No. of Copies rec'd 0
LIST ABOVE

SandraLyn Bailey

JAN - 9 2006

06-189

From: RC [rcooley@spamcop.net] Federal Communications Commission
Sent: Tuesday, December 19, 2006 9:56 AM Office of the Secretary
To: KJMWEB; Michael Copps; Jonathan Adelstein; dtaylor@tateweb; Robert McDowell
Subject: IPTV concerns

I am concerned about the future of telecommunications. The direction the rule-making process is headed, is giving more and more monopoly power to telephone companies, artificially preventing competition.

With the roll-outs of fiber optic lines to homes, telephone companies are repeatedly abusing their right-of-way privlidges, by using it to allow them to monopolise unrelated services, without any sort of oversight. If they want to provide IPTV services without getting special privlidges from local municipalities (as cable companies are required to do), they should decouple the IPTV service from the physical lines, making it a normal information service, seperated from the physical lines. That, of course, would inherently require them to allow 3rd parties fair access to compete for customers on the public lines they manage, rather than granting them the monopoly on IPTV service they want.

Despite claims to the contrary, this duopoly of local television service is not competition of any kind. They have no motivation to compete. This became overtly clear when cable companies began offering VoIP services. While many localities now have two options for wired phone service, both just are mimicing the other's rates, with no attempts to add more features, better service, or lower prices. They are merely trying to be no worse than the other guy, and awaiting disgruntled customers to exodus from the entrenched service.

By denying them the option of abusing their monopoly status, and right-of-way privlidges, you can force them to negotiate a more transparent and benefital plan with local municipalities, that will better serve the public.

Fears of them deciding not to roll-out such services, if they do not recieve everything they want, are unfounded. There is too much money to be made, for them to ignore the market. What has stalled them for so long is their own attempts to encourage such fears, in an attempt to get more favorable legislation for themselves. Granting them what they want, will only lead to more delays, as they try to get more of the same.

No. of Copies rec'd 0
List ABCDE

Sandralyn Bailey

06-789

From: David Sheller [dsheller@bellsouth.net]
Sent: Wednesday, December 20, 2006 11:32 PM
To: KJMWEB
Cc: Michael Copps; Jonathan Adelstein; dtayloratateweb; Robert McDowell
Subject: Telco's intent to offer Subscription Television Service

FILED/ACCEPTED
 JAN - 9 2006
 Federal Communications Commission
 Office of the Secretary

Chairman Martin & Commissioner's,

I find it appalling that as a group, the FCC is divided so politically. The FCC's rules have allowed the Cable Industry to run roughshod over the customer, unregulated and unencumbered. Now, the Telco's want to offer a competing product, as well as merge to create a symmetry of products and services...and the FCC has been unable to work together towards this goal on political ideology only!

In a letter dated Tuesday, Rep. John Dingell, D-Mich., wrote, "It would be extremely inappropriate for the Federal Communications Commission to take action that would exceed the agency's authority and usurp congressional prerogative to reform the cable television and local franchising process."

You either have the appropriate authority, or you don't! Rep. Dingell should have made it a point to bring a vote to the issues of merger and franchising before leaving town. I suppose Congress and the Senate would prefer the ILEC's go out of business and allow the Cable/Internet/Wireless companies pick up all the slack. As it is, the Telco's are already laying off thousands of workers due to the loss of POTS service.

And this is not meant to be derogatory to Mr. Copps and Mr. Adelstein, but if you two are so concerned about the consumer (which is a good thing!), then can you explain why the Cable Industry is for the most part, unregulated by either the FCC or the local PUC's like an ILEC is? Let's either equal the regulation across the board, or end all regulation completely. As far as I'm concerned, if you offer phone service, that's a lifeline! If that lifeline fails and you can't get the unregulated service provider to repair it in a timely manner, that's unsatisfactory! At least a telco subscriber has the PUC's at their disposal...and it works.

No. of Copies rec'd 0
 List ABOVE

I don't pretend to know all the issues. I also know you're working hard to resolve the issues at hand. If you've got the authority to make the tough calls on these issues, then make those

1/10/2007

decisions. The hell with the Congress and the Senate!

Sincerily,

David Sheller

JAN - 9 2006

Federal Communications Commission
Office of the Secretary

06-109

SandraLyn Bailey

From: Thomas L. Galusha [tgalusha2@rochester.rr.com]
Sent: Thursday, December 21, 2006 6:46 PM
To: dtaylor@tateweb
Subject: Cable Rates

PLEASE help reduce the ridiculous rates in place.
Thomas L. Galusha

No. of Copies rec'd 0
List ABCDE

Sandralyn Bailey

FILED/ACCEPTED

do-189

From: Hasan Mir [tmirh@yahoo.com]
Sent: Wednesday, December 20, 2006 8:01 PM
To: KJMWEB
Subject: Thanks for new Cable rules

JAN - 9 2006

Federal Communications Commission
Office of the Secretary

Thanks for passing the new cable rules today. On behalf of millions of consumers out there all I want to say is bravo.

Hasan

Do You Yahoo!?

Tired of spam? Yahoo! Mail has the best spam protection around
<http://mail.yahoo.com>

No. of Copies rec'd _____
List ABCDE

Sandralyn Bailey

06-169

From: albert peia [albertpeia@lycos.com]
Sent: Saturday, December 02, 2006 5:01 AM
To: KJMWEB
Cc: Michael Copps; Jonathan Adelstein; dtayloratateweb; Robert McDowell
Subject: "NO" To Anti-Competitive att

FILED/ACCEPTED

IAN - 9 2006

Federal Communications Commission
Office of the Secretary

FCC Chair Moves to Break AT&T Deadlock

AP - Declaring an "impasse" on AT&T Inc.'s proposed acquisition of BellSouth Corp., Federal Communications Chairman Kevin Martin cleared the way Friday for a commissioner who had disqualified himself from the deliberations to break the deadlock.

Dear Sirs/Madam:

**How Could This Regressive Issue Be Anything But A Simple "NO" To Anti-Competitive att?
I have experienced distinctively negative service from billing improprieties to service to contrived lack of service, circuits busy, etc., to increase charges, since jersey based att (remember what happened to NEC computer co., etc) merged with SBC. The same has been so with Yahoo. This should be a "no-brainer".
"NO" to att and Bell South!
Albert L. Peia**

Lycos Cinema : Catch up with your friends and see free movies online - watch, chat & connect now >>
<http://cinema.lycos.com>

No. of Copies rec'd _____ 0 _____
List ABCDE