

FILED/ACCEPTED

FEB 27 2007

DOCKET FILE COPY

February 23, 2007

Joshua Breitbart
4821 Baltimore Ave.
Philadelphia, PA 19143

Federal Communications Commission
Office of the Secretary

06-121

To: Chairman Kevin Martin, Commissioner Jonathan Adelstein, Commissioner Michael Copps, Commissioner Deborah Taylor Tate, and Commissioner Robert McDowell

In the matter of

- 2006 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996) MB Docket No. 06-121
- 2002 Biennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996) MB Docket No. 02-277
- 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

Thank you for coming to Harrisburg to gather input from my fellow Pennsylvania residents. Unfortunately, business prevents me from being there in person to testify; please accept these written comments.

I am writing to ask you to please, once and for all, close the terrestrial loophole for Philadelphia as you did for the rest of the country in the conditions you placed on the Comcast-Time Warner-Adelphia merger.

Philadelphia residents have no meaningful choice in pay-TV service. Comcast controls the broadcasts of our local sports franchises: the Phillies, the 76ers, and the Flyers. Because almost none of these broadcasts are on free television and Comcast will not share that programming with satellite TV providers, those of us who want to watch those games have only one company from which to buy it. In Philadelphia, sports fans are a large enough constituency that without us, competitors have no chance of getting off the ground.

When you were considering the Adelphia deal, I put up a simple website informing my neighbors in Philadelphia about the possibility that you could close what we locals call the "Comcast Loophole." I called it "Free the Flyers" for the way it held all of our regional sports programming hostage. "Let our Phillies go," we pleaded. Hundreds of people used the website to send you comments opposing the merger, warning that it would further limit competition in the Philadelphia market, which has already been hurting current and potential pay TV customers.

No. of Copies rec'd 0
List ABCDE

I was surprised, not just by the volume of responses, but also by how knowledgeable everyone already was about the problem. *Every sports fan in Philly – which is to say everyone in Philly – knows that Comcast has us over a barrel.* Moreover, it is a question of civic pride, as you can tell from the comments of Rita Folino, who wrote,

I have been a cable customer since it first came into Philadelphia as Wade Cable Works and have continued to this day with now Time Warner. I do not like the idea of Comcast taking over the complete Sports network. I have been a passionate Flyers fan since the Broad Street Bullies. I am 71 years old. I do not understand why Comcast continues to hold me hostage to their sports station. Why can't other people in Philly see the Flyers, Phillies, etc without being held hostage by Comcast?

Many more of my neighbors submitted comments to our Senators when they were considering Senate Bill 2686, sponsored by Senator Stevens. In both instances, the governing body made a special effort to accommodate Comcast's abuse of its market power and reject our concerns.

That abuse takes many forms. While our rates keep going up, service is still unsatisfactory. We still have no active public access channels, despite provisions for them in the franchise agreement. And Comcast has even neglected its obligations to subcontract with minority- and women-owned business in Philadelphia, a pattern of behavior for which the City could fine the cable giant over \$4 million.

Our local City Council should be pursuing these issues, but every time you let these corporations get bigger, it makes it harder for them to do that. Your December 20, 2006, ruling on cable franchises is no solution. It will only remove any hope of ever having public access in Philadelphia and will subject us to increasing rates as we subsidize Comcast's war with Verizon in the wealthy suburbs that surround our city, all without bringing any new competitors into the local market.

So I and the more than 300 of my neighbors who have signed onto the Free The Flyers campaign are asking you once again to close the Comcast Loophole and bring some meaningful competition to the local TV market in Philadelphia.

We also hope you look to Philadelphia as an example of what a large media corporation will do when it has exclusive control over the wire into your home and exclusive control over content you want. Without net neutrality, for example, Philly sports fans could be facing the same frustrating fate on the Internet that they currently face on TV.

Please end Comcast's abusive behavior. Please do not reward big media with any more mergers or monopolies.