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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

FILED/ACCEPTED

MAR 21 2007

Federal Communications Commission
Office of the Secretary

 In the Matter of)
)
 ARKANSAS CABLE TELECOMMUNICATIONS)
 ASSOCIATION; COMCAST OF ARKANSAS, INC.;)
 BUFORD COMMUNICATIONS I, L.P. d/b/a)
 ALLIANCE COMMUNICATIONS NETWORK;)
 WEHCO VIDEO, INC.; COXCOM, INC.; and)
 CEBRIDGE ACQUISITION, L.P., d/b/a)
 SUDDENLINK COMMUNICATIONS,)
)
 Complainants,)
)
 v.)
)
 ENTERGY ARKANSAS, INC.,)
)
 Respondent.)

EB Docket No. 06-53

EB-05-MD-004

To: Secretary Marlene H. Dortch
 Attn: The Honorable Arthur I. Steinberg
 Office of the Administrative Law Judge

NOTICE

Complainants Arkansas Cable Telecommunications Association, Comcast of Arkansas, Inc., Buford Communications I, L.P. d/b/a/ Alliance Communications Network; WEHCO Video, Inc., CoxCom, Inc. and Cebridge Acquisition, L.P., d/b/a Suddenlink Communications ("Complainants") hereby respectfully request that the Hearing Officer take notice of the attached news article, which ran on page A8 of the March 21, 2007 edition of the Arkansas Democrat-Gazette. The third-to-last paragraph of the article quotes an Entergy-Arkansas official as indicating that

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Entergy will "move into broadband services." This material is relevant to consideration of the BPL portion of Complainants' Amended Motion to Compel Production of Documents and Answers to Interrogatories, filed January 26, 2007.

Respectfully submitted,

ARKANSAS CABLE TELECOMMUNICATIONS
ASSOCIATION; COMCAST OF ARKANSAS,
INC.; BUFORD COMMUNICATIONS I, L.P.
D/B/A ALLIANCE COMMUNICATIONS
NETWORK; WEHCO VIDEO, INC.; COXCOM,
INC.; AND CEBRIDGE ACQUISITION, L.P.,
D/B/A SUDDENLINK COMMUNICATIONS



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March 21, 2007

Its Attorneys

CERTIFICATE OF SERVICE

I, Christine Reilly, hereby certify that on March 21, 2007, a copy of the foregoing **NOTICE** was hand-delivered, and/or placed in the United States mail, and/or sent via electronic mail, postage prepaid, to:

Marlene H. Dortch (*Orig. & 6 copies*)
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445 12th Street, S.W.
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The Honorable Arthur I. Steinberg **
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Bill concerning video services stalled in panel

BY MICHAEL R. WICKLINE

Posted on Wednesday, March 21, 2007

URL: <http://www.nwanews.com/adg/News/185128/>

A bill that would regulate cities' decisions to grant the use of public rights of way to video service companies failed to get out of an Arkansas Senate committee on Tuesday.

Senate Bill 451 by Sen. Randy Laverty, D-Jasper, is backed by the cable television industry but opposed by, among others, the Arkansas Municipal League, AT&T Inc. and Entergy-Arkansas.

No member of the Insurance and Commerce Committee moved to recommend the bill.

Len Pitcock, executive director of the Arkansas Cable Telecommunications Association, said the bill aims at ensuring that local governments have the authority to require all providers of video services to obtain their approval before using the public right of way.

Any grant of authority to use the public right of way to provide video services to customers within a city may include a requirement that the company pay "a reasonable and non-discriminatory fee" under the bill.

Any fee would be limited to 5 percent of the gross revenues actually received by the company from customers under the bill.

In determining whether to grant a video service company authority to use the right of way, the bill says, a city may take into consideration "whether the terms or conditions are more favorable or less burdensome than the terms or conditions contained in a grant of authority issued to another video service company."

Pitcock said the provision aims at making sure that local governments will consider the terms and conditions granted to one company when it negotiates with another.

Former Little Rock Mayor Jim Dailey said his city reached agreement last summer to allow AT&T Inc. to offer its new TV service in Little Rock after hearing from the public and the cable industry.

Under the deal, AT&T will pay the city 5 percent of its revenue from its U-Verse subscriber and use fees.

But it isn't required to provide the service to all city residents.

U-Verse is a cablelike programming package that can deliver digital video over the same lines used by AT&T's high-tech phone and Internet services.

Dailey said he opposes the bill because he sees no reason to pass it.

Gary Massaglia, vice president and general manager of Comcast Arkansas, said several *cities entered into video service agreements with AT&T last summer and the agreements have more favorable terms than those agreed to by Comcast.*

“New providers are being allowed to enter into the market in areas they determine with products they decide on timelines defined solely by them, and at the end of the day true competition cannot occur under such agreements,” he said.

Eddie Drilling, president of Arkansas AT&T Inc., said the company isn't a cable company and shouldn't be required to enter into “some sort of cable franchise like this bill would require us to do at the local level.”

AT&T has nine agreements with Arkansas cities to offer video service, he said, and pays a fee and offers programs and access channel to the cities.

“We like to talk about level playing fields, too,” Drilling said.

“Let's talk about the whole field, not just the video side of the equation, but the video and voice and how all these technologies are converging.”

The bill also would require such video service providers as Yahoo and Google and the Arkansas Democrat-Gazette, which transmits video over the Internet, to enter into agreements with cities, he said.

Paul Means, representing Entergy-Arkansas, said the firm already has franchise agreements with cities, and he opposes the bill.

“We would like to retain the flexibility to negotiate those [agreements] as we move into broadband services with each city on the terms each city feels is appropriate,” he said.

Laverty said he would like to refer his bill to an interim legislative study and “not just a graveyard of death bones.”

Drilling said the bill shouldn't be a basis for an interim study. Such a study should be broader than just this bill and should cover all technologies, he said.

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