

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the matter of )  
 )  
Implementation of Section 621(a)(1) of the Cable )  
Communications Policy Act of 1984 as amended ) MB Docket No. 05-3 11  
by the Cable Television Consumer Protection and )  
Competition Act of 1992 )

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**COMMENTS OF THE SACRAMENTO METROPOLITAN CABLE TELEVISION  
COMMISSION, A JOINT POWERS AGENCY WHOSE MEMBERS ARE THE  
COUNTY OF SACRAMENTO, AND THE CITIES OF SACRAMENTO, CITRUS  
HEIGHTS, ELK GROVE, FOLSOM, GALT AND RANCHO CORDOVA, CALIFORNIA  
IN RESPONSE TO THE FURTHER NOTICE  
OF PROPOSED RULEMAKING**

The Sacramento Metropolitan Cable Television Commission, ("SMCTC"), a joint powers agency whose seven members are the County of Sacramento, and the cities of Sacramento, Citrus Heights, Elk Grove, Folsom, Galt, and Rancho Cordova in California file these comments in response to the Further Notice of Proposal Rulemaking, released March 5, 2007, in the above-captioned rulemaking ("Further Notice").

1. **SMCTC** is the local franchising authority for its member jurisdictions, as listed above. There are **three** franchised cable operators within our jurisdiction. Those cable operators, along with the current expiration dates of their franchises are: Comcast (12/2023), SureWest Televideo (6/2022) and Strategic Technologies, Inc. (2/2018 and 4/2025).

2. We support and adopt the comments of the National Association of Telecommunications Officers and Advisors, the National League of Cities, the National

Association of Counties, the U.S. Conference of Mayors, the Alliance for Community Media, and the Alliance for Communications Democracy, filed in response to the Further Notice.

3. We oppose the Further Notice's tentative conclusion (at ¶ 140) that the findings made in the FCC's March 5, 2007, Order in this proceeding should apply to incumbent cable operators, whether at the time of renewal of those operators' current franchises, or thereafter. This proceeding is based on Section 621(a)(1) of the Communications Act, 47 U.S.C. § 541(a)(1), and the rulings adopted in the Order are specifically, and entirely, directed at "facilitat[ing] and expedit[ing] entry of new cable competitors into the market for the delivery of video programming, and accelerat[ing] broadband deployment" (Order at ¶ 1).

4. We disagree with the rulings in the Order, both on the grounds that the FCC lacks the legal authority to adopt them and on the grounds that those rulings are unnecessary to promote competition, violate the Cable Act's goal of ensuring that a cable system is "responsive to the needs and interests of the local community," 47 U.S.C. § 521(2), and are in conflict with several other provisions of the Cable Act. But even assuming, for the sake of argument, that the rulings in the Order are valid, they cannot, and should not, be applied to incumbent cable operators. By its terms, the "unreasonable refusal" provisions of Section 621(a)(1) apply to "additional competitive franchise[s]," not to incumbent cable operators. Those operators are by definition already in the market, and their future franchise terms and conditions are governed by the franchise renewal provisions of Section 626 (47 U.S.C. § 546), and not Section 621(a)(1).

5. We strongly endorse the Further Notice's tentative conclusion (at para. 142) that Section 632(d)(2) (47 U.S.C. § 552(d)(2)) bars the FCC from "preempt[ing] state or local customer service laws that exceed the Commission's standards," and from "preventing LFAs and cable operators from agreeing to more stringent [customer service] standards" than the FCC's.

6. We continue to experience a significant number of cable customer service complaints even though our community has head-to-head competition between franchised cable operators. Despite the access to multiple cable companies and/or satellite companies for 20 years, Sacramento residents have not experienced lower rates (yearly rate increases are consistently at or above triple the rate of inflation). In addition, customer service, although acknowledged by the industry to be key to keeping and winning customers, is still a consistent complaint. Over the years, some of the topics and problems needing resolution have changed as construction cycles begin and end and as services change and evolve; however, poor customer service is still customers' main concern in addition to monthly service rates.

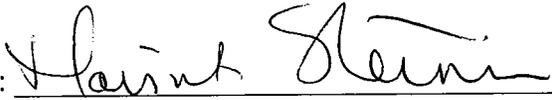
SMCTC receives customer complaints steadily; and topics cover a broad spectrum, including both regulated and non-regulated issues. Poor customer service and lack of follow through on promised actions are consistent problems. Complaints topics include (\* items most prevalent):

- a \* Rude and hurried customer service reps
- a \* Customer Service reps promising actions that do not occur (credits, acct changes, supervisor call back, appointments, etc.)
- e \* No access to supervisors/management for on-going problems and ineffective and rude reps
- a \* Rates
- a \* Programming changes, particularly popular channels moved to higher costing digital packages
- e Unclear promo terms relayed on the telephone and no clear billing details confirming the promo terms or length
- e Billing disputes, lengthy or no resolution after several attempts (charges for equipment not in possession, or for equipment not needed for their service level, incorrect tax, etc.)
- e Missed appointments for service and install or appointments offered over 7 days out
- a Pay per View charges for items not ordered (lax account set up allowing undesired access to pay per view orders and thus disputed charges)
- a Delayed/missing refunds

- Intermittent reception and outage problems (particularly with digital)
- Telephone hold times, busy signals
- Confusing automated phone system
- Construction and techs rude or limited English to communicate with homeowner
- Blaming service changes and rate on local government as well as in appropriate customer referrals to local government rather than handling a customer's concerns
- Many complaints received cannot be easily categorized due to their individual unique nature.

Respectfully submitted,

Sacramento Metropolitan Cable Television  
Commission

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