

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of Exclusive Service Contracts for Provision of Video Services in Multiple Dwelling
Units and Other Real Estate Developments

MB Docket No. 07-51

Reply to the letter of Mark Scifres of Pavlov Media:

The following statements in Mr. Scifres's letter are false:

- 1) "We are the low cost provider in every area we serve. Typically, we provide Internet service for \$12-\$15 per user, video service for \$18-\$20 per home and wireline basic local service for less than \$13 per line, and the other small providers like us (Consolidated Smart Systems..." Either Consolidated Smart Systems is not a like Pavlov Media, or Pavlov Media neither charges the amounts indicated nor is a low cost provider in every area it serves, or both. Consolidated Smart Systems may offer to provide service at low costs similar to Pavlov Media, and reliance on the false advertising of Consolidated Smart Systems may have confused Mr. Scifres, but Consolidated Smart Systems does not in fact provide services at "low cost" or at costs comparable to those quoted above.
- 2) "We are able to provide service in every state... If exclusive contracts are banned, you will shut us down..." As the NJ Rate Counsel has already commented, New Jersey law has guaranteed franchised cable companies access to MDU properties since the early 1980's. Therefore, it is impossible for any company that cannot provide service without exclusivity, including Pavlov Media, to provide service in the State of New Jersey.

The preceding is not an all-inclusive list of the things that I disagree it in Mr. Scifres's letter. However, most of the issues, such as whether it is "good for consumers" to receive what the consumers select (even if unwisely) or what someone else determines is best for them, are subjective matters of opinion. In the interest of brevity, I decided to focus on the portions that contain obvious contradictions.