

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Leased Commercial Access)	MB Docket No. 07-42
)	
Development of Competition and)	
Diversity in Video Programming)	
Distribution and Carriage)	
)	
)	

To: The Commission

REPLY COMMENTS OF COMBONATE MEDIA GROUP

These reply comments by Combonate Media Group (“Combonate”) are submitted in response to comments submitted by Comcast, Time Warner, NCTA and others in response to the Notice of Proposed Rulemaking regarding Leased Commercial Access and designated MB Docket No. 07-42.

To reiterate, Combonate is dedicated to the production of community oriented locally focused television programming of interest, benefit and value to our customers and viewers. Our mission is to provide a venue for the dissemination of news and information, aimed at keeping our service area informed about local issues and events that affect their lives. Our plan is to distribute our programming via low power TV stations and leased access cable TV stations either on a part time or full time basis.

Combonate believes that leased cable access TV offers an excellent vehicle to distribute our programming and achieve our mission in the various communities that we plan to operate. We plan to operate in mostly small and suburban markets, not currently being adequately served by full power commercial television stations. We plan to locally focus our programming by providing service to readily identifiable geographical areas such as a city/town, a county or other specific area where the population have common interests, schools, businesses, government, etc.

The cable industry would like nothing better to continue to bamboozle and hoodwink the Commission into believing that all is well on the leased access front and that there is no need to amend the rules to the detriment of the cable companies. In fact, Comcast and Time Warner show an utter disdain for the leased access rules, calling them constitutionally suspect. The cable industry claims that due to the low amount of complaints that the Commission has received, that the rules must be working. Combonate has a different viewpoint in that, many potential leased access programmers have checked into what it takes to get programming on a channel and have been frustrated by the process in dealing with the cable companies and the roadblocks that they try to impose by unwarranted clauses in contracts, insurance requirements, limits on access to a particular area or market, channel placement, etc. A lot of these potential programmers simply give up.

In its own particular example, Combonate would like to provide programming to specific regional markets, defined by cities or counties or areas of common interest. The reason to do so is to serve such markets with programming of local interest and value, much like community newspapers do. Such programming would be of local news, information, community events, city and county governments, local safety officials, local businesses and industries, local schools, community service organizations, tourism information. Programming that can't be provided by full power TV stations or satellite operators. Yet, now with the consolidation of the cable industry into a few large corporations, who have likewise consolidated head end operations in many markets, programmers are being told that they can't just buy a particular city or county specific market, but have to buy a metro regional market at an increased cost just to reach viewers who may be interested in its programming and having to pay a substantial penalty to reach viewers who have no interest in its programming. Combonate is planning to operate in the Puget Sound region of the Seattle-Tacoma DMA. The area is comprised of several counties. Comcast controls the vast majority of systems in the area and has consolidated its operations so now leased access users must use the entire Seattle system covering over 900,000 subscribers, even though they may want to target a much smaller geographical area, for example, the Skagit County area of Washington State. Skagit County is located about 60 miles north of Seattle and has needs and interests much different than the city of Seattle. It is not served by a local television station. Residents may not be affected at all by what the Seattle City Council does, but likely affected by

what the Mt. Vernon City Council does. They may not interact with the residents of Seattle, but likely interact with their neighbors, residents of their local city and county. The Commission has long recognized the benefits and importance of localism in broadcasting, something that has been lost in the consolidation of the broadcast media into the hands of a few big corporations, who are concentrated on the bottom line.

Yet here, Combonate is unable to provide this type of localized programming to the residents of Skagit County (and other markets as well), due to this restriction of Comcast. It would be economically unviable for Combonate to buy the Seattle market, just to reach the residents of Skagit County. Now Combonate recognizes the technical constraints, but Comcast through its subsidiary Spotlight offers businesses the ability to selectively target its market by offering insert commercial advertising by zones, i.e. its advertising would only run in the purchased zone. The zones conveniently break down into areas that would be desirable to target local programming to as envisioned by Combonate. Comcast also provides city channels to specific areas. If it can be done for Spotlight and city channels, it also can be done for leased access. Before the consolidation of the industry and head ends, cable companies served specific towns, cities or limited geographical regions that it obtained through local franchises and was able to target such programming on a local basis. Combonate herein requests the Commission to adopt a policy that mandates or strongly encourages cable companies to reasonably accommodate

requests to target leased access programming to a localized area where technically feasible. This may include providing necessary equipment to accomplish that on a “at cost” basis or for a reasonable fee.

Info Channel of Park City, Utah has documented its difficulties in securing leased access on the local cable system. It faced pretty much the same problem that Combonate faces. Namely being able to target its programming by zone and not being forced to buy the entire Salt Lake City market. To achieve carriage on the Park City system only, Info-Channel was forced to spend a substantial amount of time and money on attorney fees. Combonate echo's the comments and experience of Info Channel which document the need to revisit, adjust and clarify the leased access rules that cable operators must follow. The cable companies and industry, note the Commission has fine tuned its requirements twice in the past and that there is no need to fine tune them again. The experience of Combonate and Info Channel beg to differ.

The cable companies suggest that with the explosion of competition in the programming marketplace, due to technologies such as direct broadcast satellite and video over the internet that the marketplace is well served and the leased access rules are outdated. While, someday the internet may provide the conduit to provide unlimited programming (“in a traditional television viewing experience”) and reduce the cable company into being a broadband access provider. Combonate

believes that as long as cable companies operate in a monopolistic environment and control the best way to reach television viewers and the public that otherwise might not be adequately served, then the leased access rules have a purpose. The Commission should carry out its mission to provide what Congress intended and mandated. The Commission should ensure that leased access programmers can operate in an environment that allows them to thrive and encourage them to provide programming of public interest and benefit. The Commission should not just cater to the interest and benefit of the cable companies. We ask that the Commission once again fine tune its leased access rules to permit that.

Respectfully submitted,

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