

XV. Notices

Any notices to be given under this Franchise Agreement shall be in writing and delivered to a Party personally, by facsimile or by certified, registered, or first-class mail, with postage prepaid and return receipt requested, or by a nationally recognized overnight delivery service, addressed as follows:

If to the Franchising Entity:
(must provide street address)

If to the Provider:
(must provide street address)

City of Lansing:

124 W. Michigan Avenue

444 Michigan Avenue

Lansing, Michigan 48933

Room 1670

Detroit, Michigan 48226

Attn: City Clerk (cc: City Attorney)

Attn: Susan Frenz, Director - Regulatory

Fax No.: Clerk: 517.377.0068
City Attorney: 517.483.4081

Fax No.: 313.496.9332

Attn:: cc: John W. Pestle, Attorney
Varnum, Riddering, Schmidt, Howlett
Bridgewater Place
333 Bridge Street, N.W., Suite 1700
P.O. Box 352
Grand Rapids, Michigan 49504

Fax No.: 616.336.7000

Or such other addresses or facsimile numbers as the Parties may designate by written notice from time to time.

XVI. Miscellaneous

- ~~A. Governing Law. This Franchise Agreement shall be governed by, and construed in accordance with, applicable Federal laws and laws of the State of Michigan.~~
- B. The parties to this Franchise Agreement are subject to all valid and enforceable provisions of the Act.
- C. Counterparts. This Agreement may be signed in one or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same agreement.
- D. Power to Enter. Each Party hereby warrants to the other Party that it has the requisite power and authority to enter into this Franchise Agreement and to perform according to the terms hereof.
- E. The Provider and Franchising Entity are subject to the provisions of 2006 Public Act 480.

IN WITNESS WHEREOF, the Parties, by their duly authorized representatives, have executed this Franchise Agreement.

City of Lansing, a Michigan Municipal Corporation

Michigan Bell Telephone Company, a Michigan Corporation, doing business as AT&T Michigan

By



Print Name

Virg Bernero

Title

Mayor

Address

City Hall, 9th Fl, 124 W Michigan Ave

City, State, Zip

Lansing, MI 48933

Phone

(517) 483-4141

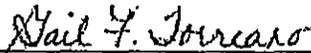
Fax

(517) 483-6066

Email

mayor@lansingmi.gov

By



Print Name

Gall F. Torreano

Title

President

Address

444 Michigan Avenue, Room 1700

City, State, Zip

Detroit, Michigan 48226

Phone

313.223.7171

Fax

313.223.9008

Email

m42325@att.com

FRANCHISE AGREEMENT

(Franchising Entity to Complete)

Date submitted: October 8, 2008

Date completed and approved: October 27, 2008

ATTACHMENT 1

**UNIFORM VIDEO SERVICE LOCAL FRANCHISE AGREEMENT
(Pursuant To 2006 Public Act 480)
(Form must be typed)**

Date: October 8, 2008		
Applicant's Name: Michigan Bell Telephone Company d/b/a AT&T Michigan		
Address 1: 444 Michigan Avenue		
Address 2: Room 1670		Phone: 313.496.8162
City: Detroit	State: Michigan	Zip: 48226
Federal I.D. No. (FEIN): 38-0823930		

Company executive officers:

Name(s): Gail F. Torreano; Robin M. Gleason
Title(s): President; Vice President - Regulatory

Person(s) authorized to represent the company before the Franchising Entity and the Commission:

Name: Susan Frentz or her designee(s)		
Title: Director - Regulatory		
Address: 444 Michigan Avenue, Room 1670, Detroit, Michigan 48226		
Phone: 313.496.8162	Fax: 313.496.9332	Email: m42325@att.com

Describe the video service area footprint as set forth in Section 2(3e) of the Act. (An exact description of the video service area footprint to be served, as identified by a geographic information system digital boundary meeting or exceeding national map accuracy standards.)

Michigan Bell Telephone Company d/b/a AT&T Michigan
CONFIDENTIAL INFORMATION

SEE ATTACHED CONFIDENTIAL MAP LABELED AS ATTACHMENT A

The Video Service Area Footprint is set forth in a map, attached as Confidential Attachment A, which is created using Expanded Geographic Information System (EGIS) software and thus, meets the requirements of Section 2(3)(e) of Act 480. The map identifies the Video Service Area Footprint in terms of AT&T wire centers or exchanges serving the City of Lansing, and such boundaries are overlaid onto a map with the municipal boundaries of the City of Lansing.

[Option A: for Providers that Options B and C are not applicable, a description based on a geographic information system digital boundary meeting or exceeding national map accuracy standards]

[Option B: for Providers with 1,000,000 or more access lines in Michigan using telecommunication facilities to provide Video Service, a description based on *entire wire centers or exchanges located in the Franchising Entity*]

[Option C: for an Incumbent Video Service Provider, it satisfies this requirement by allowing the Franchising Entity to seek right-of-way information comparable to that required by a permit under the METRO Act as set forth in its last cable franchise or consent agreement from the Franchising Entity entered into before the effective date of the Act]

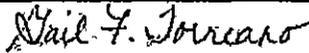
Pursuant to Section 2(3)(d) of the Act, if the Provider is not an incumbent video Provider, provide the date on which the Provider expects to provide video services in the area identified under Section 2(3)(e) (the Video Service Area Footprint).

Date: See Confidential Attachment B

For All Applications:

**Verification
(Provider)**

I, Gail F. Torreano, of lawful age, and being first duly sworn, now states: As an officer of the Provider, I am authorized to do and hereby make the above commitments. I further affirm that all statements made above are true and correct to the best of my knowledge and belief.

Name and Title (printed):	Gail F. Torreano, President	
Signature:		Date: October 8, 2008

(Franchising Entity)

City of Lansing, a Michigan municipal corporation

By 
Print Name Virg Bernero
Title Mayor
Address City Hall, 9th Fl, 124 W Michigan Ave
Lansing, MI 48933
Phone (517) 483-4141
Fax (517) 483-6066
Email Mayor@lansingmi.gov
Date November 6, 2008

EXHIBIT B



OFFICE OF THE MAYOR

9th Floor, City Hall
124 W. Michigan Avenue
Lansing, Michigan 48933-1694
(517) 483-4141 (Voice)
(517) 483-4479 (TDD)
(517) 483-6066 (Fax)
mayor@lansingmi.gov

Virg Bernero
Mayor

January 12, 2009

Ms. Susan Frentz, Director
AT&T Regulatory Affairs
444 Michigan Avenue, Room 1670
Detroit, MI 48226

Mr. Terrence Mulvihill, Director
AT&T External Affairs
133 West Lovell, Room 100
Kalamazoo, MI 49007

Re: City of Lansing, Michigan PEG Channels

Dear Ms. Frentz and Mr. Mulvihill,

Pursuant to Section VII. F of the Franchise between AT&T and the City, we hereby request that the City's seven PEG channels in use on the Comcast system on January 1, 2007 be provided on the AT&T system. The channels are listed on the attached sheet.

To assist in our preparations, please return the attached sheet, indicating the channel number they will appear, to my attention at the address listed above.

If you have any questions, please contact me directly at 517: 483-4146 or by email at jambrose@lansingmi.gov.

Sincerely,

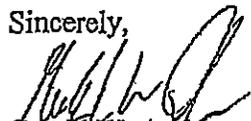

Gerald W. Ambrose
Chief of Staff

EXHIBIT C



AT&T PEG Community TV Overview

AT&T U-versesm TV

AT&T is currently offering its AT&T U-verse TV service, an IP-based (Internet Protocol) video entertainment experience, in a number of cities across the country and plans to introduce service in more markets in the coming months.

AT&T U-verse TV offers customers a compelling variety of TV and Internet packages to customize their entertainment experience. AT&T customers can choose from five basic TV packages – U100, U200, U300 and U400 – and a unique family-friendly programming package, U-family, which includes the best family-oriented TV channels.

AT&T's service also includes video-on-demand titles for all ages as well as offering a variety of flexible HD, movie, sports, and Spanish language programming options.

AT&T's PEG Solution

AT&T is committed to carrying Public, Educational and Governmental (PEG) programming over its AT&T U-verse TV service. Because AT&T's U-verse service is based on IP, which is fundamentally the common language of the Internet, AT&T U-verse TV allows AT&T to develop applications that can integrate content from the Internet such as a "stream" of live video, and deliver the content to the end user's television via the U-verse set top box.

AT&T will use IP streaming capability to deliver PEG programming. Delivering PEG in this manner will enable cities to take advantage of IP-based video capabilities, now and in the future.

AT&T's PEG solution enables U-verse subscribers to view PEG programs made available by their own city and by neighboring communities as well. In addition, cities will potentially be able to provide archived content on an "on-demand" basis in the future.

"Live PEG Streams"

Municipalities will need to provide the PEG content in a signal form that is compatible with AT&T's U-verse TV platform. This means that the city will need to place equipment at the PEG content origination source that "captures" the live feed (i.e., from the city's existing PEG channel) and performs an analog-to-digital conversion to re-encode the content in MS Windows Media 9 format.

The city will then need to deliver the properly encoded PEG content stream to the Internet via a dedicated URL/IP address and/or directly to a designated point of presence on AT&T's network. AT&T will then "link" to that content source and carry it over AT&T's U-verse TV service.

AT&T will provide a designated PEG program location on its U-verse channel guide (i.e., channel 99). This channel can be selected using the remote control in two ways, either the subscriber can enter "99", or by selecting "U-verse Menu", the "Live TV" option appears and the subscriber will see the option Government, Education and Public Access which when selected will auto tune to the PEG application. Either selection will activate the PEG application and the subscriber will be presented with a screen that lists the PEG programming offered by their city and by cities in the surrounding area. The end user may then choose to watch programs provided by either their own city or by other participating cities. AT&T will work with the city to determine the menu display at the time of PEG implementation.

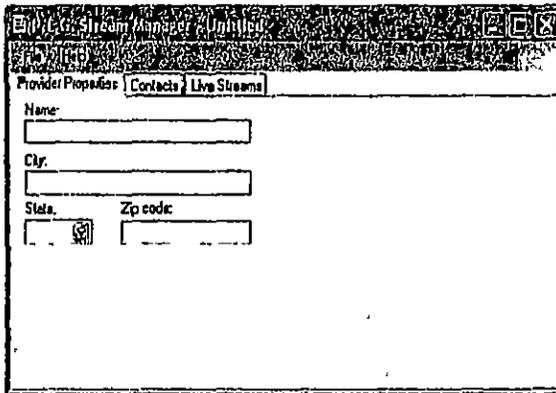
The following is a list of the technical attributes of AT&T's Internet Sourced PEG service:

- The encoding format is Microsoft MS Windows Media 9 at a data rate of 1.25 Mbps per stream/channel. Transport may be obtained from AT&T and/or a third party transport provider, or in some instances could be derived from existing facilities depending upon available bandwidth.



AT&T will have no role in the acquisition or creation of the PEG content, nor will it exercise any production or editorial control over the content. The city/municipality will be responsible for all PEG content, including the acquiring of any appropriate rights and licenses necessary to allow transmission by AT&T throughout the designated market area and ensuring viewer suitability of content.

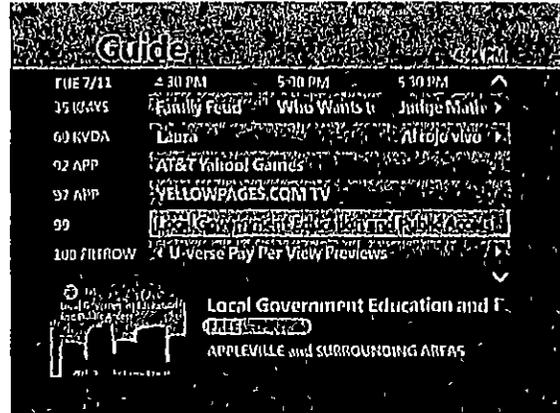
AT&T will provide an administrative tool to allow the city or its designee to create text (e.g., titles or labels) for each live stream of PEG content describing the programming that will in turn be used for display in AT&T's PEG application.



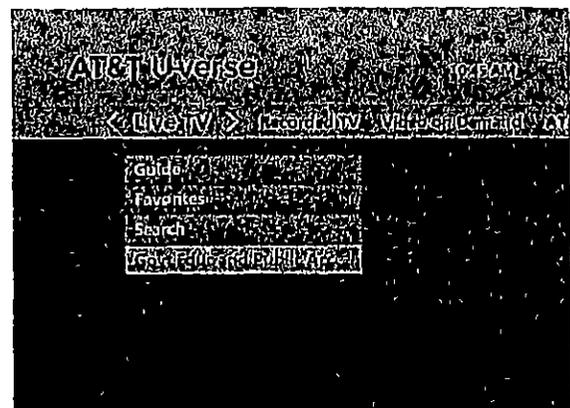
Description: Administrative screen that will be provided to cities to list streams of PEG content to be made available on AT&T's U-verse TV

Screen Samples

The following are samples of U-verse PEG screens. PEG content selections will be accessed from one convenient location on the programming guide (i.e., channel 99).

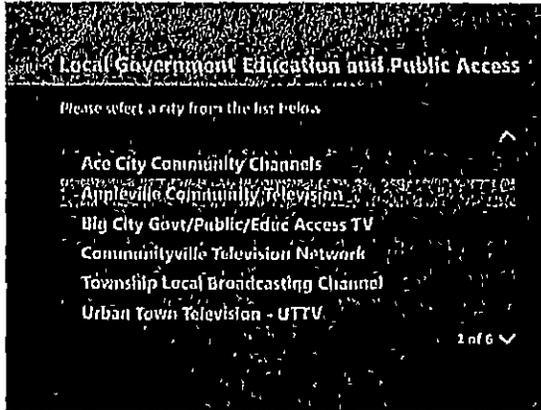


Description: Sample AT&T U-verse Program Guide



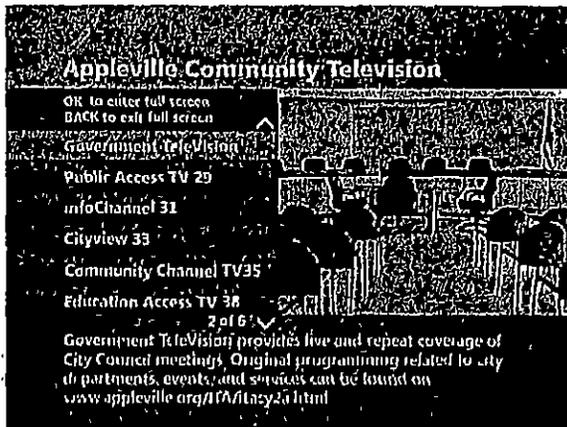
Description: Sample AT&T U-verse Main Menu – Live TV

When an AT&T U-verse subscriber selects the channel number corresponding to the PEG application, it will launch and become activated. Next, a list of the various cities offering PEG content will be presented to the end user as illustrated below:



Description: City Selection Menu on AT&T's PEG application listing multiple municipalities offering PEG content.

Upon selection of an individual municipality, the PEG application will then transition to a subsequent screen that lists the various PEG channels available by the selected city.

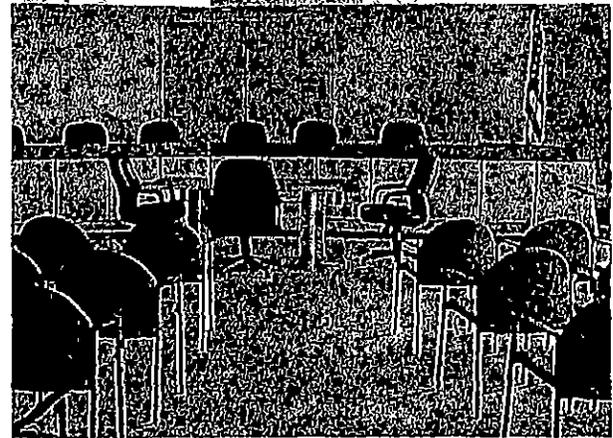


Description: City Viewport screen listing PEG content offered by the selected city

This example demonstrates the flexibility of IPTV to blend web and video applications.

User Interface

Upon selection of an individual stream offered by the municipality, the video image corresponding to the stream will then be enlarged to a full-zoom view such as shown below:



Description: Full zoom view of PEG content.



PEG Equipment Information

Encoder Information:

The city's encoding equipment must meet the following specifications:

Encoder Technical Specifications	
Video Encoding Format:	Windows Media Video 9 VC-1 Main Profile
Video Streaming Bandwidth:	1.25 Mbps
Input Video Format:	NTSC
Frame Rate:	30/29.97 fps
Scanning Type:	Non-Interlaced
Key Frame Distance:	4 Seconds
Buffer Size:	2 Seconds
Output Resolution:	480 x 480
Captioning:	Open Captions
Audio Encoding Format:	WMA (Windows Media Audio)
Audio Streaming Bandwidth:	96 kbps
Audio Sample Rate:	48 kHz
Streaming Protocol:	HTTP
Streaming Mode:	Constant Bit Rate
Streaming Format:	Unicast
Addressing:	Public IP Address
Output:	ASF Network Pull
Input Physical Connection:	Component, Composite or SDI

AT&T strongly encourages the use of stand-alone, dedicated encoders that meet these specifications. Notice regarding equipment which may be purchased from third-party vendors: AT&T does not endorse or certify any third-party equipment mentioned herein. With respect to such equipment, AT&T assumes no liability, and makes no warranties, express or implied.

While not implying AT&T's certification, the specific models identified are known to be compatible with AT&T's U-verse PEG platform. Though the city or

PEG program provider may select and use other encoders, be aware that potential degraded signal quality as well as increased operational overhead may occur.

Vendor	Models	Contact Information
Inlet	<ul style="list-style-type: none"> •Splnaker 3005 •Splnaker 3205 (2 ports) 	Anthony Brown - VP of Major Accounts Telamon Corporation 1000 E. 116th Street Carmel, IN 46032 Phone:817-472-6671 Cell:817-657-7955 www.telamon-corp.com < http://www.telamon-corp.com/ >
Vbrick	<ul style="list-style-type: none"> •Vbrick Windows Media 9190- 4200-000, 010, 100, 110 •Vbrick Windows Media (2 port) 9190-4300-010, 011, 100, 110, 111 	Sales: www.vbrick.com/products Technical support: 1.203.303.0222
ViewCast Nlagra	<ul style="list-style-type: none"> •GoStream Plus 96-01255 •Nlagra Pro 96-01204 (2 port) •Nlagra 7224 96-01109 (2 port) 	Authorized distributor: JB&A Distribution, Inc. Conn Dunning Ph: 1.415.256.2800 Fax: 1.415.256.2811 Sales & support: conn@jbanda.com www.jbanda.com
Digital Rapids	<ul style="list-style-type: none"> •StreamZ Live-500 VC1 (1 port) •StreamZ Live-1400 VC1 (1 port) •StreamZ Live 2600 VC1 (2 ports) 	Sales: 1.905.946.9666 x212, sales.na@digital-raplds.com Support: 1.905.946.9666 x113 support.na@digital-raplds.com

Telemon Corp. also offers a "managed service" solution, to include installation and support of a city's total PEG platform.

There are several other makes/models of suitable hardware-based encoders. Note the use of non-hardware based encoders, such as certain "capture cards," may result in degraded signal quality as well as increased operational overhead.



Audio Conversion:

Where a city currently has an unbalanced audio source, an audio balance converter will be needed. Following are general specifications for a device that facilitates this conversion. Such specifications provide the capability of taking an unbalanced RCA Input, matching signal levels, and providing a balanced XLR output.

Audio Balance Converter	
Signal to Noise Ratio:	>90dB
Input Gain:	-8dB balanced/+20dB unbalanced
Maximum Input Level:	+22dB balanced and unbalanced
Maximum Output Level:	+18dB BAL, +12dB unbalanced
Power Requirements:	12V DC
Dimensions:	4.625x5.625x1.75 inches
Weight:	1.61 lbs. (725g)

Transport:

A city may choose to acquire dedicated Internet access bandwidth using an AT&T transport product, or may use other transport services to stream their programming to the Internet, provided that the bandwidth and streaming specifications are followed. The following parameters apply to the Internet access transport:

- Internet transport access with 1.5Mb of dedicated network bandwidth per stream.
- One (1) dedicated public IP address per stream. This should include default gateway and DNS addressing.
- TCP port 5000 shall be configured and open inbound through firewalls to the encoder.

Below are general guidelines regarding which AT&T Internet access product might be appropriate for a city based on the quantity of streams required. This is only a guideline and product and pricing will vary depending on specific the requirements in each instance.

Multi-Source (ads. by location)	Access Product	Typical # of Streams	Installation Interval
Small	T-1 MIS	1-2	30 days
Medium	Multilink PPP MIS	2-8	30 days
Large	Multilink PPP MIS or Opt-E-Man w/Ethernet direct Internet access (EDIA)	4+	Up to 45 business days

If the city orders AT&T circuit(s), please work with your local GEM Account Team to receive detailed pricing.

Router Information:

A city with minimal needs may only require a relatively inexpensive router. Some Adtran models and Cisco's 1800 series are examples of potential router equipment.

Based on AT&T's MIS specs, the chosen router needs to support:	AT&T's DSU/DSU is usually built into the router, but requires the noted capabilities:
<ul style="list-style-type: none"> • PPP for leased line protocol • IP default and static routing 	<ul style="list-style-type: none"> • Support Binary Eight Zero Substitution [B8ZS] and Extended Super Frame [ESF]
<ul style="list-style-type: none"> • Internet Control Message Protocol [ICMP] to accept pings to the serial port IP address connected to AT&T MIS 	<ul style="list-style-type: none"> • Have a line build out that can adapt to different voltage levels from smart jacks
<ul style="list-style-type: none"> • BGP4 - dynamic routing protocol (if dynamic routing is required) 	<ul style="list-style-type: none"> • Take timing from the AT&T network (looped timed or receive timed)

Switch:

Based on AT&T MIS specs, the chosen switch requires:
• 24 10/100 Ethernet ports
• Standalone switch preferred
• One port for uplink between switch and router
• One port per encoder
• 10/100 Mbps Half/Full Duplex with Auto Negotiation
• Activity LED Indicator

These are general guidelines and AT&T will consult with cities individually to further define and communicate the specific requirements.

EXHIBIT D

**Statement
Of**

**Monica Shah Desai
Chief of the Media Bureau
Federal Communications Commission**

**Before the Subcommittee on Financial Services and
General Government, Committee on Appropriations
U.S. House of Representatives**

September 17, 2008

Good morning Chairman Serrano and Members of the Subcommittee. Thank you for inviting me here today to discuss public, educational, and governmental ("PEG") access to cable television.

INTRODUCTION

Promoting localism and diversity are two fundamental goals underlying the Commission's media policies. PEG access promotes both. PEG programming is a vital medium for local communities. The Commission recognizes the importance of PEG access in fostering choices for local and diverse programming in communities. The Commission annually seeks information about the pervasiveness and use of PEG channels.

Sections 611 and 621 of the Communications Act allow local franchising authorities ("LFAs") to require cable operators to set aside channels for public, educational, or governmental use. PEG channels are permitted, but not mandated by federal law. Rather, the decision to require the carriage of PEG channels is one made solely by the LFA.

The Commission's rules related to PEG access reflect the specific authority granted by the Communications Act. For example, Section 623 of the Communications Act requires cable systems to carry, on their basic service tier, any PEG channels required by the LFA. Section 76.901 of the Commission's rules defines the basic service tier as including, among other signals, any PEG programming required by an LFA.

STATUTORY PEG ACCESS

Under the Communications Act, LFAs may impose reasonable franchise obligations to support PEG. Under Section 611, an LFA may require that channel capacity be designated for public, educational, or governmental use, may require rules and procedures for the use of the PEG channels, and may enforce any franchise requirements regarding the providing or use of the channel capacity which relate to PEG.¹

¹ 47 U.S.C. 531.

The Communications Act provides that the franchise fees paid by a cable operator for any given system may not exceed five percent of gross revenues. In Section 622(g)(2)(C), Congress specifically excluded from the term “franchise fee” any “capital costs which are required by the franchise to be incurred by the cable operator for public, educational, or governmental access facilities.” Accordingly, capital cost payments, such as facilities and equipment, are not subject to the 5 percent franchise fee cap,² while non-capital costs, such as salaries and operating costs, must be included in calculating the fee.

The Communications Act permits LFAs to require “adequate” assurance that cable operators will provide “adequate” PEG access channel capacity, facilities, or financial support.³ The Commission has concluded that completely duplicative PEG and I-NET requirements imposed by the LFA pursuant to this authority would be unreasonable. The Commission also has found it would be unreasonable for an LFA to require a new entrant to provide PEG support in excess of the incumbent cable operator’s obligations.

The Commission has not adopted standardized terms for PEG channels, agreeing with LFAs that they are free to establish their own requirements for PEG, as set forth in the Act.

UPDATES

The Commission has continued to monitor cable franchising, and especially the increased adoption of franchising laws at the state level. The Communications Act requires cable operators to offer local broadcast channels and PEG channels on the basic service tier. Under Section 623, the basic service tier must include “PEG access programming required by the franchisee to be provided to subscribers.” The Commission’s regulations state that the basic service tier shall include at a minimum all local broadcast signals and any PEG programming required by the franchise to be carried on

² See, e.g., *City of Bowie, Maryland*, 14 FCC Rcd 9596 (CSB, 1999). See *Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984*, Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 5101 (2006), *aff’d* *Alliance for Cmty. Media v. FCC*, 529 F.3d 763 (6th Cir. 2008). See also *Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984*, Second Report and Order, 22 FCC Rcd 19633 (2007).

³ 47 U.S.C. 541(a)(4)(B).

the basic tier. It has come to our attention that some programmers are moving PEG channels to a *digital tier, or are treating them as on-demand channels*. We are concerned by these practices. We believe that placing PEG channels on any tier other than the basic service tier may be a violation of the statute, which requires that PEG access programming be placed on the basic service tier. Subjecting consumers to additional burdens to watch their PEG channels defeats the purpose of the basic service tier. We believe it is important to ensure that consumers are able to get access equally to all channels belonging on the basic service tier, and that this should be the case regardless of what type of system the channels are being carried on.

CONCLUSION

In conclusion, the Commission recognizes the importance of PEG programming. We will continue to enforce the statutory scheme Congress enacted, to allow adequate PEG support without overburdening cable operators and their customers. We look forward to working with the PEG community to address any challenges to PEG access. I look forward to answering your questions.

EXHIBIT E

U.S. Congressman José E. Serrano ~ Representing the people of the 16th District of New York

Members Ask FCC to Investigate Public Access Television Concerns

Today, members of the House Appropriations Financial Services and General Government Subcommittee sent a letter to the FCC asking that it investigate the treatment of public access channels in the rapidly changing cable television market. The subcommittee wrote the letter in response to testimony heard during a September 17th hearing on the subject. The full text of the letter follows.

Chairman José E. Serrano of the subcommittee said that the letter "Is a first step towards resolving the troubling issues and allegations brought to light at our hearing. Public access advocates believe that their programming is being unfairly treated as the cable television market becomes more competitive. Our constituents must have the same opportunity to watch public access programming as other channels. We look forward to the FCC's analysis and will continue to monitor this situation."

September 30, 2008

The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Martin:

As you know, the Subcommittee on Financial Services and General Government held a hearing on September 17, 2008 on public, educational, and governmental (PEG) access to cable television. The subcommittee appreciates the participation of the Commission's Media Bureau Chief, Monica Shah Desai, at this hearing.

We recognize that there are considerable changes occurring in cable television, including the transition to all digital transmission and the entry of new competitors and technologies into the market. We believe that these changes can deliver improved cable television for millions of viewers. However, we also believe that PEG television is essential to our communities as an outlet for free speech, local information and opinions, and emergency communications. Changes in the cable environment should not lead to a diminishment of the accessibility of PEG channels to these same viewers.

The subcommittee heard several concerns relating to PEG at the hearing. These concerns include:

Some cable operators are moving PEG channels to new locations on the channel dial, including moving them into digital locations up to the 900 channel block. Witnesses expressed concern that this places PEG channels well away from the basic tier of channels and may require some consumers to rent or purchase converter equipment to view PEG channels. In its U-verse cable service, AT&T delivers PEG programming in a manner that is different from its delivery of commercial channels. The service offers PEG programming via an Internet-based video stream at a single channel location and requires the viewer to load PEG programming through a series of menus. Witnesses told the subcommittee that this method of PEG delivery is slow and technologically inferior to how commercial channels are delivered over U-verse service. They cited inferior picture quality, lack of closed captioning or second audio programming, incompatibility with programmable recording devices, and absence of program listings for PEG programs.

Concerns also were raised about the degradation of public safety communications on AT&T's U-verse service. U-verse's emergency alert system procedures were described in testimony as "cumbersome and inefficient" and as not supporting emergency alert messages that would override or scroll on broadcast channels. If an emergency alert message directing viewers to a PEG channel for more information cannot be displayed, and if a viewer cannot immediately access a PEG channel with emergency information, we question whether emergency communications are being delivered effectively. Ms. Desai made the following statement at the hearing: "The statute requires PEG channels to be placed on the basic service tier along with your local broadcast channels. So to place additional burdens on consumers to have to find their PEG channels seems to defeat the purpose of the basic service tier."

We agree with this statement and believe that the concerns we heard at the hearing represent evidence that PEG channels are being assigned a second class status outside of the basic service tier. We ask the Commission to assess these concerns to determine whether the situations described are contrary to federal laws and regulations and, if so, take expeditious enforcement actions.

Thank you for your attention to this matter, and we look forward to your response.

Sincerely,

José E. Serrano

Chairman
Subcommittee on Financial Services Subcommittee on Financial Services
and General Government and General Government

Ralph Regula
Ranking Member
Subcommittee on Financial Services Subcommittee on Financial Services
and General Government and General Government

David R. Obey
Chairman
Committee on Appropriations

Carolyn C. Kilpatrick

Mark Steven Kirk

Peter J. Visclosky

Maurice D. Hinchey

Adam Schiff

Cc: The Honorable Michael J. Copps
The Honorable Jonathan S. Adelstein
The Honorable Deborah Taylor Tate
The Honorable Robert M. McDowell

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Previous Page

WASHINGTON OFFICE 2227 Rayburn House Office Building Washington, D.C. 20515-3216 (202) 225-4361 Fax: (202) 225-6001	BRONX OFFICE 788 Southern Blvd. Bronx, New York 10455 (718) 620-0084 Fax. (718) 620-0658
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Print Page

EXHIBIT F

BEFORE
UNITED STATES HOUSE OF REPRESENTATIVES
APPROPRIATIONS COMMITTEE
SUBCOMMITTEE ON FINANCIAL SERVICES AND GENERAL GOVERNMENT

**Hearing on Public, Educational, and Governmental (PEG) Access
for Cable Television**

Testimony of

BARBARA POPOVIC

Executive Director

CHICAGO ACCESS NETWORK TELEVISION (CAN TV),

CHICAGO, ILLINOIS

on behalf of

*The Alliance for Community Media &
Alliance for Communications Democracy*

SEPTEMBER 17, 2008, 10:00 A.M.

ROOM 2220, RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, D.C.

INTRODUCTION

Good morning, Chairman Serrano and Members of the Committee. I am Barbara Popovic, Executive Director of Chicago Access Network Television ("CAN TV") in Chicago, Illinois. Through CAN TV, government officials, educators, and thousands of local nonprofit groups and residents connect with residents in need of jobs and educational opportunities, legal advice, immigration information, health assistance, and housing through five local, noncommercial cable channels.

Thank you for the opportunity to testify on behalf of two national organizations, Alliance for Community Media ("ACM") and Alliance for Communications Democracy ("ACD"). These organizations are devoted to promoting, advancing and protecting the interests of public, educational and government ("PEG") access centers across the nation. ACM is a national membership organization representing 3,000 PEG centers that carry 20,000 hours each week of new programs from local governments, schools, health and jobs organizations, social service agencies, and local residents. ACD preserves and strengthens community access to media through participation in FCC and court proceedings affecting PEG access. Colleagues from Michigan, Ohio, Florida, New York, Maryland, Virginia and Washington State, are joining me at the hearing today. DCTV, Washington DC's local PEG center, is taping today's proceedings for distribution around the country.

I've been privileged to work through the years with public officials with the vision to recognize the importance of giving voice to the local community. I'm particularly honored to accept this invitation from Chairman Serrano, who upheld that vision in the Bronx through the creation of BronxNet. Representative Serrano, people throughout the country appreciate your support for PEG access, and your vigilance on this issue.

The right to free speech and free expression, the inclusion of a diversity of viewpoints and ideas, and the focus on the local community have been the hallmark of PEG access for over 30 years. But government and industry actions over the past three years are rapidly eroding protections for PEG, putting community stations at risk and threatening the public's participation in and use of PEG training, facilities and channels. I am here today to brief you on the threats that PEG access currently faces and to urge you to take a stand on behalf of the public to use any

means available to you to stop this harm and to protect the future health and viability of PEG access now and in the future.

PEG Access Advances Congressional Goals to Foster Localism and Diversity

PEG access, as defined in the 1984 Cable Act ("the Cable Act"), advances Congress' goal of providing a wide diversity of information and services by responding to the needs and interests of the local community. The Cable Act places PEG Access under the stewardship of local franchising authorities, with mechanisms for financial support and channel capacity for the public. Most successful PEG operations have resulted from local ordinances and agreements, forging partnerships among local government, local cable companies, and the local community.

The role of PEG access in developing technological and media literacy has never been more important than today. PEG centers provide constructive outlets for community youth to learn media skills. Seniors actively create programming on a range of issues. Nonprofits are given an outlet to reach clients in need of assistance. PEG channels provide a platform for civic debate to resolve local conflicts. And during local elections, PEG channels provide opportunities for candidates to address the public directly and fully, without being limited to a 30-second sound bite.

Thousands of hours of new, original content flow through PEG channels every day throughout the country, bringing local information into the home that would not otherwise be seen. PEG channels welcome community members, politicians, preachers, experts, educators, and artists. Participants aren't screened and selected by management or advertising interests; they participate because it's their community and their channels.

The role of PEG channels is particularly important at a time when research shows that less than ½ of 1% of programming on commercial media is devoted to local public affairs. The commitment of PEG programmers to promoting social services, arts and civic events, public safety, and other issues close to home, demonstrates what is possible when the community is given the opportunity to participate in television media. The democratic values that form the foundation of the PEG access mission merit preservation by government, industry, and individuals alike.