



CITY OF DULUTH

OFFICE OF THE MAYOR
411 West First Street, Room 403
Duluth, Minnesota 55802-1199

218/730-5230 218/730-5904 FAX
dness@duluthmn.gov

DON NESS
Mayor

March 5, 2009

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: Petitions for Declaratory Ruling Regarding Public, Educational and Governmental Access Channels, MB Docket No. 09-13, CSR-8126 (ACM *et al.*), CRS-8127 (City of Lansing, MI), and CSR-8128 (City of Dearborn, MI *et al.*)

Dear Ms. Dortch:

As the Mayor of the City of Duluth, Minnesota, I support and strongly urge the Commission to grant all three of the above-captioned petitions concerning public, educational and governmental ("PEG") access channels. The problems created by the AT&T channel platform and Comcast's selective digitization of PEG channels are different in many respects (the failure to comply with FCC rules by passing through closed captioning is unique to the AT&T platform). Both companies, however, are using their editorial control over their system to make it more difficult or expensive for program producers to use, and for subscribers to access and watch PEG programming. Rather than repeat the legal arguments in the petitions, I would like to explain PEG's role in our community, and why it is important to prevent operators from inhibiting access to these channels.

The City of Duluth, Minnesota, through its cable franchise agreement, provides five (5) PEG channels to residents of Duluth, Minnesota. Channels 7 and 16 contain locally produced programming which includes but is not limited to inspirational programming, informational programming, and entertainment. Specific to Channel 7 is locally produced governmental programming including City Council agenda meetings, City Council meetings, St. Louis County committee meetings, St. Louis County Board meetings, and meetings of the Duluth Economic Development Authority. Channel 14 is the message board which provides announcements for non-profit groups as well as public safety announcements. Channel 14 also carries Superior, Wisconsin, public access Channel 7 programming in a push-back in the upper left corner of the screen, making it a more regional channel. Channel 20 provides programming produced elsewhere but submitted locally. Channel 22 contains School District programming. Thus, PEG programming in Duluth, Minnesota, provides local residents with informational, public safety, educational, cultural and local opinion programming of uniquely local interest that they cannot obtain elsewhere.

March 5, 2008

People in our community rely on these channels to receive information. If the channels are less accessible for technical reasons, or because one must effectively pay extra to receive the channels, the PEG channels would become a much less effective avenue for community communications, and some subscribers we now reach would not receive the information at all. While we do not face the problems caused by PEG digitization or by the Channel 99 platform yet, if the Commission were to endorse the actions of AT&T and Comcast at issue in this proceeding, the operator serving our community may adopt those approaches, to marginalize or effectively eliminate PEG access. People in our community rely on the channels to receive this information.

Our PEG channels are a critical and irreplaceable resource for our community. They are the key medium of communication for our local government to communicate with residents, for local educational institutions to communicate with our residents, and for residents to communicate among themselves and to watch and participate in a dialogue about our community. In light of the decreasing amount of truly local programming available on broadcast and other commercial channels, PEG is the only full-time, genuinely local source of television programming available to our residents. I therefore strongly urge the Commission to grant all three petitions.

Respectfully submitted,



Don Ness
Mayor

c: James N. Horwood
Spiegel & McDiarmid LLP
1333 New Hampshire Avenue, N.W.
Suite 200
Washington, D.C. 20036

Teresa S. Decker
Varnum
P.O. Box 352
Grand Rapids, MI 49501-0352

Joseph Van Eaton
Miller & Van Eaton P.L.L.C.
1155 Connecticut Avenue, N.W.
Suite 1000
Washington, D.C. 20036