



MEDIA CENTER

Lights! Camera! Community Action!

900 San Antonio Road
Palo Alto, CA 94303

Phone: 650 494 8686

Fax: 650 494 8386

www.midpenmedia.org

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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:

The **Midpeninsula Community Media Center (the “Media Center”)** supports and strongly urges 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, we file to explain PEG’s role in our community, and why it is important to prevent operators from inhibiting access to these channels.

1. PEG Programming in the Midpeninsula Community Media Center

While *Wayne’s World* is the unofficial stereotype of Public Access programming, watching this short sampler of clips will reveal how the diversity and vision of our local programming makes a difference in our community:

<http://www.youtube.com/watch?v=NiDNSMo460w>

Midpeninsula Community Media Center provides seven PEG channels to residents of Palo Alto, East Palo Alto, Menlo Park, Atherton and Stanford, California, and unincorporated portions of San Mateo and Santa Clara Counties. In addition to the two Public Channels and two Government Channels that the Media Center operates from its facility in Palo Alto, local academic institutions operate two Educational Channels. Foothill-De Anza Community College District operates Channel 75 and Stanford University operates Channel 76.

Government Access Channels 26 and 29: Civic Meetings

Channel 26 carries live meetings from various city halls and multiple replays of meetings as well as city council agendas and contact information for city departments.

Channel 29 carries the California Channel, the state legislature live from Sacramento, during the day, as well as live meetings from city halls and multiple replays.

In all, the Government Access Channels carried well over 1,500 hours of local city council meetings in 2008.

Local Government meetings include:

- East Palo Alto City Council and Planning Commission
- Menlo Park City Council and Planning Commission
- Palo Alto City Council, Planning Commission, Finance Committee, Human Relations Commission, Architectural Review Board, Public Utilities Commission

Public Access Channel 27: Civic Engagement, Community Issues and Arts

The Media Center takes an active role in developing programming to promote civic engagement:

- Election Programming covering every local race, ballot measure and initiative
- Specials — *Meet the New City Manager, Meet the New Superintendent*
- Programs from — *State Senator Simitian and Senator Barbara Boxer*

The Media Center partners with local law enforcement and facilitates public safety with these programs:

- East Palo Alto Police Dept. — *Make the Call* series to help solve “cold crimes”
- Menlo Park Firefighters Series — *Smoke Detectors, Pool Safety, Fireworks*
- San Mateo and San Mateo Counties — *Emergency Preparedness, Sandbagging*

The Media Center promotes civic and cultural events and enhances community leader and volunteer recognition:

- Public Service Announcements — *Foreclosure Avoidance Workshop*
- *Tall Tree Awards* — Documentaries on winners
- *Local Hero Awards* — Interviews celebrating of the six local heroes

The Media Center empowers community members to producer their own programs in our studio that is operated by an active pool of over 200 trained studio crew volunteers. Here is a sampling of programming they produce on local issues and arts:

- *Talking with Henrietta* — Local issue discussions
- *Other Voices* — Peninsula Peace and Justice Center hosts speakers
- *American Songwriter* — Local songwriters and performers
- *Talk Art* — Local artists and their work

Pubic Access Channel 28: Youth, Education and Sports

The Media Center has an abundance of Youth Services to offer local students of all ages. In exchange for the skills development and leadership experience they receive, students express their creativity and share their perspectives on our channels to enrich community life:

- Youth Advisory Council — Students learn, produce and advise our Board
- Summer Camps — Week-long workshops for youth ages 11-17
- Internships — For high school and college students

Educational programming is of interest to parents, students and the community at large. The Media Center focus on “new media” takes advantage of the wealth of innovation and expertise here in Silicon Valley. Our channels and events provide a platform for learning:

- New Media Speaker Series — *Raising Kids in 24/7 Digital World*
- Parent Education Series — *How Girls Communicate and Resolve Conflict*
- *Math Mentor* — Math homework call-in tutoring

The Media Center also features coverage of local sporting events as well as sports commentary and games:

- *Game of the Week* — Local high school sports
- *Kickin’ It* — Local soccer expert
- *Chess Diva* — Local chess master

Public Access Channel 30: Non-profits, Ethnic and Religious Programming

The Media Center makes it possible for local non-profit organizations to showcase their services and get their messages out:

- *Senior New Ways* — Local services for the aging
- *Abilities United* — Support for families with children with special abilities
- *Veterans Helping Veterans* — Veterans issues and local services

The Media Center provides a stage for our culturally diverse community members to share their rich heritage and create an opportunity for neighbors to get to know and appreciate neighbors:

- African American series — Poetry, song and dance
- Indian series — Classical music and dance
- Mandarin series — *New Tang Dynasty TV* and Iranian program — *Tehran TV*

Religious programming makes up some of the most long-running programs on the Media Center’s schedule:

- *Grace Lutheran* — Local Churches broadcast their services to “shut-ins”
- *Teens for Christ* — The challenges of living their religion
- Tongan series — Religious and cultural life

Thus, PEG programming in the Midpeninsula Community Media Center’s service area provides local residents with informational, public safety, educational, cultural and local issues programming of uniquely local interest that they cannot obtain elsewhere.

2. The Situation in Our Community

AT&T was granted a statewide franchise in California on 3/30/07. AT&T started offering U-verse in East Palo Alto, one of two initial cities in California to get the service, in mid 2007. By October 2007, six of our seven PEG Channels were being provided as video streams on a sub menu on U-verse Channel 99. The Foothill-De Anza Community College District was unwilling to provide its Educational Channel 75 to AT&T because of the College’s mandated requirement to provide closed captioned classes, a requirement that U-verse cannot fulfill. AT&T is now marketing U-verse to the other cities in our service area.

Comcast, our incumbent cable operator, is still providing all seven of our PEG channels as traditional analog channels. While Comcast has started to simulcast our channels in digital format, they have not yet threatened to remove our analog channels. Although, this does appear to be a logical next step. It seems unlikely that Comcast will want to carry our channels in both formats for the long term.

We rely upon our PEG channels to convey important public information throughout our community. People in our community rely on the channels to receive information. When channels are less accessible for technical reasons, or because subscribers must effectively pay extra to receive the channels, the PEG channels become a much less effective avenue for community communications, and some subscribers would not receive the information at all. If the Commission were to endorse the actions of AT&T and Comcast, the two operators serving our community who are at issue in this proceeding, it will further marginalize or effectively eliminate PEG access.

3. The Commission Should Grant the Petitions Concerning AT&T's PEG Product (CSR-8126 & CSR-8127)

I attended two demonstrations of U-verse at AT&T headquarters in San Ramon, California. My experience confirms many of the deficiencies identified in the petitions. In virtually every conceivable way that matters to a viewer, the AT&T PEG product is markedly inferior to broadcast channels carried on AT&T's U-verse system: ease of finding in the menu system, ease of access, the time it takes to reach the PEG programming, the ability to switch back and forth between local PEG programming and other channels, the ability to record using DVR, closed captioning capability, and secondary audio ("SAP") capability.

While incremental improvements were made since the first demonstration I attended, the U-verse PEG solution remains unacceptable for all of the reasons above. The Media Center subsequently videotaped a demonstration of what it takes to navigate through the U-verse Channel 99 menus to find a PEG channel. I showed this video to the California Public Utilities Commissioners (CPUC) who have the authority to grant statewide franchises. As a result of our meetings, the CPUC Division of Rate Payer Advocates (DRA) had us tape a video demo with one of their employees going through the time consuming steps to locate a PEG Channel. The video appeared on the CPUC/DRA website along with a consumer alert about the U-verse PEG viewing experience. This four-minute video demonstrates with a chess clock, how it takes over one minute to find the PEG Channels that are segregated from the commercial channels:

<http://www.youtube.com/watch?v=b-EWS7s9Ghg>

Group W Communications conducted a viewership survey for the Media Center several years ago. We discovered that one-third of the respondents who were aware of the Media Center first became aware of us by "channel surfing." No one will ever find us by surfing the broadcast channels on U-verse, and only the most dedicated and motivated viewer will go to the time and trouble to find us on Channel 99. If our PEG Channels are buried on Channel 99, we will surely disappear from view and from community awareness. It will be the end of community media.

Accordingly, to preserve PEG as envisioned in the Cable Act, the Commission should grant the petitions in CSR-8126 and CSR-8127.

4. The Dearborn Petition and Comcast's PEG Digital Channel-Slamming (CSR-8128)

The Media Center also supports Dearborn's petition in CSR-8128. Dearborn is clearly correct that Comcast's proposed treatment of PEG violates the Cable Act and would have impermissibly removed PEG channels from the basic tier. While it has not yet threatened a PEG slamming practice as it has done in Dearborn, Comcast is already simulcasting our PEG channels in both analog and digital format. There is every reason to believe that Comcast will remove our analog PEG channels unless the questions posed in the Dearborn petition are answered as Dearborn proposes.

Conclusion

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. We therefore strongly urge the Commission to grant all three petitions.

Respectfully submitted,



Annie Folger
Executive Director

cc: 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