

TV 21 ACCESS

**CHARLOTTE MECKLENBURG
PUBLIC ACCESS CORPORATION**

MAR 16 2009
FCC Mail Room

February 20, 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.), CSR-8127 (City of Lansing, MI), and CSR-8128 (City of Dearborn, MI et al.)

Dear Ms. Dortch:

The Charlotte Mecklenburg Public Access Corporation strongly urges the Commission to grant all three of the above captioned petitions concerning public, educational and government, ("PEG") access channels. Clearly the underlying principle of all three petitions is the protection and preservation of PEG's vital mission to deliver important local programming and information to the public.

CMPAC is the only outlet to give all citizens of charlotte Mecklenburg, regardless of race, ethnicity, gender, religion, disability, sexual orientation, political affiliation or economic status, a forum to share information with their neighbors, express themselves through their talents, share their point of view and fully participate in their community. Through this locally produced programming, citizens learn about important happenings in the community and learn what their neighbors are thinking. Moreover, CMPAC allows underserved and disenfranchised communities to have access to electronic media, an option which would not be available if not for PEG.

CMPAC supports, in no uncertain terms, both petitions regarding AT&T's PEG product, (CRS-8126 and CRS-8127). There can be no doubt that AT&T's approach to PEG is designed to marginalize PEG by discriminating against PEG in the manner in which it is delivered, the functionality of its system, the quality of video and audio for the viewer and the complex

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method of navigation necessary for the viewer to locate the PEG channel they wish to watch.

AT&T's method of cramming all PEG channels onto Channel 99 clearly discriminates against PEG as is evident by the fact that AT&T does not treat any other content provider in this manner. Multi-channel providers like HBO and ESPN which offer different channels for different programming, sometimes offering as many as a dozen services, are afforded individual channel space for each offering while PEG is relegated to Channel 99, a location which AT&T intends to place dozens of PEG channels from communities sometimes hundreds of miles apart.

CMPAC is particularly concerned about the difficulty in navigating the PEG Channel 99 system. Viewers are required to view a series of on screen menus and navigate through each level using a remote control until after going through several levels, selecting the PEG channel they wish to watch.

Two communities which PEG channels service the most are the elderly and disabled. AT&T's complicated PEG menu system will make it extremely difficult for the elderly, and absolutely impossible for the visually impaired to locate their local PEG channels. Moreover, AT&T is unable to deliver closed captioning which makes PEG virtually unusable for the hearing impaired. CMPAC finds this extremely distressing since we have partnered with the Charlotte Readers Information Service, a local non-profit organization dedicated to providing live audio reading of local newspapers and periodicals for the elderly and disabled, through a live reading program heard on CMPAC 7.5 hours each week. In addition, the inability to record PEG programming through the use of a DVR, the lack of a sufficient program guide, the inordinate time necessary for the channel to load and the inferior video and audio quality clearly indicate AT&T's decision to discriminate against PEG programming.

CMPAC would also like to express its strongest support for the City of Deerborn's petition (CSR-8128) regarding Comcast's PEG channel slamming practice. Federal law is quite clear regarding the mandate of PEG carriage on the basic tier of service. By banishing PEG to the outer reaches of the digital tier, for example, the 900 channel level in Comcast's case, PEG's availability and effectiveness are dramatically harmed. We must emphasize once again, PEG's overriding mission is to provide programming, information and services to all citizens of our local communities, but especially for those populations who are the most underserved and disenfranchised. Making PEG available only to digital tier subscribers, in effect, discriminates against those in our communities who very well may benefit from PEG the most, by requiring them to

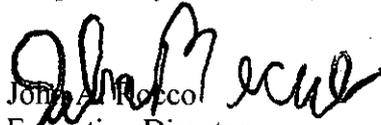
subscribe to digital tiers and rent digital equipment which they may not want, or more importantly, may not be able to afford.

There is no doubt that the intent of Congress is to insure that PEG is available to all citizens by requiring its carriage on the basic tier of service. By granting Dearborn's petition the Commission will insure that all citizens have access to this important local programming.

Although CMPAC is currently carried by Time Warner Cable throughout Mecklenburg County and has not yet attempted to place PEG in the digital wasteland of the 900 level, CMPAC is fearful that without the granting of Dearborn's petition, a decision to do so may be inevitable. We hope that the Commission will protect PEG programming for all residents and not just those who can afford to subscribe to the most costly service tiers.

In conclusion, CMPAC is asking the Commission to grant all three of the above captioned petitions in order to preserve PEG's crucial role in today's society. With the continuing trend toward media consolidation outlets for truly locally produced community programming are dwindling. In cities and towns all across our nation local programming has been, and continues to be, replaced by nationally syndicated programming with shrinking local relevance. A quick survey of any local broadcast schedule or cable channel line-up will show a near total lack of locally produced programming. Excluding local news, one would be hard pressed to find real locally produced programming, except on a community's PEG channels. If a community is to grow and prosper, and become a harmonious place to live, its citizens need to be able to communicate with each other. In the electronic age it is vitally important that all citizens have access to a forum that allows them to participate regardless of their own personal circumstance. By granting these three petitions, the Commission will go a long way in helping to preserve this necessary community resource.

Respectfully Submitted,


John A. Rocco
Executive Director