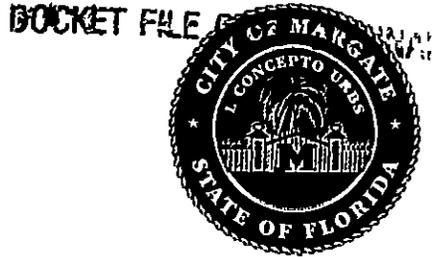


Mayor
Pam Donovan

Vice Mayor
Arthur J. Bross

Commissioners
David McLean
Frank B. Talerico
Joseph Varsallone



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City Manager
Francis J. Porcella

City Attorney
Eugene M. Steinfeld

City Clerk
Leslie Wallace

City of Margate, Florida

March 1, 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:

The City of Margate 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 City of Margate

The City of Margate provides one PEG channel, Channel 78, to residents of Margate. Channel 78 provides for audio only broadcast of City Commission meetings, scheduling information for civic and cultural events, emergency information, contact and general information for resources to assist our residents as well as video footage of special events in Margate.

Thus, PEG programming in the City of Margate provides local residents with informational, public safety, educational, and cultural programming of uniquely local interest that they cannot obtain on other broadcast channels.

2. The Situation in Our Community

"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. 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, we have little doubt that the operator serving our community would adopt those approaches, to marginalize or effectively eliminate PEG access.

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

Our 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, ability to record using DVR, closed captioning capability, and secondary audio ("SAP") capability.

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 City of Margate 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.

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,

Pam Donovan
Mayor



cc: Margate City Commission
City Manager
City Attorney

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