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Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

REPLY COMMENTS OF CITY OF MENTOR, OHIO concerning Petitions for
Declaratory Ruling regarding Public, Educational and Governmental Programming

CSR-8126 (ACM et al)
CSR-8127 (City of Lansing, Michigan)
MB Docket No. 09-13

The City of Mentor, Ohio wishes to submit these Reply Comments to support the Petition filed by the City of Lansing, Michigan and the Petition filed by the Alliance for Community Media *et al.*

In the mid 1980s, our local cable company provided the City of Mentor with a government access channel so that we could more easily communicate with our residents. Since that time, the government channel has played a vital role in our communications effort by encouraging the open exchange of information and ideas with our residents. For more than two decades, our administration has taken great pride in creating award-winning programming with local relevance. The Mentor Channel continues to serve as a reliable source of information that is targeted specifically to Mentor residents 24 hours a day.

We are concerned, however, that AT&T has impaired that easy exchange of information for our community's school and government channels with the configuration of its U-verse PEG product. While it is noted that AT&T has improved its signal quality and downloading speeds, their PEG platform does not compare with the visual and audio quality and functionality of the commercial channels carried on the same system.

In Ohio, cable and video service is authorized by the Ohio Department of Commerce and is, therefore, subject to state and federal law. Ohio's video competition law requires new video providers to offer each community the same number of PEG channels as provided by the incumbent cable operator. In Mentor's case, A&T is required to provide three access channels – one for government, one for the schools, and a third for the local college. However, unlike the commercial channels on the AT&T system, dozens of PEG channels within a geographic region would be grouped together under a single channel designation (Channel 99). The individual PEG "channels" would then be accessed through a menu driven system.

We are concerned that, by segregating our three local access channels beneath layers of menus and forced actions, residents won't be able to easily locate us -- as cable subscribers currently do by turning to Channel 12 (the government access dial position on cable). Forcing viewers to use this method of access restricts ease of use when compared to that of all other channels and makes it difficult, if not impossible, for the visually impaired to use. Anyone who watches television can relate to sitting back with a remote and surfing the dozens of channels in search of something interesting to watch. As you flip through the channels you might see your neighbor standing before the Planning Commission explaining some new development he's working on, and you realize ... "that's my neighbor" ... and you are drawn into the conversation as you watch and learn. But that won't happen with PEG on AT&T -- because you can't channel surf the access channels.

We believe that AT&T's PEG product does not meet the spirit of Ohio law, nor does it meet the requirements of the 1992 Cable Act, which established that PEG was to be treated no differently than other channels carried on a cable system.

Currently there are only three Ohio cities that are providing their government channels to AT&T. The City of Mentor reluctantly began transmitting The Mentor Channel on AT&T's Channel 99 in December 2008. It was not an easy decision, because we were fully aware of the disparity in signal quality, ease of access, and that AT&T's PEG product was most likely in violation of Federal and State Law. However, we felt that residents who subscribed to AT&T should still have access, albeit complicated, to The Mentor Channel.

Since AT&T subscribers now have the ability to watch the government channel, we have confirmation that our concerns were warranted. The saying, "Out of sight, out of mind" certainly applies as subscribers who switched from cable to AT&T have told us that accessing The Mentor Channel did not meet their expectations. As a result, they no longer watch The Mentor Channel as often because they: "forget we are there," "we have to jump through hoops," "the channel doesn't come up automatically," and "the audio keeps cutting out." We have also learned that the DVR that is provided by AT&T to record programs on their system cannot record PEG programs. The DVR works fine on any of the commercial stations -- just not on Channel 99.

In conclusion, the City of Mentor believes that a community's local channels should not be more difficult to access than the Weather Channel, a network affiliate, or C-SPAN. AT&T U-verse is being marketed as a competitor to cable, yet their unfriendly method of providing PEG programming fails to meet the same ease of delivery enjoyed by every **commercial** station on AT&T, as well as EVERY channel that is carried on the competitor's cable system.

Sincerely,

John W. Konrad
Mentor City Manager