



**Alliance For  
Community Media**

1100 G Street, NW  
Suite 740  
Washington, DC 20005  
Ph: 202.393.2650  
Fax: 202.393.2653

[www.alliancecm.org](http://www.alliancecm.org)

April 28, 2009

*Via Electronic Comment Filing System*

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St. SW  
Washington, D.C. 20554

Re: Petitions for Declaratory Ruling Regarding Public, Educational and  
Governmental (PEG) Programming, CSR-8126, CSR-8127, CSR-8128,  
MB Docket No. 09-13

Dear Ms. Dortch:

As required by Section 1.1206 of the Commission's rules, this ex parte notice is filed on behalf of three Petitioners included in ACM et al, CSR-8126. Barbara Popovic, Executive Director of Chicago Access Network Television, Dan Coughlin, Executive Director of Manhattan Neighborhood Network, and Cheryl Fayne-dePersio, Communications Manager of the Village of Northbrook, also representing the Illinois Chapter of the National Association of Telecommunications Officers and Advisors ("Illinois NATOA"), met on April 27, 2009, with Rick Chessen, Chief of Staff for Acting Chairman Michael Copps, and on April 28, 2009, they had separate meetings with Commissioner Jonathan Adelstein and Rudy Brioche, Legal Advisor to Commissioner Adelstein, with Rosemary Harold, Legal Advisor to Commissioner McDowell, and with Media Bureau staff Mary Beth Murphy, Nancy Murphy, Holly Sauer, and John Norton.

The purpose of the meetings was to provide the perspective of three PEG practitioners, all working with the local community to provide programming on local, noncommercial PEG channels. The attached documents were distributed at the meetings and discussed.

Petitioners noted that the Petitions for Declaratory Ruling are imperative due to AT&T's unprecedented attempt to segregate PEG channels to an inferior format with impaired accessibility and limited functionality. Petitioners dispute AT&T's characterization of its PEG product as "innovative" and "superior." In fact, AT&T's PEG product goes in the opposite direction, disadvantaging both



**Alliance For  
Community Media**

1100 G Street, NW  
Suite 740  
Washington, DC 20005  
Ph: 202.393.2650  
Fax: 202.393.2653  
[www.alliancecm.org](http://www.alliancecm.org)

Ms. Marlene H. Dortch  
April 28, 2009  
Page 2

viewers seeking local PEG programming, and local programmers attempting to reach their audiences. AT&T's PEG product hampers the meaningful development of PEG channels in an evolving digital age.

In its Comments and Reply Comments, AT&T, the world's largest telecommunications corporation, claims that unless the FCC rejects the Petitions, it won't be able to compete in the marketplace. In short, despite its technical and financial ability to provide PEG channels in a manner equivalent to commercial channels, AT&T refuses to do so.

Petitioners pointed out that AT&T's promises of incremental improvement to its PEG product fail to address the fundamental accessibility and functionality defects of that product, and would still leave PEG channels substantially less accessible to local residents than commercial channels on AT&T's system.

The House Report on the establishment of PEG channels states, "PEG channels serve a substantial and compelling government interest in diversity, a free market of ideas, and an informed and well-educated citizenry." This is a vision that the Petitioners are working to realize every day. In Chicago and New York, for example, a large proportion of the PEG programmers and their audiences are from underserved and minority communities. Programming includes health alerts and information, job and training opportunities, educational resources, and local arts initiatives. In the areas represented by Illinois NATOA members, local residents rely on PEG channels for information about their local government, emergency alerts, and community events that other channels do not provide.

Petitioners discussed the fact that the wide diversity of comments from cities, nonprofits, PEG centers, PEG programmers, and public policy groups from around the country confirms the importance of the relief sought by the Petitioners. Petitioners noted AT&T financial support and membership affiliation with a number of groups that filed comments in support of AT&T's PEG product. For example, one commenter, the Greater O'Hare Association, announces on its website its partnership with AT&T that allows the Association to earn revenues for referring people that sign up to get U-Verse.

**Building Community  
Through Media  
Since 1976.**



**Alliance For  
Community Media**

1100 G Street, NW  
Suite 740  
Washington, DC 20005  
Ph: 202.393.2650  
Fax: 202.393.2653  
[www.alliancecm.org](http://www.alliancecm.org)

Ms. Marlene H. Dortch  
April 28, 2009  
Page 3

Petitioners asked that the FCC promptly grant the Petitions to put an immediate end to AT&T's discriminatory segregation of PEG channels. With that action, the FCC will protect the public interest and uphold its goal of encouraging localism and diversity in media.

Sincerely,

A handwritten signature in black ink that reads "Barbara Popovic (by JMA)".

Barbara Popovic  
Chicago Access Network Television

Attachments

cc: Rick Chessen, Chief of Staff for Acting Chairman Copps  
Commissioner Jonathan Adelstein  
Rudy Brioche, Legal Advisor to Commissioner Adelstein  
Rosemary Harold, Legal Advisor to Commissioner McDowell  
Mary Beth Murphy, Media Bureau  
Nancy Murphy, Media Bureau  
Holly Sauer, Media Bureau  
John Norton, Media Bureau