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The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th St., S.W.
Washington, DC 20554
via <<http://fjallfoss.fcc.gov/ecfs/upload/display?z=neh16>>

RE: Comment On A Petition for Rulemaking to Amend The Commission's Rule Governing Retransmission Consent 10-71

Dear Federal Communications Commission (FCC):

I am interested in a petition for rulemaking to amend the Commission's rule governing retransmission consent. I agree that retransmission rules should be changed. Whenever this issue comes up, conflicts between legitimate wants of broadcasters and legitimate wants of cable television and satellite carriers are given full attention. I now beg the FCC to change the retransmission rules to give the viewers more freedom to choose the channels they can view.

Under the current system, viewers have little choice in channels they can access. In most towns, despite valid attempts by the FCC and many states to encourage cable competition, residents have the choice of only one cable carrier with little hope of ever being able to choose another cable company or telco video provider during their lifetime. Many live in situations in which satellite television is not an option. Americans do not choose their channels or the value of the channels. One, lone cable company in town decides.

In southern Illinois, Mediacom has denied our requests for retransmission of a Catholic channel, the Eternal Word Television Network (EWTN) for many years. We are deeply concerned about why one company that some of our towns has chosen is so strongly opposed to us watching EWTN on their publicly franchised system.

If EWTN was an uncommon or new station, we could have less trouble understanding how a cable company refuses to even accept requests for the channel.¹ It is said that "EWTN has

¹ By "refuses to even accept," I mean them saying that they don't remember receiving requests, even though a post

become the world's largest religious network reaching 146 million households in over 126 countries worldwide.”² Our requests for EWTN's retransmission could not have been so routinely rejected because it's brand new. We have been requesting EWTN, started in 1981,³ since Mediacom came to Carbondale, IL shortly after the company's birth in 1995.⁴

Cable companies, such as Time-Warner and Mediacom, use the standard argument that certain broadcasters charge too much. Cable companies expect the Commission and viewers to accept this claim as fact, even though these numbers are hidden from the public. Mediacom cannot justify our denial of access to EWTN because carriage would be too expensive. EWTN charges cable companies nothing for retransmission.⁵

Most other southern Illinois carriers gladly provide retransmission of EWTN to Catholic viewers in nearby towns. Comcast does not choose to ignore Catholic viewers as part of the demographics of Pinckneyville, IL. In addition to EWTN, Pinckneyville residents can watch additional channels, including Big Ten, MTV Tres, MTV Jams, VH1 Soul, NFL Network, Disney XD, the Game Show Network, Fox College Sports Atlantic, Fox College Sports Central, Fox College Sports Pacific and the Sportsman Channel.⁶ Neighbors in Du Quoin have a similar lineup, courtesy of Comcast.⁷

In Nashville, IL, Charter allows its subscribers to watch EWTN. Charter also provides additional channels unavailable here such as the Game Show Network, Big Ten, Disney XD, Oxygen, Do-It-Yourself Network, MTV Jams, MTV Tres, MTVU (unlisted in Carbondale, despite the presence of Southern Illinois University), VH1 Soul, Fox Business Network(?), Fox College Sports Atlantic, Fox College Sports Central, Fox College Sports Pacific, MavTV, Fuel TV, Sportsman Channel, the Major League Baseball Network, NHL Network, Epix and C-SPAN3.⁸ Mount Vernon⁹ and Centralia¹⁰ have similar lineups, courtesy of Charter.

Percy residents can watch EWTN on NewWave Communications. They too can watch Disney XD, Oxygen, Do-It-Yourself Network, Fox Business Network, Game Show Network, MTV

office receipt shows their Springfield, MO did March 28, 2008.

2 <http://www.livetvcenter.com/ewtn_the_eternal_television_network_1673.asp>.

3 <<http://www.ewtn.com/general/index.asp>>.

4 <<http://en.wikipedia.org/wiki/Mediacom>>.

5 <http://www.ewtn.com/tv/download_satellites/DOMsatellite.asp>.

6 <<http://affiliate.zap2it.com/tvlistings/ZCGrid.do?method=decideFwdForLineup&zipcode=62274&setMyPreference=false&lineupId=IL12493:X>>.

7 <<http://affiliate.zap2it.com/tvlistings/ZCGrid.do?method=decideFwdForLineup&zipcode=62832&setMyPreference=false&lineupId=IL12493:X>>.

8 <<http://affiliate.zap2it.com/tvlistings/ZCGrid.do?method=decideFwdForLineup&zipcode=62263&setMyPreference=false&lineupId=IL62245:X>>.

9 <<http://affiliate.zap2it.com/tvlistings/ZCGrid.do?method=decideFwdForLineup&zipcode=62864&setMyPreference=false&lineupId=IL12408:X>>.

10 <<http://affiliate.zap2it.com/tvlistings/ZCGrid.do?method=decideFwdForLineup&zipcode=62801&setMyPreference=false&lineupId=IL62245:X>>.

Jams, MTV Tres, VH1 Soul, Fox College Sports Atlantic, Fox College Sports Central and Fox College Sports Pacific.¹¹ Sparta¹² and Chester¹³ have similar channel access, courtesy of NewWave Communications.

Just across the Mississippi River, courtesy of Charter, Cape Girardeau, MO viewers can watch EWTN and several channels we cannot view.¹⁴ Just across the Ohio River, Paducah, KY residents, courtesy of Comcast, can enjoy EWTN along with other channels we cannot see.¹⁵

For similar pricing, Mediacom provides its own brand of extra channels for its southern Illinois service area. First, instead of EWTN and other common retransmissions, we have “link” channels designed to promote use of On Demand. In addition to the standard “On Demand” (channel 1), we have empty channels linking to “Movies On Demand” (100), “WWE On Demand” (111), “Anime Network On Demand” (113), “Adult On Demand” (150), “HBO On Demand” (300), “Cinemax On Demand” (324), “Showtime On Demand” (350) “TMC On Demand” (374) and “Starz On Demand” (400). Second, in lieu of EWTN and other common digital tier channels, for at least the past three years, we have had access to a dead channel “To Be Announced” on channel 200. This channel is listed on an Internet schedule “Free On Demand,” but promoting free channels seems to be of no concern to our cable provider. Finally, in place of EWTN and other common digital tier retransmissions, for at least the past three years, Mediacom has carried duplicates of the Golf Channel (channels 165 and 263), Fox Soccer Channel (169,261), ESPNEWS (170,274), and TVG (180,271). These doubles are all only in standard definition.¹⁶

Cable companies also can use retransmission unfairly within their coverage areas. For example, through email and a phone call on May 13, Mediacom told me that their Springfield, MO rates are almost identical to their rates here. Viewers in the town of Mediacom's region headquarters can watch EWTN. They can also watch other channels we cannot, including C-SPAN3, God TV, The Church Channel, Disney XD, Game Show Network, Ovation, Halo, RFDTV, VH1 Soul, Discovery en Espanol, Fox Sports en Espanol, Mun2, Cine Latino US, History Channel en Espanol, MTV Tres, VeneMovies and CNN En Espanol-Mexico and US.¹⁷ For the same pricing,

11 <<http://affiliate.zap2it.com/tvlistings/ZCGrid.do?method=decideFwdForLineup&zipcode=62272&setMyPreference=false&lineupId=IL12624:X>>.

12 <<http://affiliate.zap2it.com/tvlistings/ZCGrid.do?method=decideFwdForLineup&zipcode=62286&setMyPreference=false&lineupId=IL12624:X>>.

13 <<http://affiliate.zap2it.com/tvlistings/ZCGrid.do?method=decideFwdForLineup&zipcode=62233&setMyPreference=false&lineupId=IL12624:X>>.

14 <<http://affiliate.zap2it.com/tvlistings/ZCGrid.do?method=decideFwdForLineup&zipcode=63701&setMyPreference=false&lineupId=MO24488:X>>.

15 <<http://affiliate.zap2it.com/tvlistings/ZCGrid.do?method=decideFwdForLineup&zipcode=42001&setMyPreference=false&lineupId=KY16604:X>>.

16 <<http://affiliate.zap2it.com/tvlistings/ZCGrid.do?method=decideFwdForLineup&zipcode=62901&setMyPreference=false&lineupId=IL12451:X>>.

17 <<http://affiliate.zap2it.com/tvlistings/ZCGrid.do?method=decideFwdForLineup&zipcode=65801&setMyPreference=false&lineupId=MO24522:X>>.

Mediacom offers EWTN and other channels unavailable here in Princeton¹⁸ and Cadiz, KY.¹⁹

The closest we have been to having our requests for EWTN fulfilled was in April 2009. A representative from Mediacom sent a letter to Rep. Costello and me stating that the addition of EWTN and other channels would be part of an “engineering project”...”scheduled to be completed by the end of 2009.” Mediacom will not explain and does not seem to care why this has not yet happened. I have called the letter's sender repeatedly over the past month, and he has not provided an answer as to why there is no sign that the project will happen any time soon.

Cable companies frequently justify price increases by the prices demanded by the broadcasters. If this is true, are we paying for channels we do not get? Are we paying to maintain higher retransmission standards for cities other than our own? If retransmission price is the issue, why is our carrier refusing to add EWTN with such intensity. They should know this channel does not charge for retransmission. They should know this channel is widely carried by other companies, in neighboring towns. They know this free channel could be carried here since they carry it elsewhere. They know (although they deny this when convenient) this channel has been requested. They know there is no good reason that requests for this channel are perpetually turned down. They know they broke their promise, which they made to us and our U. S. Representative, to add a requested channel by the end of last year. They should know the rules of retransmission should not be interpreted to justify higher prices for their substitution of multiple On Demand promotion channels, a dead channel 200 and duplicates of four standard definition channels for one free, requested Catholic channel.

Those who argue for cable à la carte always invoke the argument of paying too much for channels they do not watch. Here, we have the problem of paying too much for channels we cannot watch. In this digital age, why can't we develop a hybrid à la carte cable system? Just as an example, carriers might offer 100, 200, 300, etc. channel boxes. Base prices would be based on box capacity. The first group would include the “must carry” channels, and the rest would be open. The cable companies could offer individual packages, for which additional charges would be based on bargaining between each carrier and broadcaster. Empty spaces could be filled by the viewers.

Viewers could make private arrangements to receive channels unavailable from their cable companies' bundling deals. If Sinclair Broadcasting wanted a higher price than Mediacom was willing to offer, a viewer could choose to watch the station if Sinclair's price is acceptable to that viewer. A viewers would not be deprived of a station just because it is not part of the only company in town's packages. Broadcasters would have to keep their prices competitive. Cable companies could compete with telcos and satellite systems through creative bundling instead of

18 <<http://affiliate.zap2it.com/tvlistings/ZCGrid.do?method=decideFwdForLineup&zipcode=42445&setMyPreference=false&lineupId=KY67760:X>>.

19 <<http://affiliate.zap2it.com/tvlistings/ZCGrid.do?method=decideFwdForLineup&zipcode=42211&setMyPreference=false&lineupId=KY16717:X>>.

failed attempts at offering the most channels.

I suppose this is wishful thinking for the impossible. I can only beg the Commission to keep the viewers in mind regarding rules of retransmission. Do not let the cable companies and broadcasters keep the pricing of retransmission secret, especially whenever channels are dropped during disputes. Require carriers to treat viewers' requests with respect. Please adjust rules of retransmission so that our cable service is not stuck in the 20th century.

Sincerely,
Gerald Zimmerman