Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Annual Assessment of the Status of	)	MB Docket No. 12-203
Competition in the Market for the	)	
Delivery of Video Programming	)	

COMMENTS OF
The Community Media Center of Marin, Marin County California

The Community Media Center of Marin (CMCM) of Marin County CA submits these comments in response to the above-captioned Notice of Inquiry ("NOI"), released July 20, 2012, seeking "data, information, and comment on the state of competition in the delivery of video programming."

The Community Media Center of Marin is an independent non-profit 501(c)(3) organization started in 2009 that runs the community media center for ten municipalities throughout Marin County. CMCM operates Marin TV, which provides three local PEG channels for community, educational and governmental television. CMCM is dedicated to providing the base necessities for functioning community media – physical space, trained staff, up-to-date equipment, local governance programming and broad multimedia training for residents, students and county/city employees.

We are concerned about the preservation of PEG Access as a vital community resource. In these comments we specifically address the role of PEG channels in our community, our

experiences with MVPD's and the importance of preventing companies from inhibiting the delivery and access to these channels.

Channel Availability

Marin County has three (3) MVPD providers: Comcast (approx. 65K households), Horizon (approx. 500 households) and AT&T U-Verse (approx. 5K households). Since our launch in 2009, Comcast has provided all three of our PEG channels on all tiers of services and the channels are placed in the lower numbers of their system (26, 27, 30). Horizon, a small operator, currently provides a community channel on all tiers at a lower channel number and we are working with the company for carriage of the Marin TV channels.

Also since 2009, AT&T U-Verse provides access to all three PEG channels on all tiers, but only on Channel 99. This grouping of all regional PEG channels under one channel number (99) forces viewers to wade through a series of menus in order to locate and view them, clearly in violation of federal cable law requiring equal treatment of PEG channels. Our experience of AT&T's PEG product confirms many of the deficiencies identified in ACM *et al*, CSR-2186. As detailed in that Petition, AT&T's PEG product is inferior to broadcast channels carried on AT&T's U-verse system in virtually every way that matters to a viewer. If channels are made less accessible, and are deprived of basic functions viewers have come to expect, many subscribers we now reach will not receive valuable information. It's unacceptable with the technological advances in cable television delivery that local residents would be deprived of easy access to local information about the education of our children, dissemination of health information, facilitation of job placement, and emergency alerts. In our experience, viewers seldom access the local Marin TV channels via AT&T's U-verse due to the burdensome process

of locating the channels, and no viewer will ever discover their local channels via traditional channel surfing.

Channel Program Guide

An essential component of cable television for viewers is the on-channel guide that identifies programming and provides a daily/weekly schedule compatible with the MVPD's supplied DVR. All commercial channels are listed in the channel guide and viewers expect this feature and are frequently dismayed when it doesn't exist. After nearly a year of requests for the service, CMCM now pays Comcast an annual fee to accept our programming data so the content of our channels are correctly listed in the channel guide. The process was delayed and made more cumbersome when we were given incorrect technical requirements that could only resolved only with the cooperation of a third party vendor. AT&T U-Verse currently offers no solution of any kind for an on-channel program guide; as a result, viewers watching Marin TV on U-Verse must refer to our web site for even the most basic program and schedule information.

HD Carriage

At present none of the MVPD providers for Marin County carry our Marin TV PEG channels in high-definition (HD), nor have any announced plans to do so. Comcast only accepts an analog SD signal for our channels and AT&T digitizes our channels into a 480 x 480 Windows Media web stream. While the center has the capability to produce all of our content in HD, it must be downgraded to inferior SD quality for channel distribution by the MVPD providers.

Loss of Channel Returns for Monitoring and Troubleshooting

It's necessary for PEG channel providers like CMCM to monitor the channels received by viewers in the community to ensure signals are properly received and re-transmitted by the MVPD. Under local franchises, cable companies are required to provide a coax return from their head-end for this essential purpose. AT&T offers no such option to providers of PEG channels to monitor their U-Verse channels, short of paying for a U-Verse installation and monthly agreement.

At CMCM we recently experienced an issue with one of our PEG channels on U-Verse, an intermittent loss of signal, that based on viewer complaints, we suspect had persisted for months. If we had return feeds of our channels, our knowledge and response to this issue would have been immediate. Viewers who called AT&T about this problem were not afforded a solution and in some cases were told it was likely an issue with the consumer's own equipment or internal wiring. We were not notified by AT&T of the channel problems reported by our viewers.

Once discovered, CMCM sent email notification to U-Verse support of the problem. This resulted in some strange and confusing phone calls from AT&T support in Malaysia (where apparently T-1 line support has been outsourced). Besides some language difficulty, the calls were marred by nearly impossible phone service that made the calls virtually unintelligible. Eventually, we found relief through the U-Verse support team headquartered in Texas. After determining the AT&T streaming equipment was operating properly, we traced the problem to a telco punchdown block for the T-1 lines used to transmit our channels to U-Verse. CMCM staff physically made the repair, punching down all the connections, those previously made by the original AT&T installer. AT&T never sent service personal to remedy the problem and the issue

took two weeks to isolate and resolve (mainly due to communication difficulties). This is a stark contrast to the response by traditional cable company personal, which provides immediate attention to channel transmission problems and have local head-end personal available 24/7. It's also an indication of the vulnerability of AT&T choice of transmission equipment for PEG channels and the perils of centralizing and outsourcing support. Had this been an emergency situation, AT&T U-Verse subscribers would have been deprived of essential and potentially life-saving information.

Impact of State-wide Video Franchising, DIVCA

In California, local video franchising agreements have been largely eliminated through the passage of a state-wide franchise in 2006 called the Digital Infrastructure and Video Competition Act (DIVCA). Similar legislation was passed in 20 other states throughout the country, primarily through the efforts of AT&T and Verizon who had previously attempted to pass national franchise legislation (HR5252 and S.2686). While promising to create new jobs and provide consumers with lower cable bills, the state franchises passed thus far have delivered neither. The result of this legislative shift in California has been largely negative state-wide;

1) More than 50 local cable company operated public access studios have been closed in municipalities statewide that were switched to the state franchise (DIVCA) resulting in the loss of local channels and/or local content. Under DIVCA, this local requirement for facility access and support was eliminated.

2) Prior commitments by existing local cable operators to provide PEG services and/or relevant local origination programming has diminished dramatically as the industry shifts to a more cost effective centralization of services made possible with DIVCA. Under DIVCA, AT&T has no

local presence at the municipal level in California and no requirement to meet the public interest requirements common to local video franchises. In California, cable operators have been quick to abrogate to the state-wide franchise to compete with AT&T under the reduced public interest obligations. As a result, cable companies have downscaled their local commitments in order to compete with the AT&T strategy of centralization. This race to the bottom has led to the elimination of public/private programming initiatives, municipal iNets and other community partnerships that were once the hallmark of cooperative local video franchises.

3) State regulatory agencies are largely rendered ineffective by state-wide franchises such as DIVCA. In California, the CPUC was given the task of rubberstamping approvals to applications but were largely stripped of the authority to enforce potential MVPD violations of DIVCA. As a result, the CPUC can often only direct local municipalities to seek remedies to conflicts through costly litigation, an untenable option for the majority of California cities.

4) The capital restriction for PEG Fee funding written into DIVCA and other state-wide video franchises creates a situation where municipalities and PEG providers are no longer able to support the necessary staffing for a community media center to provide successful training and local programming production. This punitive restriction has forced staff reductions and downscaling of services offered by some community media centers and threatens the future of those local channels.

5) DIVCA and other state franchises largely eliminate all local municipal oversight of cable TV service. A negative consequence of DIVCA is the loss of local control over pricing for basic cable service. Limited basic cable service was intended to be an affordable option for low-income and fixed-income residents and it enables all to have access to the essential local content

of PEG channels. Under state-wide franchising and the move to entirely digital delivery platforms, we are seeing a new tier of limited basic service created with a 50-100% price increase. This effectively places the local PEG channels out of reach for many seniors and low-income residents and cuts off their access to local government and educational information and services.

PEG channels are a critical and irreplaceable resource for our community. If the Commission fails to prevent the industry practices at issue in the above mentioned petitions and fails to carefully weigh and remedy the impacts of questionable deregulatory legislation, then we have little doubt that other operators will continue to adopt approaches that marginalize or effectively eliminate local PEG access. Thank you for your attention to this important matter.

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