

**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  
Midpeninsula Community Media Center**

**Midpeninsula Community Media Center (“Media Center”)** 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 Media Center, operating since 1990, serves Atherton, East Palo Alto, Menlo Park, Palo Alto, and Stanford, California and unincorporated portions of San Mateo and Santa Clara counties. Our mission is to inform, inspire, and empower people to speak and act on behalf of their communities, to use television to create and distribute programs that promote and celebrate individual expression, local achievements, education, cultural exchange, arts appreciation, and civic engagement.

**Comcast Channels:**

Comcast, our incumbent operator, provides seven channels for PEG programming. In addition to the three Public Channels (27, 28 and 30) and two Government Channels (26 and 29) that the Media Center operates from its facility in Palo Alto, local academic institutions operate two Educational Channels. Foothill-De Anza Community College District operates Channel 75 and Stanford University operates Channel 76.

Comcast places our PEG Channels on the basic tier. Comcast is currently providing all seven of our PEG channels as traditional analog channels. However Comcast is in the process of converting delivery of our channels to digital format. People with analog channels will require extra equipment.

Comcast currently carries the same number of PEG channels as in June 2010.

## AT&T Channels:

AT&T was granted a statewide franchise in California on 3/30/07. AT&T started offering U-verse in East Palo Alto, one of two initial cities in California to get the service, in mid 2007. By October 2007, **six of our seven PEG Channels** were being provided as video streams on a sub menu on U-verse Channel 99. **The Foothill-De Anza Community College District was unwilling to provide its Educational Channel 75 to AT&T because of the College's mandated requirement to provide closed captioned classes, a requirement that U-verse cannot fulfill.** AT&T is now offering U-verse to the other cities in our service area.

AT&T's PEG channels **do not** appear on the basic tier. On AT&T's U-verse Channel 99, subscribers must scroll through multiple pages listing the many cities located in the greater San Francisco Bay Area in alphabetical order. In a sub menu under each city the individual local PEG channels are listed. In all, there are hundreds of PEG channels buried in sub menus of U-verse Channel 99.

The California Public Utilities Commission PUC 5870(g)(3) states: "the PEG signal shall be receivable by all subscribers, whether they receive digital or analog service, or a combination thereof, without the need for any equipment other than the equipment necessary to receive the lowest cost tier of service. The PEG access capacity provided shall be of similar quality and functionality to that offered by commercial channels on the lowest cost tier of service unless the signal is provided to the holder at a lower quality or with less functionality."

The following consumer complaints about PEG accessibility have been brought to the California Public Utilities Commission:

- AT&T **does not** use the same channel numbers as incumbent providers for PEG channel access.
- AT&T's video signal quality for PEG channels **is not similar** to commercial stations.
- AT&T's PEG channels **cannot transmit** Emergency Alert System (EAS) broadcast messages.
- AT&T's PEG channel functionality **is not similar** commercial stations:
  1. Subscribers are **unable to toggle** between commercial and PEG channels.
  2. Subscribers are **unable to record** a PEG program automatically by setting the DVR or external VCR/DVD recorder to begin recording at a designated time (as is possible with the commercial channels), i.e. the viewer must be present at the time of recording to manually launch the PEG channel to begin the recording on an external recording device.
  3. Subscribers that are hearing impaired are **unable to view PEG programming in closed caption (CC)**. AT&T proposes open captioning which treats captions differently than on commercial channels, i.e. the captions cannot be switched off by the viewer and would obscure visual information such as slides used in distance-learning.

4. Subscribers **cannot enter individual PEG channel numbers in a remote control.**
5. Subscribers are **unable to access PEG channels seamlessly**; it takes a five-step process to load and access the desired channel.
6. Subscribers are unable to do picture in picture

### **Viewership Survey:**

Group W Communications conducted a viewership survey for the Media Center prior to AT&T offering U-verse in our area. We discovered that one-third of the respondents who were aware of the Media Center first became aware of us by “channel surfing.” No one will ever find us by surfing the broadcast channels on U-verse, and only the most dedicated and motivated viewer will go to the time and trouble to find us on U-verse Channel 99. With our PEG Channels buried on Channel 99, our community channels have essentially disappeared from view and from community awareness.

### **High Definition Equipment:**

While the Media Center is investing in HD equipment, neither Comcast nor AT&T has signaled any intention to provide us with HD channels. Consequently, we are stuck in a technology that is declining in popularity.

In summary, we rely upon our PEG channels to convey important public information throughout our community. People in our community rely on our PEG channels to receive information. When channels are less accessible for technical reasons, the PEG channels become a much less effective avenue for community communications, and some subscribers would not receive the information at all.

We ask that the FCC recognize the tremendous value of diverse, local PEG programming and the need for federal policies that provide the transmission and resources essential to community-based work like ours and that of our sister PEG stations around the country.

Respectfully submitted,



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