

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

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

**COMMENTS OF: Community Media Access Partnership (CMAP TV)**

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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.”

**Community Media Access Partnership (CMAP TV)** is an independent non-profit 501(c)(3) organization that runs the community media center for the communities of San Juan Bautista, Gilroy, and Hollister, California, as well as the county of San Benito.

We are dedicated to providing the base necessities for functioning community media – physical space, staff, up-to-date equipment, local governance, broad multimedia training, as well as providing the only local forum within 45 minutes for free speech, community access to hyper local news and information, access to media and technology tools, youth and adult job training programs, and local elections and government LIVE coverage online and via cable in two counties. We provide these services in an area greatly underserved with little substantive local news services, no local television or radio.

1. **Channels:** Charter Cable provides four cable channels for use by CMAP TV. 2.

These channels are placed on the lowest tier of cable provided. If residents only have analog television sets they require a digital converter box to receive this basic service.

2. **Harm and Unintended Consequences:** Due to a 2006 California law, DIVCA, the Digital Infrastructure Video Competition Act, media centers like ours no longer are able to determine how we can spend our PEG fees. These fees are added on to each cable bill and local subscribers pay the fee that cable companies then pass on to local municipalities and to our media center as restricted funds. We are not able to determine the best use of these fees for local interests in operating our media center as all PEG fees must be spent on *capital expenses* only. We do not believe that this unintended harm should continue, and that local municipalities should be able to spend local funds how the community best determines these funds spent. As a result, we are looking at a potential closure of our media center, regional mergers with other centers, and drastic reduction of funding for vital community media services. We have worked hard to find other sources of funding. However, operating a four channels and a cable television station, running youth programs that serve 600 at-risk youth in two counties, providing over 3000 hours

of local government content, and providing local coverage and access to media tools for residents requires far more operating expenses that our small staff is capable of raising in such a short period of time. Over 50 access centers in California have disappeared over the past two years, and we may find ourselves unable to raise the necessary operational funds to keep our media center open to the public.

3. We are newly in an AT&T U-Verse community and expect to receive access to AT&T's cable channels within the year. We expect that our community will have the same challenges experienced by other communities, such as being moved to channel 99 (i.e. "cable Siberia") by the company, or forcing viewers to scroll through a web-based type browsing system to find their community. This will make our services and channels more difficult to find by residents and does not create ease of viewing for many users unfamiliar with the technology. Our residents pay for local community media through the cable subscriber fee and these services should be able to access it easily and with standard steps across all cable providers.

4. PEG programming has grown in utilization, viewership, relevance, variety, and quality. We have seen consistent improvements across the board for the last five years. We have embraced the concept of our PEG center as a community media center, not just a community television station. Modern television is no longer limited to the parameters that embrace all forms of multimedia production. Support for that should be provided by similar unrestricted revenues to fund this public good/interest as generated by Internet providers and traffic over those same public lines. We are concerned by the move of some cable providers to designate that PEG fees should not be used for Internet purposes when these cable companies have not built out the cable systems in many communities, requiring viewers and media centers to use Internet for broader access to community media. We have adapted to these new technology tools, using live streaming for community events, and reaching viewers in new ways through relevant, hyper-local news, entertainment and information that PEG is best suited for in local communities. We urge the FCC to consider all channels as a forum for PEG access and allow us to grow viewers, quality content, and to generate the community dialogues that necessary for a healthy, vibrant democracy. Without community media, this vital free speech forum and access to hyper local media does not exist for thousands of residents in communities like ours and across the nation.

**Respectfully submitted by:**

**Kathy Bisbee, Executive Director  
Community Media Access Partnership, Cmap.tv  
On 9.10.12**