

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

**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

**COMMENTS OF
Pam Kelly for CreaTV San Jose**

I work for CreaTV San Jose, a non-profit community media center serving over 1 million people in the Silicon Valley region. CreaTV San Jose provides 120 digital media workshops to the community annually; manages four commercial free cable channels; provides low cost video production services to 150 local organizations and scores of individual community producers. CreaTV San Jose manages a community media facility open to the public, complete with two studios, 5 editing suites, training facilities and ten field camera packages.

- 1. Name(s) of the MVPD operator(s) in your jurisdiction: Comcast and AT&T.**
 - 2. How many channels does your MVPD operator(s) provide for PEG programming: Comcast provides up to 6 and we are currently using four. CreaTV does not send their channels to AT&T due to substandard channel delivery and the their lack of common cable functionality (no DVR, can't use the "last" function, etc.)**
 - 3. On which tier are these channels placed and is extra equipment required to view them: Anyone with basic Comcast Cable can receive our channels.**
 - 4. Are there more or fewer PEG channels carried on MVPD systems than were carried as of June 2010: The same.**
 - 5. What data sources exist to track the availability of PEG programming: CreaTV tracks content submitted for its channels. In 2011, 4,781 were turned in to the community channels for airing.**
 - 6. Please answer if you are in an AT&T U-verse community. Is there any evidence that AT&T's "Channel 99 PEG product" has hurt PEG viewership? Have there been any consumer complaints about PEG accessibility on U-verse?: We are an AT&T U-verse community and have received complaints from AT&T customers that we are not carried on their line up.**
- 6. Provide general information about PEG programming in your community. If applicable, explain how cutbacks in financing, state law changes, new technology, and so on have affected PEG programming**

in your community. In responding, keep in mind that you are “telling your story” of how PEG service are delivered in your community:

In 2006, a state franchising law (DIVCA) passed in California, resulting in the mass closures of community media centers throughout the state. Over fifty centers that we know of that used to provide community access to cable channels have closed their doors because state law created loopholes for cable operators, resulting in reduced or discontinued funding for centers. In San Jose, DIVCA greatly influenced the language that was inserted into our local franchise agreement which was being negotiated at that time. As a result, CreaTV San Jose was one of the first access centers in the state that could not use franchise fee dollars for operations, but only capital equipment and support (paid to cities by the cable operator in exchange for using our “public rights of way”). We have a healthy equipment budget, and no operating revenue. As a result, our hands are tied in terms of how robustly we can serve the community. We are also one of the first access centers in the state that charges for all services and use of equipment because we have to raise all of our operating money.

Still, we have gotten creative. Our organization serves 150 not for profit groups in San Jose alone. In four years, we are the “go to” production company for non-profits orgs who would not otherwise have the opportunity to learn how to use digital media technologies, or be able to affordably create videos that they so desperately need to market themselves and serve their clients. We have nine youth media programs privately funded through corporate partners, allowing us to give hundreds of kids a healthy, creative and educational outlet in which to story tell and engage in their community. I have been involved in Community Media for twenty years, and with the advent of new technologies and distribution methods, our center is busier than ever. Using video to communicate is standard practice, and its becoming more and more critical that our society become digitally literate in order to engage. We see CreaTV’s role as a community media “hub,” a communications resource, a community connector in the education and non-profit sector, and the community voice on cable.

Two weeks ago, a delegation from the White House came to CreaTV to study our Youth Voices Initiative, which brings former gang members, at risk kids, and youth leaders together to create a media campaign aimed at keeping kids out of gangs. The youth are creating thirty minute in depth talk shows in our studio that we will collectively market to their peers. This is just one of many innovative ways that a community media center can be a vital tool in civic engagement and problem solving.

Imagine what our 3,000 channels and hundreds of PEG organizations across the country could do if we were better supported, through legislation that would lift an archaic, immobilizing and completely unnecessary funding restriction that sits in the cable act?