

**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 GREATER METRO TELECOMMUNICATIONS CONSORTIUM**

The Greater Metro Telecommunications Consortium (“GMTC”) 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.”

**I. INTRODUCTION**

GMTC is an intergovernmental entity formed under Colorado law, comprising the City and County of Denver and 32 other Colorado municipalities and counties. GMTC communities extend from the plains east of Denver to the foothills at the base of the Rocky Mountains, and also include the City of Durango, located in Southwestern Colorado. These jurisdictions comprise an area of approximately 650 square miles, and represent a population of approximately 2.3 million people. The mission of GMTC is to represent its member governments in promoting the public's interest in matters of concern related to telecommunications through collaboration, education and advocacy. A number of GMTC members provided information for these Comments, and are briefly described in response to the NOI's specific questions below.

## II. OVERVIEW OF PEG PROGRAMMING IN OUR JURISDICTIONS

GMTC jurisdictions have been providing access programming on cable channels since approximately 1982. What began in many communities as an opportunity to view city council meetings has grown to include a variety of community programming, including news, public health and safety, local and regional issues of interest, recreation issues, veterans issues, local history, and educational programming, among others. GMTC jurisdictions produce access individually within their communities, as well as regionally, through cooperative working relationships and the sharing of resources. Individual GMTC jurisdictions and regional GMTC programming has been recognized by the National Association of Telecommunications Officers and Advisors (NATOA) for excellence in access programming annually since NATOA's Government Programming Awards began in 1986. GMTC communities have also been recognized with programming awards from the City-County Communications & Marketing Association.

There are sixty-six categories of NATOA Government Programming Awards to be awarded this year on September 29<sup>th</sup>. GMTC and its members are award finalists 36 times.

## III. SPECIFIC INFORMATION ABOUT PEG PROGRAMMING IN OUR JURISDICTIONS

### 1. MVPD Operator(s) and Channels Provided for PEG Programming

For most GMTC jurisdictions, Comcast is the only wireline based MVPD. CenturyLink provides cable service in a part of the City of Lone Tree<sup>1</sup> and in a part of Douglas County<sup>2</sup>. Baja

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<sup>1</sup> Lone Tree is located south of Denver in Douglas County. The City's population as of January 2012 was 11,097. Lone Tree is 6,162 acres or 9.6 square miles.

<sup>2</sup> Douglas County is virtually the geographic center of Colorado. The County is approximately 843 square miles. There are five incorporated municipalities within the boundaries of Douglas County: Castle Pines, Castle Rock, Larkspur, Lone Tree and Parker. Each has its own mayor and provides services in cooperation with Douglas County.

Broadband provides cable service to a small part of the City of Arvada.<sup>3</sup> Durango<sup>4</sup>, located in southwest Colorado, is the only GMTC jurisdiction that is not served by Comcast. Durango was a Bresnan community, and that cable system has recently been acquired by Cablevision. Unless otherwise noted below, references to MVPDs providing access channels in GMTC communities are to Comcast.

Thornton<sup>5</sup> has two active PEG channels, one for government access and one for educational access. Pursuant to its franchise with Comcast, may utilize up to four additional channels if certain programming criteria are met. Cherry Hills Village<sup>6</sup> has one PEG channel, used for government access. In Arvada, both Comcast and Baja provide one PEG channel that is used for government access. Louisville<sup>7</sup> has three PEG channels, one each for public, education and government. Durango has one government channel provided by Cablevision. It previously had a public access channel, which is not currently being used.

## 2. Channel Placement on Programming Tiers and Equipment Required to View Them

All PEG channels in GMTC communities provided by all of our MVPDs are available on the basic service tier. No additional equipment is required to watch PEG channels.

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<sup>3</sup> Arvada is a first-ring suburb of Denver. It retains a small-town feel even with its estimated population of 107,700. Established in 1870, Arvada enjoys a rich history, quiet tree-lined neighborhoods, and a robust mix of business. Arvada's land encompasses nearly 23,000 acres. Three proximate interstate highways provide easy access to the larger metropolitan region and Denver International Airport.

<sup>4</sup> Durango is located in one of the most beautiful areas in the Four Corners region. Surrounding areas plunge from 14,000 foot peaks to desert valley floors. Durango is the county seat of La Plata County, with a population of over 17,000.

<sup>5</sup> Thornton is a home rule city, located on the north side of Denver in Adams County, and incorporated in 1956. With a population of over 120,000, Thornton has easy access to I-25, I-70, and E-470, as well as to Denver International Airport, and is within an hour's drive of all of the region's major educational and research institutions.

<sup>6</sup> Incorporated as a statutory town in 1945 and established as a home rule city in 1966, Cherry Hills Village comprises 6.5 square miles in Arapahoe County and is an integral part of the south Denver metropolitan region. The Village boasts a unique history that has made the community one of the premier low-density communities in the western United States, and has a population of approximately 6,100.

<sup>7</sup> Louisville is a Colorado municipality with approximately 19,000 residents. The City, incorporated in 1882, lies in Boulder County roughly six miles east of the City of Boulder and 25 miles northwest of Denver.

3. Number of PEG Channels at Present Compared to PEG Channels Carried on MVPD Systems as of June 2010

For the most part, the number of PEG channels in GMTC jurisdictions today is the same as it was in June of 2010. As noted above, the public access channel in Durango is no longer programmed, but may be utilized again in the future.

4. Data Sources to Track the Availability of PEG Programming

Most GMTC jurisdictions provide programming lineup information for government access on their municipal and county web sites. MVPDs provide on screen directories with specific programming titles and times for most of the content carried on the cable systems. However, despite being able to provide the MVPDs with specific programming information (including program names and start times), the MVPDs have not been provided this specific information on their on-screen guide, and most PEG channel listings simply say “Government Access” or “Educational Access,” as opposed to specific program information.

While not truly a source to track “availability” of PEG programming, many local governments periodically conduct surveys of community issues and often include survey questions about government access programming. Multiple GMTC communities report that the majority of survey responses from citizens indicate that government access programming is a beneficial and important source of local information, and that enhanced local government access programming is desired.

5. Information about PEG Programming in Our Communities

*Thornton, Colorado*

All of the equipment the City currently uses is high definition capable, including the cameras and switcher used in City Council chambers. Despite being able to deliver high definition programming, and requests to Comcast to allow us to provide our programming in

high definition, we currently provide standard definition because Comcast is unwilling to accept a high definition signal from Thornton to distribute to the customers in our community. Additionally, as we have been replacing our aging equipment, it is becoming increasingly difficult to even purchase equipment that operates in standard definition. This puts us in the position of actually having to down-convert our signal into standard definition prior to sending to the cable operator. We have a superior product available to deliver to citizens who are cable customers, but to date, our MVPD has been unwilling to provide this product.

### *Durango, Colorado*

At present, Cablevision (formerly Bresnan) provides cable channel 10 for Durango government programming (City Span 10), as well as channel 22 for Durango Community Access TV (D-CAT), which went dark in June of 2011. While the channel remains dark at this time, there is discussion in the community about an educational channel. Fort Lewis College recently completed a multi-media center which includes expansive TV facilities which are not yet being fully utilized. City Span 10 has been undergoing a metamorphosis for the past two years. With the crash in the economy in 2008-2009, a decision was made to stop outsourcing station operation in 2010 as part of a budget cutting move. Effective January 1, 2011, the budget was significantly reduced and operation and management of the station was brought back in house (versus contracting) with a staff of one person at 15 hours per week. The primary goal (with a \$19,000 budget) was to keep City Council meetings on the air. Fortunately, meetings were kept on the air, the bulletin board of events was beefed up, new free programming was found, station branding was established (prior to 2011, many viewers confused City Span 10 with the now defunct public access channel, D-CAT). In addition to airing live on City Span 10, our

programming is streamed live online, and some programs are available on demand online, for viewing.

In 2012 staffing was increased to one FTE (3/4 time) employee. Bulletin board programming was increased. The station broadcasts local political or community issue forums live and for replay. Some new programming is now being produced (public service announcements, community profiles etc.). It is expected that City Span 10 will see a "regrowth" to provide continued programs of value to Durango residents and those viewing online as well as improve our delivery of those programs with future addition of high definition ("HD") and video-on-demand ("VOD") capabilities. The City is just commencing franchise renewal negotiations with Cablevision, and expects that these capabilities will be a key component of our negotiations. The City believes that being able to offer quality government access programming in comparable format to other cable programming (i.e., in HD) and having it accessible similar to other programming on the cable system (through VOD), is essential to meeting our community needs.

### *Aurora, Colorado*<sup>8</sup>

The community of Aurora has been served by PEG programming for 3 decades. The local government and educational channels have provided the community with local programming that is unique and not available through any other medium or on any of the commercial or broadcast outlets. This hyper-local PEG programming both helps to inform the public on vital issues of importance to the community and also helps to build a more involved citizenry. Aurora viewership surveys have consistently shown that viewers who watch the City's

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<sup>8</sup> Once a budding frontier town of farmers and ranchers just east of the state's capital, Aurora today is Colorado's third largest city with a diverse population of more than 335,000. Aurora is home to a vibrant business environment, including major industries such as aerospace, military, renewable energy, high-tech, biotechnology and health care, distribution and manufacturing

local PEG channels are more than twice as likely to be active voters as the public at large. In short, *PEG programming helps citizens be engaged.*

### ***Cherry Hill Village, Colorado***

For the last 10 years Cherry Hills Village has used very basic equipment to manage programming on its PEG channel. Current programming basically consists of a power point slide show with community information. The City is currently in the process of updating its system to allow for expanded programming to include video and text crawl, as well as to make it easier to have different programming at different times of day/week. There is some concern that residents who have satellite TV instead of cable will not have access to the programming on the PEG channel. One of the benefits of GMTC membership for a community like Cherry Hills Village that is just looking to enhance its use of its government channel, is the opportunity to obtain the insight and expertise from other GMTC members who are already experienced in more comprehensive programming at the local level.

### ***Louisville, Colorado***

Louisville's government channel broadcasts City Council and Planning Commission meetings. It has periodically broadcast other community meetings, such as when the City was seeking public input during preparations for its last cable franchise renewal. The two other channels are run by volunteers and produce original educational and public access programming unique to our community.

## 6. Critical Issues Affecting the Future of PEG Programming in Our Communities

Rapid changes in technology are always occurring and like almost every other area of video programming, they are impacting the future of PEG. Most recently, two key areas have influenced cable viewing habits—HD television and VOD. While initially a luxury, HD is now

the standard of the industry. The superior nature of the HD signal makes it a favorite for viewers once they experience it. Surveys conducted in Aurora indicate that around 8 to 10% of viewers never go back to watching any standard definition programming once they switch to HD. This is disconcerting to a PEG channel that is attempting to reach citizens with important public information and is programming in the older standard definition format. Because HD is now truly the industry “standard,” it is no longer a “luxury” for localities to be part of that new standard – it is a necessity. Technological advancement and viewership adoption of that new technology is forcing PEG channels to keep up. At the same time, because cable providers currently charge a rather sizeable premium to deliver the industry standard HD signal to cable households, cost and family income is always a consideration, and thus, PEG programmers realize that we must, for a number of years at least, continue to offer both SD and HD programming in order to provide local programming to the widest range of citizens. We understand cable providers are offering SD and HD channel combinations to PEG programmers in other regions of the country, though this service is not yet being offered in Colorado.

A second area of advancement in technology is VOD. Busy viewer lifestyles and the convenience of VOD services such as Netflix, Hulu, and others have dramatically altered viewer habits. Except for live breaking news and live sports or other live event coverage, viewers now expect to be able to watch what they want to when they want to. Very little PEG programming is live breaking news or live event coverage, and as a result, the combination of VOD and government programming seems to be a perfect match. The Aurora survey indicates that the majority (up to 74%) of the local cable subscribers would be interested in watching local PEG programming on VOD.

Convenience is by no means the only issue supporting the benefit of offering PEG programming on demand. The older, “linear” cable programming model often forces viewers to make a choice. It is difficult for PEG programmers to compete with the content, glitz and high-dollar productions seen on commercial channels. When forced to make a choice in primetime, even though the content on the PEG channel may be excellent, the production values high, and the information relevant to the viewer, the commercial station usually wins out. Offering PEG content as VOD eliminates the viewer’s need to choose what to watch at a particular time, and allows for viewing PEG programming at a more convenient time. The PEG programmer’s goal is not to compete for viewers against commercial stations and interests, but to create engaged citizens by offering unique local informative programs. It is not critical to PEG programmers that our citizen-viewers watch at a specific time – we just want them to watch. VOD provides a powerful tool to aid in reaching out to our citizen-viewers. GMTC understands that cable providers are offering VOD service to PEG programmers and their subscribers in other regions of the country, though PEG programming on VOD has not yet been made available in Colorado.

#### **IV. CONCLUSION**

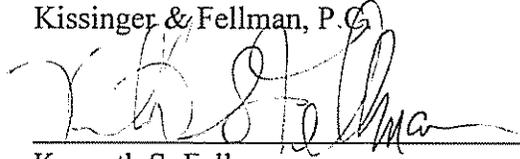
PEG programming has a long, successful and beneficial history in GMTC communities. As the Commission reviews to Comments to its NOI, we urge the Commission to remember the public benefits of local programming and diversity, and take appropriate steps to ensure that the ability to meet these important goals are not lost in the broader discussions about video competition.

Respectfully submitted this 10<sup>th</sup> day of September.

**THE GREATER METRO  
TELECOMMUNICATIONS CONSORTIUM**

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