

**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	)	
Telecommunications Act of 1996	)	

**COMMENTS OF  
FAIRFAX CABLE ACCESS CORPORATION  
FAIRFAX, VA**

FAIRFAX CABLE ACCESS CORPORATION (FCAC) respectfully submits these comments to the Federal Communications Commission (“Commission”) in response to the Commission’s Notice of Inquiry (NOI) MB Docket No. 12-203, released July 20, 2012, seeking “data, information, and comment on the state of competition in the delivery of video programming.”

In these comments, FCAC emphasizes the need for treatment of public, educational and governmental (“PEG”) programming that is equivalent to the treatment of other channels on the multi-channel video programming distributor (“MVPD”) system on-screen program guides or navigation guides.

FCAC is a 501(c)(3) nonprofit educational organization located in Fairfax County, Virginia. FCAC provides training in public access television and radio production to residents of our community and operates cable channels in the County serving the needs of our community. As an independent, nonprofit organization, FCAC is neither a part of the County government nor any MVPD.

FCAC currently operates three cable channels (and is soon to launch a fourth). CHANNEL 10, is our flagship public access channel, which includes programs on public affairs, the arts and children’s programming. WRLD 30 is our International Channel, which features programming in 14 different languages, including Spanish, Vietnamese, Korean and other languages serving our ethnic communities, which provides a great benefit and service to our richly diverse population. WEBR 37 is our cable radio channel which features an incredibly wide spectrum of radio show genres, perspectives & music -- and a video community bulletin board that runs announcements for hundreds of community, civic and volunteer organizations serving our community.

Both Cox Communications of Northern Virginia (Cox), and Verizon of Virginia (Verizon) carry our cable channels.

Verizon currently carries three (3) FCAC public access channels and has agreed to launch a fourth FCAC public access channel to serve our community. Verizon also carries three (3) educational access channels operated by Fairfax County Public Schools; two (2) government access channels operated by the Fairfax County Government; two (2) higher education channels (one each for George Mason University and Northern Virginia Community College); and the Reston Public Access Channel, which is currently operated by MVPD Comcast Cable. Further, Verizon carries government access channels operated by the towns of Herndon and Vienna, VA, and the city of Fairfax, VA; and a hybrid government/educational/public access channel operated by the city of Falls Church. Additionally, there are six (6) cable channels in reserve for PEG use.

The Cox Communications franchise ends May 2013, and the Fairfax County Government is in negotiations with Cox regarding requirements for PEG channel carriage. Currently, Cox carriage of PEG channels is similar to that of Verizon.

Numerous PEG channel operators have voluntarily entered into agreements with Cox, under which their channels are distributed as basic tier digital channel. These PEG channel operators include FCAC, George Mason University, Northern Virginia Community College, the towns of Herndon and Vienna, and the cities of Fairfax and Falls Church, VA. Those Cox subscribers who use Cox analog service were provided, upon request, with converter boxes free of charge for one year in order to view PEG channels. Additionally, QAM tuner TV sets are able to decode the PEG digital signals. In any event, when Cox moves to an all-digital system, all PEG channels will be on the basic tier.

**As noted above, FCAC is very concerned that the availability of on-screen program guide information that would enable the public to exist to track the availability of PEG programming is currently lacking. FCAC sees the necessity for treatment of public, educational and governmental (“PEG”) programming that is equivalent to the treatment of other channels on the multichannel video programming distributor (“MVPD”) system on-screen program guides or navigation guides.**

Cox carries FCAC’s program information on its on-screen program guide, information which we believe greatly benefits our community given our special ability to focus on local issues and community events -- and our unique ability to provide programming in numerous international languages.

However, we currently have no ability to provide on-screen program guide information to our community’s Verizon subscribers. As noted in comments filed in response to MB Docket No. 10-91 by the National Association of Telecommunications Officers and Advisors (NATOA) and Ann Arundel County, Maryland:

Some MVPDs, often new entrants, object that they are not technically capable of providing the PEG programming information on the menu. For example, Verizon claims that its program guide is regional or national and therefore not accessible to PEG programmers. On the navigation menu on Verizon systems, the PEG channel names are all listed as “LOCAL,” programming titles are listed as “Local Program-

ming” for all time slots, and the program descriptions are listed as “Local Programming – To be announced.”

As further noted in the comments by NATOA and Ann Arundel County, Maryland:

In environments where the guide and channel lineup are regional, it may also be acceptable for the MVPD to display in the root channel guide the PEG content for all PEG channels in the system service area, if technical issues make it difficult for the MVPD to provide a different channel guide for the different PEG franchise areas in the MVPD system. Alternatively, it would be possible for the cable operators to create a Web-based “widget” accessible through the interactive user interface, which could be used to provide a locally targeted guide for PEG channels that launches the appropriate channel when selected. Localized information and services based on user-entered ZIP codes or account information is already provided via similar widgets on the Verizon FiOS systems for traffic, weather, social networking, “411” directory services, and other information.<sup>1</sup>

FCAC recognizes the extreme importance in making cable subscribers aware of FCAC’s programming through program guides in order to provide our community programming to as wide an audience as possible. As such, FCAC supports measures that would work to create and ensure equivalence in MVPD program guide and navigation guide treatment of PEG and non-PEG programming. Therefore, FCAC strongly supports Draft Rule 76.1210, as proposed and revised by NATOA and Ann Arundel County, Maryland, in their July 13, 2010, comments to MB Docket No. 10-91 as follows:

Section 76.1210. Channel programming information provided by navigation devices.

Where a multichannel video programming distributor presents an on-screen program guide, whether interactive or non-interactive, in a given market, through a navigation device, the distributor must include the station identity and a detailed program schedule for each public, educational, and governmental access channel in the market in its on-screen guide and in any online program guide it makes available to its subscribers, provided that the local franchising authorities, or other access managers, in the market that provide the access channel make available the channel’s detailed program schedules to the distributor, within the distributor’s normal, required lead times and using the distributor’s regular, on-screen program guide design format.

In conclusion, FCAC requests that the Commission revise its rules to ensure that PEG channels and non-PEG channels receive equal treatment on MVPD systems, including program guide and navigation guide treatment.

Respectfully submitted,

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<sup>1</sup> Verizon, “FiOS TV Features,” <http://www22.verizon.com/Residential/FiOSTV/Overview.htm> (accessed July 9, 2010).

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