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

In the Matter of	)	
	)	
Applications of Comcast Corporation,	)	MB Docket No. 14-57
Time Warner Cable Inc., Charter	)	
Communications, Inc., and Spinco	)	
To Assign and Transfer Control of	)	
FCC Licenses and Other Authorizations	)	

COMMENTS AND MERGER CONDITIONS PROPOSED BY THE ALLIANCE FOR COMMUNITY MEDIA AND THE ALLIANCE FOR COMMUNICATIONS DEMOCRACY

Michael S. Wassenaar
ACM Public Policy Advocate
Alliance for Community Media
4248 Park Glen Road
Minneapolis, MN 55416
(612) 298-3805

James N. Horwood
Tillman L. Lay
Spiegel & McDiarmid LLP
1875 Eye Street, NW
Washington, DC 20006
(202) 879-4000

August 25, 2014

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COMMENTS AND MERGER CONDITIONS PROPOSED BY THE ALLIANCE FOR COMMUNITY MEDIA AND THE ALLIANCE FOR COMMUNICATIONS DEMOCRACY

I. INTRODUCTION AND SUMMARY

The Alliance for Community Media ("ACM") and the Alliance for Communications Democracy ("ACD") submit these comments in response to the Commission's Public Notice seeking comment on the transfer applications filed for consent to consummate the Comcast-Time Warner Cable-Charter-SpinCo transactions.[1] As requested in the Public Notice, in these comments ACM and ACD propose specific conditions that the Commission should place on any consent it gives to the transactions in order to preserve and protect the uniquely local programming provided by public, educational and governmental ("PEG") access programming on the Comcast, Charter and SpinCo cable systems. The transactions, and the consequent increase in nationwide cable market concentration they would create, pose a threat to all independent programming and content. But that risk is particularly acute with respect to PEG, the one area in the Cable Act with a specific and enduring mission to encourage public participation and to foster diversity and localism.

The legislative history of the 1984 Cable Act recognizes the importance of providing for local needs in cable franchising.[2]

> The ability of a local government entity to require particular cable facilities (and to enforce requirements in the franchise to provide those facilities) is essential if cable systems are to be tailored to the needs of each community [and the legislation] explicitly grants this power to the franchising authority.

[1] Public Notice, DA 14-986 (rel. July 10, 2014).

[2] H.R. Rep. No. 934, 98th Cong., 2d Sess. 26, *reprinted* in 1984 U.S.C.C.A.N. 4655, 4663.

In submitting these comments, ACM and ACD are not suggesting that the Commission should approve the merger. ACM and ACD both recognize, and many of its members support, the positions taken by other parties opposing the merger or requiring additional conditions beyond those proposed by ACM and ACD in these comments. Our position is: *if* the Commission were to find that the transactions are otherwise in the public interest, the FCC should find that (a) the PEG conditions proposed herein are essential to ensuring the transactions are in the public interest; (b) the PEG conditions offered by Comcast are inadequate; and (c) the conditions discussed below should be required in any consent given by the FCC.

Because of the increased media consolidation that will result from the proposed transactions, the Commission must include conditions to preserve and strengthen localism delivered by PEG channels to serve the public interest in any consent it may give.

II. PEG PROGRAMMING IS ESSENTIAL TO PRESERVING LOCALISM AND DIVERSITY ON BEHALF OF THE COMMUNITY, IS VALUED BY VIEWERS, AND MERITS PROTECTIVE CONDITIONS IN ANY COMMISSION ACTION ON THE TRANSACTIONS.

ACM is a national nonprofit membership organization representing over 3,000 PEG access organizations and community media centers, and PEG programmers throughout the nation. Those PEG organizations and centers include more than 1.2 million volunteers and 250,000 community groups that provide PEG access television programming in local communities across the United States.

ACD is a national membership organization of nonprofit PEG organizations that supports efforts to protect the rights of the public to communicate via cable television, and promotes the availability of the widest possible diversity of information sources and services to the public.[3]

[3] ACD's members are: Access Humboldt, Eureka, California; Capital Community TV, Salem, Oregon; Chicago Access Network Television, Chicago, Illinois; CreaTV, San Jose, California; Manhattan Neighborhood Network,

The organizations represented by ACD have helped thousands of members of the public, educational institutions, and local governments make use of PEG channels that have been established in their communities pursuant to franchise agreements and federal law. 47 U.S.C. § 531.

PEG access advances Congress' 1984 Cable Act goal of providing a wide diversity of information and services by responding to the unique needs and interests of each local community. The role of PEG access in developing technological and media literacy has never been more important than today. PEG centers provide constructive outlets for community youth to learn media skills. Seniors actively create programming on a range of issues. PEG channels provide an outlet for small otherwise unserved or underserved portions of a community (such as foreign language speakers) to produce and watch programming responsive to their unique needs and interests. PEG channels give nonprofit organizations an outlet to reach clients in need of assistance. PEG channels furnish a platform for civic debate to resolve local conflicts. And during local elections, PEG channels provide opportunities for candidates to address the public directly and fully, without being limited to a 30-second sound bite.

Thousands of hours of new, original programming appear on PEG channels every day throughout the country, bringing uniquely local information into the home that would not otherwise be seen. PEG channels welcome community members, politicians, preachers, experts, educators, and artists. PEG participants are not screened or selected by corporate management or advertising interests; they participate because it's their community, and PEG channels are their channels, and because they have something to say.

New York City, NY; MetroEast Community Media, Gresham, Oregon; and Alliance for Community Media Western Region.

The role of PEG channels is particularly important at a time when less than 0.5% of programming on commercial television media is devoted to local public affairs. The commitment of PEG programmers to promoting social services, arts and civic events, public safety, and other issues close to home, demonstrates what is possible when the community is given the opportunity to participate in the television medium. The democratic values that form the foundation of the PEG access mission merit preservation by government, industry, and individuals alike.

The quantity of uniquely local original programming that PEG provides to communities is substantial. A sampling performed by ACM in 2010 reveals that each year, an average PEG access provider ran 1,867 hours of first-run local programming on its PEG channel(s) per year, or 35 hours a week – an impressive number that clearly reflects the robust amount of community involvement and the value that communities place on PEG. Whether it is an urban area, suburb or small town, PEG channels are focused 100% on the local communities they serve, cablecasting local events, town hall and council meetings, and school activities that rarely receive full coverage on commercial media or public broadcasting. Because of the variables in the number of PEG channels operated in any specific jurisdiction, it is difficult to extrapolate nationwide, but ACM has estimated that PEG access channels generate over 2.5 million hours of original local programming per year.[4]

Moreover, viewers value PEG programming highly. Attached hereto as Appendix 1 is a copy of Attachment A to ACD's comments in the *Future of Media* proceeding, GN Docket No. 10-25 (filed April 23, 2010). That document sets forth the results of a telephone survey concerning PEG viewership and demographics, and the value that subscribers attach to PEG

[4] Comments of ACM, *Future of Media*, GN Docket No. 10-25, at 15-17 (filed May 21, 2010).

programming. The survey's major findings were: (1) 74% of cable subscribers say PEG programming is "very or somewhat important to them"; (2) 59% of cable subscribers say that more than $1.00 per month per subscriber should be devoted to PEG programming; (3) PEG channel number locations matter, because channel surfing decreases dramatically as the channel number increases, especially for channels above 100; and (4) older and lower income subscribers are less likely to access the Internet and therefore rely more heavily on cable television channels for information.

III. POST-TRANSACTION ENTITIES WILL HAVE GREATER INCENTIVE TO UNDERCUT LOCALISM AND NOT PROVIDE SUPPORT FOR PEG CHANNELS

Despite the long and well documented history of PEG channels providing local news, educational, cultural, civic, health, religious and political programming to millions of Americans across the U.S., neither Comcast, TWC nor Charter mentioned the benefits of preserving and protecting PEG channels in their various Public Interest Statements filed in this docket on April 8, 2014 and June 4, 2014. This is a glaring omission, particularly as the purported benefits of the transactions appear to be related to cost savings and other supposed scale economics attributable to the increased size and geographic consolidation of Comcast, Charter and SpinCo as a result of the transactions.

Over the past 20 years, ownership of cable systems has become increasingly concentrated within fewer and fewer companies. Along with the concentration of ownership of cable systems, there also has been increased vertical integration between cable operators and program content suppliers, particularly as a result of Comcast's acquisition of NBCU. This greater power has translated to increasingly greater difficulty in preserving the localism found important by Congress when the Cable Act was enacted in 1984. This increasing horizontal and vertical concentration has occurred as cable and telecommunication companies have pushed for state

legislation that has eliminated local franchising authority in 21 states and removed the ability for local input into franchising. Where there still is local franchising, there are increased market incentives for cable companies not to support localism by refusing to agree to the level of local support for PEG access needed for PEG to fulfill local needs and interests as discussed below.

IV. COMCAST BACKHANDEDLY CONCEDES THE RELEVANCE OF AND NEED FOR IMPOSING PEG-RELATED CONDITIONS ON THE TRANSACTIONS, BUT THE COMCAST-NBCU PEG CONDITIONS IT OFFERS ARE INADEQUATE.

Comcast, TWC, and Charter have long fought the existence of, or set up significant barriers to, the operation of PEG channels in many communities. A merged Comcast-TWC, which would possess more of its own proprietary video programming content than even the combined Comcast-NBCU currently does, would have an additional incentive to favor its own content over PEG content, further exacerbating the threat to the non-commercial and uniquely community-oriented programming provided by PEG channels. This is particularly so because of the current capacity limits and the growing capacity demands on Comcast and TWC systems, and the incentives those developments create. To the extent that the combined Comcast-TWC can limit the capacity now designated for PEG use (by providing inferior, or more highly-compressed channels for PEG use, or by underfunding PEG so that it is not longer viable), it will gain capacity that it can use for what will be its own programming content.

In addition, the post-transaction companies will have incentives to use their control over local broadband and cable distribution systems to create a video portal service that would allow a user to select company-preferred video programming that can be accessed from either a traditional television set, a computer, or a mobile device. The post-transaction Comcast would likely have an increased incentive to provide preferred transmission rights to affiliated content via this portal in a number of ways that could adversely affect subscriber access to non-affiliated

or disfavored programming (it could, for example, exclude its preferred programming from data limits and restrictions, thereby damaging the viability of competing programming offerings).[5] Even before Comcast grows in size and owns more regional sports content, it is already exerting significant power by moving video content to its own on-line distribution system. The transactions would increase the market dominance of the surviving trio – Comcast, Charter and SpinCo – substantially giving each of them still greater ability to convince other content providers to favor their on-line distribution services, as well as still more incentive to favor the broader library of content that they would own as a result of the transaction.

Furthermore, the expansion of Comcast's cable footprint necessarily carries with it the expansion of its NBC television network broadcast footprint as well. That means that in still more markets (all of the TWC markets that Comcast is not divesting to Charter or SpinCo), the transactions will effectively eliminate one significant competing voice in the local video marketplace, and the acquisition is also likely to have other significant potential long-term effects on local over-the-air broadcast affiliates and local programming. It is therefore more important than ever that there continue to be a viable, available outlet in every locality for the community to produce and distribute independent, unique and truly local programming. PEG is that outlet.

Comcast's voluntary offer to continue the Comcast-NBCU PEG conditions as part of the proposed transactions suggests that it understands that, absent PEG-related conditions, the

[5] As an example, while Comcast currently places no clearly-stated limits on the data that can be downloaded by a subscriber per month, the Commission at this point would be exercising at best very limited control over the terms and conditions upon which Comcast offers Internet service. A major wireless provider recently announced a "data-based" pricing plan, and for purposes of assessing the risks associated with the merger, the Commission must assume that Comcast can and will price its access services in the future in a manner that will maximize its profits – that is, unless the Commission exercises its authority in this proceeding to impose conditions that prohibit Comcast from discriminating against other web-based content. Comcast could, for example, establish bit limits that do not apply to its own content, and put itself in a position to charge other programmers or extract other benefits from programmers who wish to deliver video via the Internet.

transactions could harm PEG and local communities, and that it would be appropriate for the Commission to impose PEG-related condition on any consent to the transactions.

Comcast's proposal merely to extend the PEG-related conditions attached to the Comcast-NBCU merger is, however, inadequate to protect PEG in the face of the increased cable industry concentration, and resulting expansion of Comcast's current vertical integration, that will result from the transactions. Nor will it be easy to address the PEG problems posed by the transactions at the local level. As the Commission is aware, many states have enacted video franchising laws that establish uniform, statutorily specified statewide PEG requirements. None of the state franchising laws was enacted in a world where it was envisioned that cable industry concentration, and consequent vertical integration, would yield such common control over cable systems, national and regional cable programs, and a nationwide network of local broadcast stations. To the contrary, the state video franchising laws assumed that the uniform statewide franchise requirements would apply in a context where each video service provider – both multichannel and local broadcast – would face significant local competition. As a result, there is no practical way to adjust PEG franchise requirements to take into account the potential effect of the transactions in states that have enacted uniform state franchise mechanisms. It is therefore appropriate for the Commission to fashion a remedy to this problem.

An analysis of recent PEG access center closures, funding cutbacks and related threats prepared for ACD in 2011 shows the extent to which funding support for PEG resources and services from cable companies and local governments has been reduced since 2005, and the reasons for such cutbacks.[6] The key findings include the following:

[6] Appendix 2 hereto.

- PEG Access Centers in at least 100 communities across the United States have been closed since 2005. A disproportionate number (93) exclusively served the public.
- Almost half of the survey respondents providing financial information provided an average funding drop of 40% during that time period.
- Of the 100 survey respondents reporting in-kind support from their cable operators, 20% indicated in-kind materials and services had been cut back or eliminated.

Even in states that have not adopted uniform video franchising laws, it will be very difficult to address the potential adverse effects on PEG of the proposed transactions at the local franchising level. The PEG conditions in franchises are contracts, and cannot easily be changed to reflect what will in fact be a significant change in circumstances for every Comcast, TWC and Charter community. It is therefore not only appropriate, but necessary, for the FCC to act here to protect PEG, and the FCC should attach PEG-related conditions to any consent it gives to the transactions.

Even if the FCC requires the PEG conditions we set forth below, those conditions would not adequately mitigate the damage to local programming that would result from the increased concentration and nationalization of video programming ownership to which the increased concentration at the cable operator level will inevitably lead. In addition to our proposed PEG conditions, Comcast, Charter and SpinCo should also offer to make payments to local governments and/or nonprofit entities managing PEG or community media centers for capital or operating purposes, in addition to franchise fees, so as to ensure the continued health and viability of local programming provided by PEG.

A. PEG Condition No. 1: As a condition to any approval of the transactions, Comcast, Charter and SpinCo should be required to make all PEG channels on all of its cable systems universally available on the basic service tier, in the same format as local broadcast channels, unless the local government specifically agrees otherwise

While the Commission would not know it from the Public Interest Statements, Comcast, TWC and Charter have digitized PEG channels in many communities, over the objections of those communities, and often moved PEG channels to higher-numbered channels far away from local broadcast channels and other popular commercial cable channels. Operators typically claim that PEG channels remain part of the basic service tier, even though subscribers must rent additional equipment, and schedule special appointments to obtain the equipment, to view digitized PEG channels, and even then subscribers have to search for PEG channels located far away from broadcast and other popular channels. In other words PEG channels are being moved to digital Siberia. These tactics make it far more difficult for members of the local community to access the unique non-commercial local programming provided by PEG stations. In the Comcast-NBCU merger, Comcast agreed that, as a merger condition, it would "migrate" PEG to the digital tier only when all other channels on the system are in a digital format, unless the "governmental entity that is responsible for the system's PEG operations … expressly agrees."

Regardless of the fact that Comcast agreed to this merger condition, over the past several years Comcast, and Time Warner Cable and Charter, have each moved PEG channels from analog to digital prior to moving all other channels on the systems to a digital format. Where it has been done by Comcast without having obtained express agreement from the relevant government entity, it represents a clear violation of the Comcast-NBCU merger conditions.

Comcast's renewal of the Comcast-NBCU commitment is not adequate. Comcast does not promise to restore to analog the PEG channels that it has already digitized or to compensate the affected communities for its actions. Nor does Comcast promise to make PEG channels

accessible by automatically providing consumers with devices that will enable them (at no additional charge) to receive the digitized PEG channels. Under Comcast's proposed commitment, some PEG channels could be provided in a digital format, over local objections; some on higher tiers, over local objections; and some with effectively higher fees to subscribers, over local objections.

Moreover, Comcast's proposed extension of the Comcast-NBCU PEG conditions does not address Charter and SpinCo at all. The enlarged Charter, presumably along with SpinCo that it will manage, will continue as a company that has been just as hostile toward PEG, if not more so, than Comcast.

Equally importantly, Comcast's proposed extension of the Comcast-NBCU PEG conditions do not address the treatment of PEG in the all-digital environment to which Comcast is rapidly moving. The post-transaction Comcast, Charter and SpinCo each has incentives to treat PEG as a "second-class" citizen in the all-digital world. As Comcast, TWC and Charter have digitized their systems and expanded their own commercial programming and online offerings, they have routinely made it more difficult for subscribers to access PEG channels. Absent Commission intervention, there is a substantial risk that PEG channels will be delivered with substantially lower quality and functionality, and far less subscriber accessibility, than is enjoyed by local broadcasters.

B. PEG Condition No. 2: As a condition to a consent to the transfers, the Commission should protect PEG channel positions.

Among other things, Comcast, TWC and Charter have stripped many PEG stations of their long-held channel positions in the lower digits, close to local broadcast channels, and forced them to move to much higher channel numbers, often in the channel 900s, that are less desirable, and much harder for subscribers to find. The transactions will create increased incentives to

provide favored channel positions to operator-affiliated programmers and the many non-affiliated programmers with whom the operators have commercial agreements, and to make it more difficult for subscribers to easily find alternative programming like PEG. Indeed, the more concentrated trio of Comcast, Charter and SpinCo might well have an incentive to follow AT&T's example by eliminating linear PEG channels altogether, and providing PEG programming only via an "application" where consumers face a cumbersome and poorly designed series of dropdown menus to access what previously were multiple, separate linear PEG channels.[7] These tactics will effectively cut PEG programming off from most of the viewing audience.

C. PEG Condition No. 3: As a condition to any consent to the transfers, the Commission should prohibit discrimination against PEG channels, and ensure that PEG channels will have the same features and functionality, and the same signal quality, as that provided to local broadcasters' primary channels.

The transactions would give Comcast, Charter and SpinCo increased incentives and ability to limit the bandwidth, quality and functionality of PEG channels in order to free up system capacity for other uses. It is therefore appropriate to require any post-transaction Comcast, Charter and SpinCo to provide PEG channels with the same features, functionality, and signal quality that they provide to local broadcasters.[8] So long as the PEG signal is provided in an analog format, this presents little difficulty. But once Comcast, Charter and SpinCo switch to

[7] *See* Petition for Declaratory Ruling of ACM *et al*., MB Docket No 09-13, CSR-8126 (filed Jan. 30, 2009).

[8] In some cases, PEG programming is provided to the cable operator in an analog format, in which case the programming will by definition be "standard definition" programming. Comcast, Charter and SpinCo should pass through that programming without degradation, and consistent with the manner in which standard definition local broadcast signals are provided to subscribers. In many places, however, PEG providers can deliver, or are delivering, a digital PEG signal to the operator but the cable operator downgrades the signal to SD rather than HD. Comcast's, Charter's and SpinCo's obligations should be to provide a "channel" – that is, an amount of capacity – similar to that provided to local broadcasters under the Commission's advanced television standards. This will ensure that PEG signals can be provided in a manner and at a quality and functionality level consistent with the way in which local broadcast signals are provided over the Applicants' systems.

all-digital service, there is no guarantee that each will provide adequate capacity for PEG.[9] As a merger condition, the Commission should therefore require Comcast to provide PEG with channel capacity with features, functionality and quality equivalent to the capacity that it provides to local full-power broadcasters.

D. PEG Condition No. 4: As a condition to any consent to the transfers, the Commission should require that all PEG programming is easily accessed on menus and easily and non-discriminatorily accessible on all the Applicants' platforms.

Viewer surveys indicate that a major factor to channel viewership on a cable system is subscribers' ability to find a channel, and to record the channel's programs to view at their convenience.[10] A key tool to find and record that content is the electronic Video Program Guide ("VPG") available on cable systems, which allows for program search and integrates with DVR recording of programs.

As has been documented by filings in other proceedings, VPG availability for PEG channel programming is uneven throughout the United States. Montgomery County, Maryland, and the City of Boston, Massachusetts, report at least 250 channels in 23 states have been refused access to the VPG by the local cable provider.[11] In Comcast service territories, the Alliance for Community Media has collected information from 25 cities in the State of Massachusetts alone

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[9] Most state laws require operators to provide channels, but do not specifically define the term. It is, of course, commonly understood that a "channel" involves a unique number assigned to a particular video program. But the capacity and capabilities associated with the channel numbers are disputed. It is appropriate for the FCC to define what Comcast, Charter and SpinCo must provide, particularly in light of the FCC's clear authority to set technical standards for cable system operations and for cable system signal quality, 47 U.S.C. § 544(e), and the FCC's authority to define "channel capacity" for Cable Act purposes, *see* 47 U.S.C. §§ 522(4) & 531.

[10] See for example Digitalsmiths "Q1 2014 Video Trends Report" page 18, where the Tivo subsidiary found that 44% of all pay television viewers use program specific searches to find programs they want to view. The same survey of over 3000 subscribers reports that only 7.5% of viewers never us a DVR, while significant numbers of viwers use the device to watch content. The report indicates over forty percent of all viewers us the DVR at to view short amounts of content daily, and another forty percent watch between one and three hours of content each day via DVR use (page 6).
http://www.digitalsmiths.com/downloads/Digitalsmiths_Q1_2014_Video_Discovery_Trends_Report.pdf.

[11] Letter to Marlene Dortch, September 13, 2013 re MB Docket No. 12-108, Attachment 2.

where Comcast has denied PEG programmers access to the VPG for program-specific listings. The same is true for the entire State of Vermont (served by Comcast and Charter) and all but one of the PEG channels on the State of Hawaii (served by TWC). Other significant PEG communities denied VPG access by Comcast include 34 cities in Minnesota and 5 in Chicago's suburban area.[12]

By denying the ability to search for programs and the ability to record those programs with DVRs for later viewing (a recent Nielsen report shows that 30% of people view by time shifting[13]), Comcast, TWC and Charter have created an uneven playing field for PEG channels seeking to reach viewers. PEG channels need to reach their target audiences, whether it is someone in need of health care, someone interested in local arts, and other local events and topics. If PEG channels, unlike virtually all other channels on a cable system, have no program-specific listings on the VPG, the operator deprives viewers of the most convenient ways to access the unique programming that comes out of PEG. If perhaps up to 30 percent or more of cable viewing is done through time-shifting on the DVR, this has a devastating impact on PEG viewership and produces two primary effects. First, a cable company is able to manipulate viewership in order to skew numbers to drive down viewership numbers in community needs assessments in franchise negotiations with local authorities, thus freeing up potential channels which the operator can use for advertising-supporting sales to benefit its own economic interests. Second, and specific to Comcast, a cable company with ownership interests in program content providers (e.g. NBC television broadcast network, E! Entertainment, Golf Channel, Universal Pictures), has the incentive to manipulate viewership of its competitors to

[12] Appendix 3 hereto.

[13] Nielsen, "More of What We Want, Cross Platform Report Q1 2014", June 2014, page 4. The Nielsen analysis reports that 29% of all television viewers watch time-shifted programs, comprising on average a half-hour of content per week for all viewers.

drive its own viewership up. In this case, PEG channel interests are similar to those expressed by other independent cable programmers. ACM and ACD are asking for a level playing field, and that Comcast, Charter and SpinCo be required to permit the inclusion of all PEG program information *at the program level* on their system VPGs, at no cost to the local government or entities providing PEG programming, to ensure that they do not erode localism.

E. PEG Condition No. 5: As a condition to consent to the transfers, the Commission should require that PEG channels have the ability to be distributed on HD tiers

Much the same analysis as with DVR capability and VPG availability applies to the ability of PEG programmers to get distribution of channel content in High Definition. While a few franchise agreements have been negotiated in the last decade that provide HD capacity for PEG (such as Comcast's agreement with Portland, Oregon, or the various Time Warner Cable agreements with the boroughs of New York City), HD PEG carriage is the exception, not the rule, for Comcast, TWC and Charter systems. Indeed, since Portland and New York City PEG HD arrangements were agreed to in 2011 – the year of the Comcast NBC Universal merger – franchise renewal negotiations have slowed to a standstill in almost all communities.

By not allowing access to the HD tier, Comcast, TWC and Charter are denying HD access to potential PEG viewers. The incentives are the same as noted above regarding VPG access. Such moves increase profitability of industry because the bandwidth that might otherwise be available for PEG HD programming can be reallocated to Comcast-owned or affiliated program content providers, thus generating greater profitability from greater net ad sales and fees for the HD tier.

The argument from cable companies about their lack of ability to provide PEG channels in HD rings hollow, especially in light of the transition from analog to digital transmission of PEG channels. In many cases, local franchising authorities negotiated for a minimum level of

channel capacity on analog cable systems, typically at 6 megahertz capacity per channel. The transition to digital distribution holds the promise for far more capacity to be used for local programming and community needs. As industry analysts describe it, each analog channel has the potential to be converted into enough space to provide 2 to 3 HD channels,[14] or between 10-12 SD channels. For example, a system, which in 2011 had three analog PEG channels, could easily be converted to three HD channels simulcast in SD, with capacity left over for other needs.

Instead of respecting the need for local PEG channels, Comcast, TWC and Charter have reduced total PEG channel capacity on their systems in order to use that capacity for their own purpose – either by transitioning the capacity to broadband use, or by adding commercial program channels from which they benefit through subscriber fees or advertising sales. Indeed, communities negotiating franchises with Comcast since 2011 report that the company has refused to provide adequate HD channels in negotiations, or in some cases has argued for the conversion of PEG channels into one so-called "best of" HD channel at most for the franchising authority.[15] To ensure that the public interest is served in the promotion of localism and diversity in media, the Commission should place conditions on any consent to these transactions that ensures PEG channels have the ability to be distributed on HD tiers. This will allow PEG channels to compete on a level playing field to preserve the increasingly endangered localism and diversity intended by Congress in the Cable Act.

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[14] Andrew Afflerbach. "The State of the Art of Cable Television and Broadband Technology, prepared for the City of Seattle, Washington", October 9, 2013, p. 17. http://www.ctcnet.us/wp-content/uploads/2014/01/SeattleCATVTechnologyReport.pdf

[15] Comcast of Minnesota's Response to Northern Suburban Communication Commission's Request for Renewal Proposal for Cable Television Franchises in Member Cities, December 20, 2013, page 71. http://www.ctv15.org/comcast/COMCAST_FINAL_PROPOSAL_FOR_REWEWALpublic-Redacted.pdf

V. CONCLUSION

For the foregoing reasons, if the Commission grants consent to the license transfers relating to the transactions, it should impose the following PEG-related conditions on that consent:

PEG Condition No. 1: Comcast, Charter and SpinCo should be required to make all PEG channels on all of their cable systems universally available on the basic service tier, in the same format as local broadcast channels, unless the local government specifically agrees otherwise.

PEG Condition No. 2: The Commission should protect PEG channel positions.

PEG Condition No. 3: The Commission should prohibit Comcast, Charter and SpinCo from discriminating against PEG channels, and ensure that PEG channels will have the same features and functionality, and the same signal quality, as that provided to local broadcast channels.

PEG Condition No. 4: The Commission should require that all PEG programming is easily accessed on menus and easily and non-discriminatorily accessible on all Comcast, Charter and SpinCo platforms.

PEG Condition No. 5: The Commission should require that channels have the ability to be distributed on HD tiers.

* * * * *

Because the foregoing PEG conditions would not adequately mitigate the damage to local programming that would result from the increased concentration and nationalization of video programming ownership to which the increased concentration at the cable operator level will inevitably lead, Comcast, Charter and SpinCo should also offer to make payments to local governments, and/or nonprofit entities managing PEG or community media centers for capital or

operating purposes, in addition to franchise fees, to ensure the continued health and viability of local programming provided by PEG.

Respectfully submitted,

/s/ *James N. Horwood*

James N. Horwood
Tillman L. Lay
Spiegel & McDiarmid LLP
1875 Eye Street, NW
Washington, DC 20006
(202) 879-4000

Counsel for the Alliance for Community Media and the Alliance For Communications Democracy

Michael S. Wassenaar
ACM Public Policy Advocate
Alliance for Community Media
4248 Park Glen Road
Minneapolis, MN 55416
(612) 298-3805

August 25, 2014

APPENDIX 1

The Alliance for Communications Democracy (ACD)

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Aggregate Data on Cable Viewership

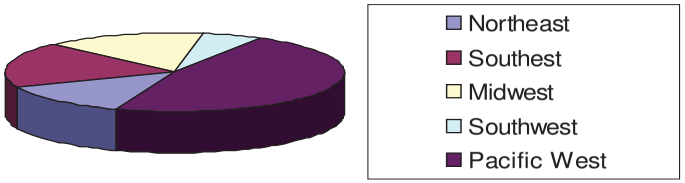
April 2010
Attachment A - GN No. 10-25

Group W
Communications, LLC
603.964.2912
www.groupwcom.com

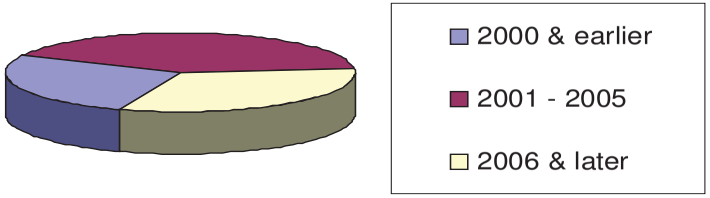
Purpose/Methodology

ACD requested that Group W Communications compile data gathered from research conducted in PEG communities around the nation to assess to what extent people value local programming, and to compile additional findings that can help advise future media planning.

- Comparative and aggregated data based upon sampling in 53 PEG communities
- Geographic distribution:



- Communities' population ranges from 10,000 to over 2 million
- Longitudinal distribution:

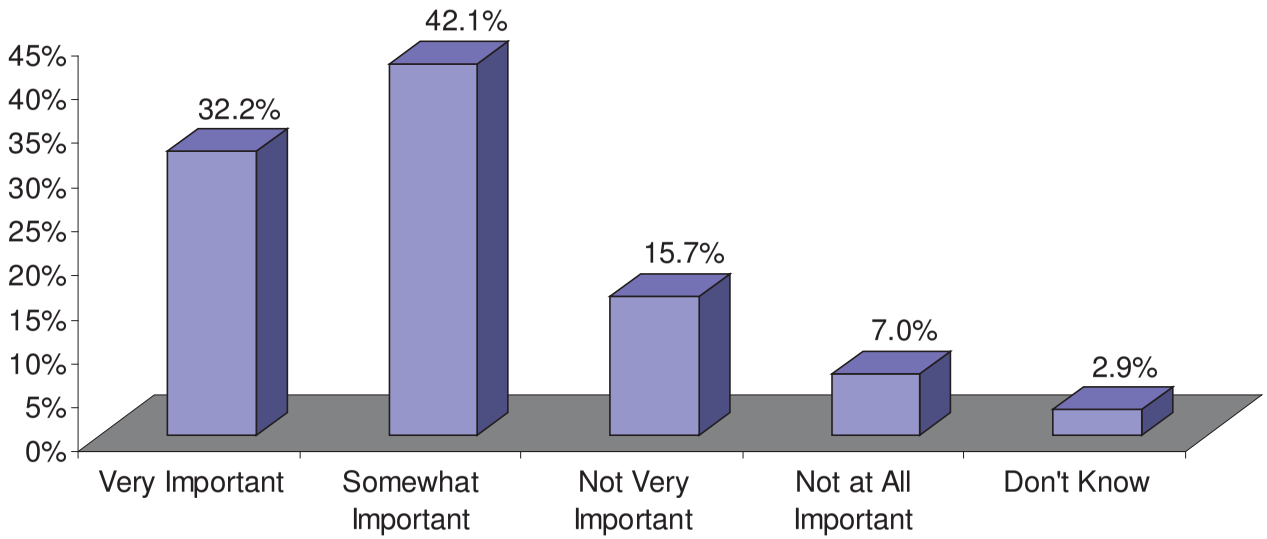


Summary of Major Findings

- Cable subscribers place importance on local community programming
  - 74% say it is very or somewhat important
- Cable subscribers value local community programming
  - 59% say $1 or more each month should be used to create this programming
- Channel location matters
  - As channel numbers increase surfing & browsing decreases
- Digital divide is real and persists
  - Subscribers making less than $40,000 of annual household income are significantly less likely to access the Internet
  - Just over half as many subscribers over 65 access the Internet as those under 30

group W communications LLC

74% of cable subscribers believe that local programming is important

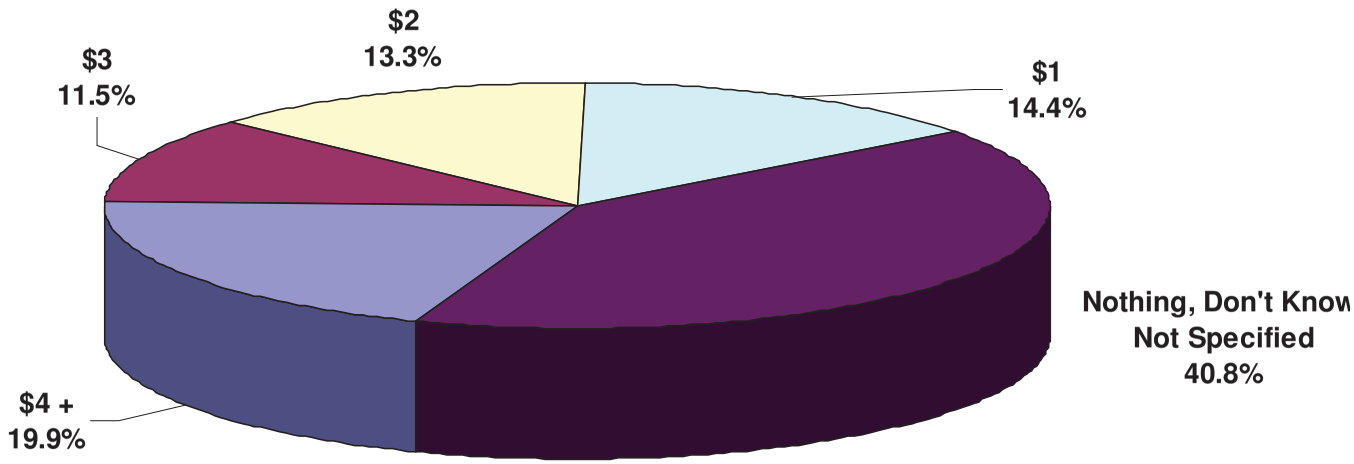


Question -- ***How important is it to have cable channels that feature local community programming about organizations, individuals, events, schools, and local government? (combined "very" & "somewhat" important)***

- Aggregate data based upon sampling in 44 communities

Cable subscribers value local programming

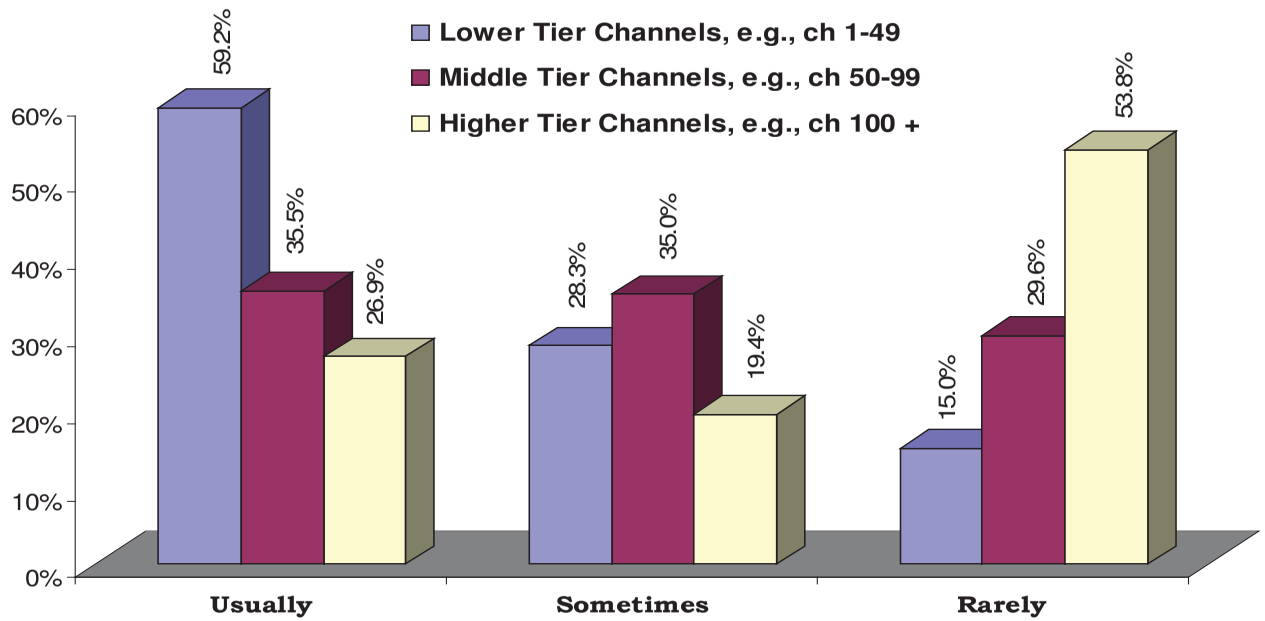
59% of cable subscribers say $1 or more per month should be used to create local community programming



Question -- How much of your monthly cable bill do you think should be set aside and used to create local community programming about organizations, individuals, events, schools, and local government?

- Aggregate data based upon sampling in 29 communities

As channel numbers increase, surfing behavior decreases

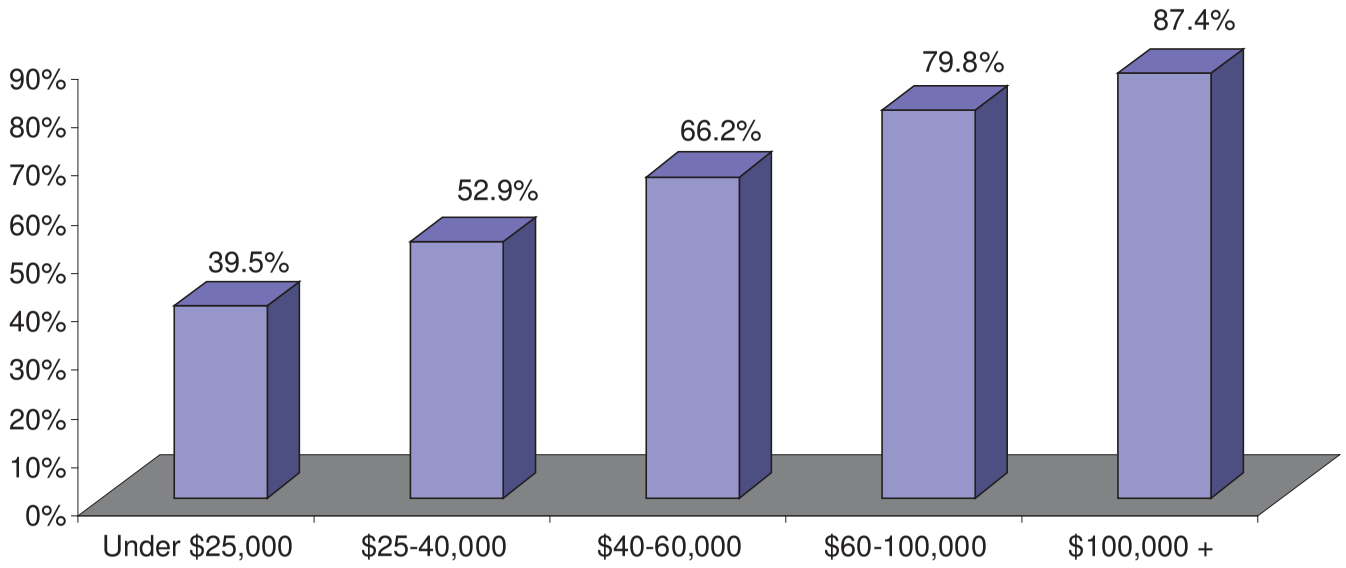


Question -- ***Cable companies now offer hundreds of channels of video programming. Please think about your viewing habits for a moment, and estimate how often you watch programs that are shown on:***

- Preliminary data based upon sampling in four communities

Digital divide is real & persists

Subscribers making less than $40,000 of annual household income are significantly less likely to access the Internet

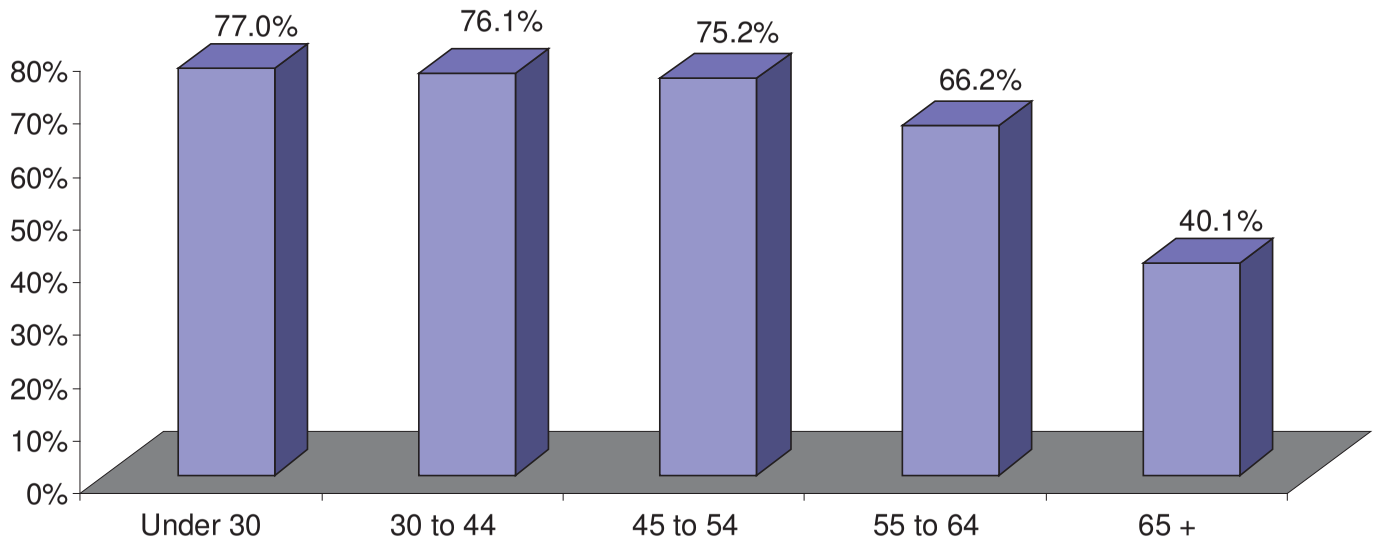


Percent of cable subscribers that access the Internet by Household income

- Aggregate data based upon sampling in 45 communities

Digital divide is real & persists

Just over half as many subscribers over 65 access the Internet as those under 30



Percent of cable subscribers that access the Internet by Age

- Aggregate data based upon sampling in 44 communities

APPENDIX 2

ANALYSIS OF RECENT PEG ACCESS CENTER CLOSURES, FUNDING CUTBACKS AND RELATED THREATS

PREPARED FOR ALLIANCE FOR COMMUNICATIONS DEMOCRACY

April 8, 2011

WITH SUPPORT FROM

THE BENTON FOUNDATION

ANALYSIS OF RECENT PEG ACCESS CENTER CLOSURES, FUNDING CUTBACKS AND RELATED THREATS

INTRODUCTION

The Alliance for Communications Democracy (ACD), through a grant provided by The Benton Foundation, worked with The Buske Group to conduct an online survey and related activities to identify:

1. The degree to which funding support for Public, Educational and Government (PEG) Access resources and services from cable companies and local governments has been reduced since 2005, and the reasons for these cutbacks.
2. Places where PEG Access Centers have closed since 2005, and the types of Access (i.e., public ["P"], educational ["E"], or government ["G"]) that are no longer provided in those communities.
3. Places where PEG Access Centers may have to close in the next three years, and the reasons for these anticipated closures.
4. Other anticipated threats to the health of PEG Access Centers.

This information was collected through a variety of methods, including:

- an on-line survey of members of the ACD, Alliance for Community Media (ACM), the National Association of Telecommunications Officers and Advisors (NATOA), and other PEG Access Centers to identify current and recent funding trends at existing PEG Access centers in the United States;
- follow-up contacts with survey respondents (and non-respondents) as needed, to help ensure accuracy and completion of the responses;
- direct contacts with community media regional leaders, to solicit their assistance in the identification of PEG Access Centers that have been closed recently; and
- a review of newspaper and online articles in recent years that discussed closures, funding cutbacks and threats to the future existence of PEG Access Centers.

Our research documents the fact that since 2005, many PEG Access Centers have been closed or endured severe funding cuts, or may be forced to cease operations soon. This has occurred primarily as a result of new state franchising laws and decisions by local governments.

This report provides details about the magnitude of recent PEG Access Center closures, funding cuts, and threats to the future existence of PEG Access in a growing number of communities.

KEY FINDINGS

- PEG Access Centers in at least 100 communities across the United States have been closed since 2005. A disproportionate number (93) exclusively served the public.

- Hundreds more PEG Access Centers in six states affected by state franchising laws may be forced to close or experience serious threats to financial and in-kind support over the next three years.

- Almost half of the 165 survey respondents providing financial information for 2005 and 2010 reported an average funding drop of 40% during that time period.

- Of the 100 survey respondents reporting in-kind support from their cable operators, 20% indicated in-kind materials and services had been cut back or eliminated since 2005.

- The primary reasons cited for reductions in funding and in-kind resources for PEG Access Centers were new state franchising laws and/or decisions by local governments.

ON-LINE SURVEY OF PEG ACCESS CENTERS

Using the "SurveyMonkey" on-line survey research software, a questionnaire was prepared and uploaded to collect information from Executive Directors or Managers of PEG Access Centers that oversee the development and presentation of programming PEG Access cable channels in the United States.[1] Announcements about this on-line survey were distributed via the ACD, ACM, and NATOA listserves, as well as through direct contacts with local PEG Access Centers. Participation in this survey was encouraged via several email "blasts" and other efforts during the period when the survey was active (January 10 through February 15, 2011.)

A total of 286 respondents participated in the on-line survey.

Of the 286 respondents, 207 provided partial financial data and information about recent cutbacks and/or anticipated threats to their organization's funding, in-kind resources, and/or channels in the next three years. Of those 207, 165 provided complete answers to questions regarding PEG Access funding support received in 2005 and 2010 from: (1) their local government [as an allocation from its general fund, and/or the franchise fees it received from the cable operator(s)], and (2) the cable operator(s) -- in addition to funds that were required to be paid as franchise fees.

Below is a breakdown of the types of Public, Educational and Government Access services provided by the 207 respondents on behalf of their organizations:

92 provide *Public, Educational and Government Access* services
5 provide *Public and Educational Access* services
22 provide *Public and Government Ac*cess services
20 provide *Public Access* services only
15 provide *Educational and Government Access* services
19 provide *Educational Access* services only
34 provide *Government Access* services only

[1] The survey questionnaire is provided in Appendix 3.

The 207 organizations provide PEG Access services for communities that range from 1,000 to 3,000,000 residents. Fifty-one of them reported that they have a PEG Access full-time equivalent staff of one person or less; 24 reported 10 or more.

A funding analysis of the 165 respondents who provided complete financial information for 2005 and 2010 was conducted to determine the extent to which such funding had changed during this period.[2] Eighty of these 165 PEG Access service providers reported that the combined funding support they received from their local governments and cable operators decreased from 2005 to 2010 (*the average decrease was 39.7%,* equal to an annual reduction of about $205,000 per year, from an overall average of $515,937 in 2005 to $311,160 in 2010 -- see Appendix 1 for details).

REDUCTIONS IN IN-KIND SUPPORT

Survey respondents were asked if their organization received any in-kind services or materials from their cable operator(s), free of charge, for PEG Access purposes during the past five years. Respondents were also asked to describe any changes in the provision of such services and materials to their organizations since 2005. Over 100 respondents indicated that they had received in-kind services and materials from their cable operators, but about 20% of them stated that in-kind resources, including the types of materials and services listed below, had been discontinued or cut back since 2005:

- Studio/production facilities and equipment
- Transmission connections between PEG Access facilities and the cable operator
- Technical support
- Free cable service drops to PEG Access facilities and public buildings
- Promotional support for PEG Access (e.g., program listings, advertising, bill inserts)
- Institutional Network facilities and related services
- Channel relocation services

[2] To ensure that this analysis was conducted in an equitable manner, the funding amounts reported by these 165 PEG Access Centers for 2005 were converted to 2010 dollars, by adjusting them in accordance with the 2.2% annualized inflation rate from 2005-2010 as determined by the US Bureau of Labor Statistics.

Survey respondents were asked to indicate the reasons for the reported reductions in funding or in-kind services and materials to their organizations from the local government or cable operator since 2005. The primary reasons cited by the respondents for these reductions were: (1) the local franchising government made a decision to cut/divert PEG Access funding; (2) state franchising laws resulted in reductions; and (3) recent local cable franchise renewals resulted in reductions in funding and/or support of PEG Access.

THREATS IN THE NEXT THREE YEARS

Respondents from 159 communities indicated that their organization anticipates reductions or elimination of PEG Access funding, in-kind services and materials, and/or channels during the next three years, for the following primary reasons (*NOTE: these respondents were permitted to indicate more than one reason*):

Decisions by the local government (57%)
State franchising law provisions (49%)
Local cable franchise renewal (28%)

PEG ACCESS CENTER CLOSURES & MAJOR FUNDING CUTBACKS SINCE 2005

After conducting a review of newspaper and on-line news reports, information posted on websites, emails posted to listserves of PEG Access organizations, and direct reports from community media leaders throughout the United States, we can confirm that PEG Access Centers which had previously served at least 100 communities have been closed since the onset of state cable franchising laws in 2005. (See a detailed list in Appendix 2.) These closures have disproportionately impacted Public Access Centers: 93 were Public Access closures, 1 was Public and Educational, 1 was Public and Government, and five were Public, Educational and Government.

Also according to newspaper and on-line reports, a number of Public Access Centers in large American cities -- including Denver, San Francisco, Tucson, Seattle, Tampa and Atlanta -- have been affected by severe funding cutbacks. Closures and funding cuts in major urban

centers can disproportionately affect minority communities relying on the alternative communications opportunities provided by Public Access Centers. In The Future of Media proceeding before the FCC, Laura R. Linder and Gary Kenton cite diversity as a "distinguishing principle of PEG Access," noting among other findings that, "In Tampa Bay, Florida, 70% of content providers/community producers at Tampa Bay Community Network (TBCN) belong to minority groups and range in age from teenagers to seniors."[3]

HIGHEST POTENTIAL FOR PEG ACCESS CENTER CLOSURES IN NEAR FUTURE

The 2008 state franchising law in Wisconsin stated that PEG Access funding and other support (if required by local cable franchises) would be discontinued in January, 2011. PEG Access funding-related provisions of state cable franchising laws in Ohio Florida and Georgia will take effect next year, which could have a devastating impact on hundreds of PEG Access Centers in those states. The laws in Ohio, Florida and Georgia require all cable service providers to match the PEG funding support amounts of the incumbent (per the terms of local franchises then in existence) -- until January 1, 2012 in Ohio and July 1, 2012 in Florida and Georgia. After that, the obligation is reduced to zero. State cable franchising laws in Iowa and Indiana also require matching PEG funding support by the cable service providers, but that obligation will end upon the natural expiration date of the existing local franchises.

Therefore, during the next 15 months, another wave of PEG Access Center closures could occur in Wisconsin, Ohio, Florida, Georgia, Iowa and Indiana as a result of major funding cuts due to state franchising laws. Unlike several other states that adopted state franchising laws, none of these states included provisions in their laws that permit communities to require PEG Access funding support from their cable service providers to supplement franchise fees. As a result, funding support that the PEG Access Centers in these states had previously received from their cable service providers would cease, putting them at a high risk of closure as a direct result of state franchising laws.

[3] ACD filing - Future of Media and Information Needs in a Digital Age before the FCC, GN Docket No. 10-25.

CONCLUSION

When the Cable Act was adopted in 1984, the Committee on Energy and Commerce of the U.S. House of Representatives published a Report that included the Act's rationale for Public, Educational and Government Access channels. The language stressed the particular importance of Public Access and how these channels serve the "fundamental goal of the First Amendment":

> *One of the greatest challenges over the years in establishing communications policy has been assuring access to the electronic media by people other than the licensees or owners of those media. The development of cable television, with its abundance of channels, can provide the public and program providers the meaningful access that, up until now, has been difficult to obtain. A requirement of reasonable third-party access to cable systems will mean a wide diversity of information sources for the public -- the fundamental goal of the First Amendment -- without the need to regulate the content of programming provided over cable.*
>
> *Almost all recent franchise agreements provide for access by local governments, schools, and non-profit and community groups over so-called "PEG" (public, educational, and governmental) channels. Public access channels are often the video equivalent of the speaker's soap box or the electronic parallel to the printed leaflet. They provide groups and individuals who generally have not had access to the electronic media with the opportunity to become sources of information in the electronic marketplace of ideas. PEG channels also contribute to an informed citizenry by bringing local schools into the home, and by showing the public local government at work.*[4]

The findings of this report reveal that since 2005, many PEG Access Centers -- especially Public Access operations -- have closed or endured severe cuts to their funding and in-kind resources. Hundreds more face similar cutbacks or may be forced to cease operations in the near future. Study findings show that this has occurred primarily as a result of new state franchising laws and/or decisions by local governments. Dozens of Public Access Centers that once served residents and community organizations in 14 states have closed or may face closure in the next three years.

Without question, the Cable Act's goal of advancing the First Amendment through public participation in PEG Access is now in serious danger. Corrective regulatory and legislative actions are urgently needed to prevent further erosion of public participation in U.S. cable communications systems now and in the future.

---

[4] House of Representatives Report 98-934 (August 1, 1984), Page 30

APPENDICES

APPENDIX 1

SURVEY RESPONDENTS REPORTING DECREASED FUNDING FROM 2005 TO 2010

ORGANIZATION	TYPE	2010 Funding from LFA plus Cable Company	2005* Funding from LFA plus Cable Company
Respondent 1	P, E & G	$214,000	$217,415
Respondent 2	P, E & G	$30,000	$33,448
Respondent 3	P, E & G	$198,000	$218,530
Respondent 4	P, E & G	$0	$88,806
Respondent 5	P, E & G	$602,725	$674,543
Respondent 6	P, E & G	$94,000	$137,139
Respondent 7	P, E & G	$70,000	$97,000
Respondent 8	P, E & G	$134,001	$167,823
Respondent 9	P, E & G	$278,000	$460,473
Respondent 10	P, E & G	$0	$390,232
Respondent 11	P, E & G	$1,999,884	$2,553,813
Respondent 12	P, E & G	$750,000	$752,590
Respondent 13	P, E & G	$1,608,600	$1,745,341
Respondent 14	P, E & G	$260,000	$278,737
Respondent 15	P, E & G	$7,300	$7,805
Respondent 16	P, E & G	$583,530	$650,572
Respondent 17	P, E & G	$280,236	$354,054
Respondent 18	P, E & G	$416,384	$841,867
Respondent 19	P, E & G	$1,700,000	$1,756,043
Respondent 20	P, E & G	$165,000	$262,013
Respondent 21	P, E & G	$125,000	$139,368
Respondent 22	P, E & G	$35,000	$39,023
Respondent 23	P, E & G	$21,000	$27,874
Respondent 24	P, E & G	$270,000	$301,036
Respondent 25	P, E & G	$270,000	$334,484
Respondent 26	P, E & G	$440,267	$445,787
Respondent 27	P, E & G	$182,760	$184,604
Respondent 28	P, E & G	$185,000	$333,815
Respondent 29	P, E & G	$236,000	$295,461
Respondent 30	P, E & G	$40,000	$89,196
Respondent 31	P, E & G	$469,000	$472,738
Respondent 32	P & E	$100,000	$111,495
Respondent 33	P & E	$250,000	$618,796
Respondent 34	P & E	$741,600	$842,900
Respondent 35	P & E	$355,000	$398,036
Respondent 36	P & G	$7,500	$8,362
Respondent 37	P & G	$143,283	$165,054
Respondent 38	P & G	$660,000	$1,103,798
Respondent 39	P & G	$78,000	$83,621
Respondent 40	P & G	$16,000	$30,683
Respondent 41	P & G	$575,000	$653,392
Respondent 42	P & G	$355,527	$370,363
Respondent 43	P & G	$450,400	$715,796
Respondent 44	P & G	$334,908	$339,273
Respondent 45	P & G	$78,000	$176,162

** Figures reported for 2005 are adjusted for inflation -- shown in 2010 dollars.*

APPENDIX 1

SURVEY RESPONDENTS REPORTING DECREASED FUNDING FROM 2005 TO 2010

ORGANIZATION	TYPE	2010 Funding from LFA plus Cable Company	2005* Funding from LFA plus Cable Company
Respondent 46	P & G	$107,000	$139,368
Respondent 47	P & G	$704,000	$939,901
Respondent 48	P only	$0	$6,690
Respondent 49	P only	$300,000	$334,484
Respondent 50	P only	$70,000	$156,093
Respondent 51	P only	$300,000	$919,832
Respondent 52	P only	$300,500	$655,244
Respondent 53	P only	$200,000	$891,958
Respondent 54	P only	$142,000	$158,323
Respondent 55	P only	$568,211	$590,922
Respondent 56	E & G	$296,000	$946,591
Respondent 57	E & G	$71,000	$72,472
Respondent 58	E & G	$18,000	$20,069
Respondent 59	E & G	$163,000	$204,035
Respondent 60	E & G	$109,000	$131,564
Respondent 61	E & G	$250,000	$557,474
Respondent 62	E & G	$36,000	$123,759
Respondent 63	E only	$20,000	$22,299
Respondent 64	E only	$210,000	$362,358
Respondent 65	E only	$3,500	$7,805
Respondent 66	E only	$144,000	$904,764
Respondent 67	E only	$5,000	$5,575
Respondent 68	E only	$0	$185,081
Respondent 69	G only	$10,000	$11,149
Respondent 70	G only	$300,000	$6,020,717
Respondent 71	G only	$514,000	$613,221
Respondent 72	G only	$213,548	$238,095
Respondent 73	G only	$281,300	$406,510
Respondent 74	G only	$143,010	$151,923
Respondent 75	G only	$25,000	$26,759
Respondent 76	G only	$1,930,000	$3,344,843
Respondent 77	G only	$485,000	$501,726
Respondent 78	G only	$1,146,318	$1,188,484
Respondent 79	G only	$10,000	$458,243
Respondent 80	G only	$6,500	$7,247
	AVERAGES:	**$311,160**	**$515,937**

AVERAGE $ DECREASE FROM 2005 TO 2010: **$204,777**

AVERAGE % DECREASE FROM 2005 TO 2010: **39.7%**

** Figures reported for 2005 are adjusted for inflation -- shown in 2010 dollars.*

APPENDIX 2

PEG ACCESS CENTER CLOSURES SINCE 2005

TEXAS (state cable franchising law adopted in 2005)

Time Warner
Dallas [P]
San Antonio [P]

Cable One
Sherman [P]

CALIFORNIA (state cable franchising law adopted in 2006)

Charter
Glendale [P]
Long Beach [P]
Los Angeles [P]
Malibu [P]

Comcast
Alameda County [P]
Albany [P]
Ashland [P]
Castro Valley [P]
Cherryland [P]
Fremont [P]
El Cerrito [P]
Hayward [P]
Kensington [P]
Richmond [P]
San Leandro [P]
San Lorenzo [P]
San Pablo [P]
Newark [P]
Union City [P]

Time Warner
Avocado Heights [P]
Baldwin Park [P]
Bassett [P]
Buena Park [P]
Carlsbad [P]
Carson [P]
City of Industry [P]
Compton [P]
Costa Mesa [P]
El Segundo [P]
Fountain Valley [P]
Fullerton [P]
Garden Grove [P]
Gardena [P]
Hacienda Heights [P]
Hawthorne [P]
Huntington Beach [P]
Lawndale [P]
La Puente [P]
Los Alamitos [P]
Los Angeles [P]

Time Warner
North Whittier [P]
Ojai [P]
Oxnard [P]
Placentia [P]
Puente Hills [P & E]
Santa Ana [P]
South Whittier [P]
Stanton [P]
Tustin [P]
Valinda [P]
Westminster [P]

INDIANA (state cable franchising law adopted in 2006)

Comcast
Bristol [P]
Elkhart [P]
Goshen [P]
Granger [P]
Hammond [P]
Lafayette [P]
Merrillville [P]

Comcast
Michiana [P]
Middlebury [P]
Mishawaka [P]
Muncie [P]
Osceola [P]
Plymouth [P]
Portage [P]

Comcast
Rochester [P]
Roseland [P]
South Bend [P]
Valparaiso [P & G]
Wakarusa [P]
West Lafayette [P]

P = Public Access, E = Educational Access, G = Government Access

APPENDIX 2

PEG ACCESS CENTER CLOSURES SINCE 2005

MICHIGAN (state cable franchising law adopted in 2006)

Comcast
East Lansing [P]
Edwardsburg [P]
Flint [P]

Comcast
Holland [P]
Lansing [P]

NEVADA (state cable franchising law adopted in 2007)

Charter
Reno [P, E & G]
Sparks [P, E & G]
Washoe County [P, E & G]

WISCONSIN (state cable franchising law adopted in 2007)

Charter
Madison [P]
Wausau [P, E & G]

Time Warner
West Allis [P]

ILLINOIS (state cable franchising law adopted in 2007)

Comcast
Bloomingdale [P]
Carol Stream [P]
Glendale Heights [P]
Highland Park [P]
Itasca [P]
Medinah [P]
Niles [P]

Comcast
Orland Park [P]
Palatine [P]
Park Forest [P]
Roselle [P]
Springfield [P]
Wood Dale [P]

IDAHO

Windjammer
Mountain Home [P]

MONTANA

Bresnan
Great Falls [P]

WASHINGTON

Comcast
Bainbridge Island [P, E & G]

P = Public Access, E = Educational Access, G = Government Access

APPENDIX 3

ON-LINE SURVEY QUESTIONNAIRE

ACD Survey: Current Status of PEG Access Funding

If you are the Executive Director or Manager of a community media organization that oversees the programming of one or more Public, Educational or Government (PEG) Access cable channel(s), please complete this survey about your organization and the funding and other resources it has received in recent years.

In the wake of increased news reports on closures and threats to PEG Access organizations and the channels they operate in communities throughout the United States, the Alliance for Communications Democracy (ACD) obtained a grant from the Benton Foundation to study the causes and extent of these closures and threats. This online survey is one of the activities associated with that study.

The ACD and the Benton Foundation -- long-time noncommercial allies in the effort to support and develop community media -- are very interested in the root causes of the recent closures and threats to PEG Access that have been reported recently. An important barometer of the current situation is factual information about the funding and related support to PEG Access organizations in recent years, and their perception of threats to that funding and related support in the near future.

If you have any questions about the items in the survey, you may contact the survey coordinator, Randy Van Dalsen (email: randy@buskegroup.com; phone:916-441-6277).

At the conclusion of this study, the survey results will be provided to all participants, at no cost to them.

Please complete the survey, because at the end you can enroll for a drawing for a great prize! The names of TWO survey participants who complete the survey will be picked at random, AND EACH OF THEM WILL RECEIVE A BRAND NEW FLIP ULTRA HD CAMCORDER!

YOU MUST PROVIDE THE REQUESTED CONTACT INFORMATION TO BE INCLUDED IN THIS DRAWING.

PLEASE NOTE: THE DEADLINE TO COMPLETE THIS SURVEY HAS BEEN EXTENDED TO MONDAY, FEBRUARY 14, 2011.

THANK YOU!

ACD Survey: Current Status of PEG Access Funding

1. Name of your Access programming organization:

2. Year that your Access programming organization was established:

3. Approximate number of residents in the cable franchise area served by your Access programming organization:

Please enter a whole number, with no commas or decimals:

4. Total number of current Full Time Equivalent ("FTE") staff employed by your Access programming organization, not including volunteers or unpaid interns, that work on PEG Access activities.
(Calculate total FTE by assuming 40 hrs./wk. = 1.0 FTE; 20 hrs./wk. = 0.5 FTE; etc.):

5. What type (or types) of local Access programming and related services does your organization provide?
[CHECK ALL THAT APPLY]

- ☐ Public Access
- ☐ Educational Access
- ☐ Government Access
- ☐ Other (please describe below):

6. If one or more other organizations manage Public, Educational or Government Access programming and services for your cable franchise area, please provide the name(s) and email address(es) of the Executive Director or Manager for each organization. We will use this information to invite them to participate in this survey.

Public Access:

Educational Access:

Government Access:

7. Please indicate the total number and types of Access channels currently managed by your organization:

	0	1	2	3	4	5	6 or more
Number of Public ("P") Access channels:	○	○	○	○	○	○	○
Number of Educational ("E") Access:	○	○	○	○	○	○	○
Number of Government ("G") Access:	○	○	○	○	○	○	○
Number of combined P and E channels:	○	○	○	○	○	○	○
Number of combined P and G channels:	○	○	○	○	○	○	○
Number of combined E and G channels:	○	○	○	○	○	○	○
Number of combined P, E and G channels:	○	○	○	○	○	○	○
Number of Other* types of Access channels:	○	○	○	○	○	○	○

* If you indicated "Other" types of Access channels, please describe those channels below:

8. FUNDING FROM YOUR LOCAL FRANCHISING AUTHORITY/FRANCHISE FEES.

For this question, only include the portion of franchise fee payments that were made by your cable operator(s) and were subsequently delivered, either directly or indirectly, to your organization for PEG Access purposes. If your local franchising authority deposited franchise fees into its general fund, from which it allocated funds to your organization, please include the dollar amounts used by your organization for PEG Access purposes.

Do not include funding from your cable operator(s) that was in addition to franchise fees -- such as capital payments or other payments to support PEG Access -- and do not include in-kind services.

[NOTE: If your organization replaced a different organization that had provided similar PEG Access services in your community prior to 2006, please indicate the amount allocated to that organization from the local franchising authority/franchise fees in 2005 (or 2005/2006 Fiscal Year), if that information is available.]

Please provide dollar amounts with no commas, decimals or $ signs.

Funding from local franchising authority/franchise fees to your organization in 2010 (or 2009/2010 Fiscal Year): [ ]

Funding from local franchising authority/franchise fees to your organization in 2005 (or 2005/2006 Fiscal Year): [ ]

9. FUNDING FROM YOUR CABLE OPERATOR(S).

For this question, please indicate the dollar amounts provided to your organization by your cable operator(s) for PEG Access purposes -- IN ADDITION TO FUNDING FROM YOUR LOCAL FRANCHISING AUTHORITY/FRANCHISE FEES. Such funding may have been paid directly to your organization, or may have been paid by your cable operator (s) to your local franchising authority, which allocated a portion or all of those funds to your organization. Such funding may have been restricted to capital expenditures.

Please do NOT include the dollar value of "in-kind" services and materials that were provided to your organization, or any of your organization's funding FROM YOUR LOCAL FRANCHISING AUTHORITY/FRANCHISE FEES that you indicated in your answer to the previous question.

[NOTE: If your organization replaced a different organization that had provided similar PEG Access services in your community prior to 2006, please indicate the amount provided to that organization by the cable operator(s) in 2005 (or 2005/2006 Fiscal Year), if that information is available.]

Please provide dollar amounts with no commas, decimals or $ signs.

Funding from your cable operator(s) to your organization in 2010 (or 2009/2010 Fiscal Year): [ ]

Funding from your cable operator(s) to your organization in 2005 (or 2005/2006 Fiscal Year): [ ]

10. For this question, please indicate whether or not the dollar amounts you reported above that were provided by your cable operator(s) for PEG Access purposes -- IN ADDITION TO FUNDING FROM YOUR LOCAL FRANCHISING AUTHORITY/FRANCHISE FEES -- were restricted to capital expenditures only:

	RESTRICTED	NOT RESTRICTED
2010 (or 2009/2010 Fiscal Year)	○	○
2005 (or 2005/2006 Fiscal Year)	○	○

11. TOTAL FUNDING FOR YOUR ORGANIZATION.

For this question, please indicate the TOTAL dollar amounts received by your organization for PEG Access purposes from ALL INCOME SOURCES. This would include the sum of the amounts previously indicated that your organization received from: (1) your local franchising authority/franchise fees, and (2) your cable operator(s), plus the amounts your organization received from any other sources (e.g., fundraising activities, production services, donations, dubbing fees, training services, etc.).

Please do NOT include the dollar value of "in-kind" services and materials that were provided to your organization.

[NOTE: If your organization replaced a different organization that had provided similar PEG Access services in your community prior to 2006, please indicate the total amount received by that organization in 2005 (or 2005/2006 Fiscal Year), if that information is available.]

Please provide dollar amounts with no commas, decimals or $ signs.

Total funding received by your organization in 2010 (or 2009/2010 Fiscal Year): _____

Total funding received by your organization in 2005 (or 2005/2006 Fiscal Year): _____

12. “IN-KIND” SERVICES AND MATERIALS FROM YOUR CABLE OPERATOR(S).

During the past five years, has your organization received any in-kind services or materials from your cable operator(s), free of charge, for PEG Access purposes? For example, some cable operators provide Access studio/production facility space, an upstream connection between Access playback facilities and the company's headend, promotional support for Access (e.g., free advertising spots on satellite-delivered channels, free bill inserts), etc.

In the space provided below, please describe any in-kind services and materials currently received by your organization from your cable operator(s), and describe any changes in the provision of such services and materials to your organization since 2005.

13. REASONS FOR REDUCTIONS IN FUNDING OR "IN-KIND" SERVICES AND MATERIALS TO YOUR ORGANIZATION SINCE 2005.

If the funding allocations or in-kind services and materials to your organization from your local franchising authority or cable operator(s) for PEG Access purposes have been reduced since 2005, please check the applicable reason(s) for those reductions, and briefly describe the details in the space below:

- ☐ Recently renewed local cable franchise resulted in reductions of funding or in-kind services and materials to my organization
- ☐ State franchising law resulted in reductions of funding or in-kind services and materials to my organization
- ☐ Local franchising authority decided to cut or divert the funding of my organization
- ☐ Other reason(s)

Briefly describe the details regarding the reductions in funding or "in-kind" services and materials to your organization since 2005:

14. ANTICIPATED THREATS TO YOUR ORGANIZATION'S FUNDING, IN-KIND SERVICES, CHANNELS, OR EXISTENCE DURING THE NEXT THREE YEARS.

If your organization anticipates serious threats to its funding, in-kind services and materials, channels, or even its existence during the next three years, please check the applicable reason(s) for those anticipated threats, and briefly describe the details in the space below:

☐ Recently renewed (or soon to be renewed) local cable franchise will or may likely result in the reduction or elimination of funding, in-kind services and materials, or channels to my organization

☐ State franchising law provisions (becoming effective soon) will or may result in the reduction or elimination of funding, services and materials, or channels to my organization

☐ Local franchising authority may reduce or eliminate funding to my organization

☐ Other reason(s)

Briefly describe the anticipated threats to your organization's funding or existence during the next three years:

15. Thank you very much for your participation in this important survey. Please provide the following information that will enable us to contact you if we have any follow-up questions regarding the information that you have included in your survey responses.

PLEASE NOTE: At the conclusion of this survey, your name will be included in a drawing for a chance to win one of two Flip Ultra HD camcorders.

YOU MUST PROVIDE THE REQUESTED CONTACT INFORMATION TO BE INCLUDED IN THIS DRAWING.

Thanks again – and GOOD LUCK!

Name:	
Organization:	
Phone Number:	
Email address:	

APPENDIX 3

COMMUNITIES DENIED ACCESS TO
ELECTRONIC VIDEO PROGRAMMING GUIDE

COMCAST SYSTEMS

Falmouth, MA
Framingham, MA
Newton, MA
Milford, MA
Bolton, MA
Ashland, MA
Cambridge, MA
Holliston, MA
Wayland, MA
Easton, MA
West Bridgewater, MA
Northbridge, MA
Northampton, MA
Belmont, MA
Northridge, MA
Wareham, MA
Watertown, MA
Nantucket, MA
Newburyport, MA
Foxboro, MA
Concord, MA
Carlyle, MA
Acton, MA
Methuen, MA
Plymouth, MA

Manchester, NH

Howard County, MD

Clackamas County, OR

Hoffmann Estates, IL
Mount Prospect, IL
Naperville, IL
Evanston, IL
Elk Grove Village, IL

Bremerton, WA

Wayne PA

Bloomington IN

Saint Paul, MN
Minneapolis, MN
Roseville, MN
Inver Grove Heights, MN
Andover, MN
Champlin, MN
Anoka, MN
Ramsey, MN
Arden Hills, MN
Falcon Heights, MN
Lauderdale, MN
Little Canada, MN
Mounds View, MN
New Brighton, MN
North Oaks, MN
Roseville, MN
St. Anthony, MN
Shoreview, MN
Inver Grove Heights, MN
Lilydale, MN
Mendota, MN
Mendota Heights, MN
South St. Paul, MN
Sunfish Lake, MN
West St. Paul, MN
Plymouth, MN
Brooklyn Park, MN
Brooklyn Center, MN
Osseo, MN
Crystal, MN
Golden Valley, MN
Robbinsdale, MN
New Hope, MN
Maple Grove MN

TIME WARNER SYSTEMS

Fontana, CA
Lawndale, CA

State of Hawaii (except for one channel in Oahu)

TIME WARNER AND CHARTER SYSTEMS

State of Vermont