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**From:** Beth George [REDACTED]  
**Sent:** Thursday, January 15, 2015 11:33 AM  
**To:** CommActUpdate  
**Cc:** Courtney Swalboski  
**Subject:** Regulation of the Market for Video Content and Distribution – Response to White Paper #6

Jan 15, 2015

The Honorable Fred Upton  
2183 Rayburn House Office Building  
Washington, DC 20515

The Honorable Greg Walden  
2185 Rayburn House Office Building  
Washington, DC 20515

**Re: Regulation of the Market for Video Content and Distribution – Response to White Paper #6**

Dear Sirs:

Look closely at a Minnesota map. Run your finger up from the Twin Cities metro area to Duluth, then slide it across Highway 2 to the next wide spot. It isn't a large spot on the map, but it is an important spot. It is the home of perhaps the largest public, education and government access facility north of the metro and St. Cloud.

ICTV is a non-profit organization formed more than 30 years ago when our Grand Rapids area communities saw the need for good information *about* our community being shared *with* our community. Access to the cable television system was found to be an invaluable way of achieving that communication. Today, the House Energy and Commerce Committee is asking whether cable systems should be required to provide access to their platforms for PEG programming. While it may seem self-serving to answer "yes," we do so with sound reasoning.

Access to and funding from providers across Minnesota helps keep government strong, from the township level to the federal level. ICTV airs the regular meetings of 12 government bodies-several of them live. The people can watch them from home and on the internet. Without the home platform, many individuals would be cut off from the decisions of their local governments. ICTV formerly aired programming until midnight, until it found shift workers and night owls wanted more access. Now all three of our channels play 24/7.

The airing of government programming also provides for cross-fertilization and growth of the government leaders. While recording one City meeting, we regularly hear comments on how the supervisors watched another city wrestle with a similar issue. They compare notes, right on air i.e. "Grand Rapids has x regulations, should we in Cohasset have x regulations?"

In other areas, PEG is vital as well. Putting our local talent on air supports the growth of arts in the community. Airing local speakers and educational programs, broadens the worldview of our residents. Without access to that information that is within our reach, communities have only the views of programming skewed by the large media corporations and advertisers. The Communications Act could even strengthen the access by requiring PEG programming be carried on-demand *AND* on its channel line-up.

Yes, things are happening fast and furious in the communications industry, but as federal leaders we expect you to take the interests of the people ahead of the interests of the communications corporate giants. PEG access is a "utility" not a perk for the people.

Sincerely

Beth C Sundin George

Executive Director, ICTV



## COMMENTS OF INSP, LLC IN RESPONSE TO THE HOUSE ENERGY AND COMMERCE COMMITTEE'S SIXTH WHITE PAPER<sup>1</sup>

As the Committee considers an overhaul of the Communications Act, and in particular the provisions governing the market for video content and distribution, it should address two developments that threaten the continued availability of a multiplicity of diverse, independent editorial and creative voices to the American television viewing public: *first*, the consolidation of immense power in a few content conglomerates, which enables them to occupy the overwhelming majority of channels on cable and satellite television platforms and consume the lion's share of cable and satellite operators' programming budgets, to the exclusion of independent cable television networks; and *second*, the discriminatory treatment of independent cable networks by certain major direct broadcast satellite and cable television operators, whose tremendous gatekeeper leverage empowers them to impose unfair and anticompetitive terms on independent networks.

These conditions have resulted in content conglomerates, and major cable and satellite operators, competing unfairly against independent cable networks and, if allowed to go unchecked, threaten to exclude independent networks from the video marketplace and deny the American viewing public of important sources of diverse television programming.

### **INSP, LLC**

INSP, LLC is an independently owned cable television network headquartered in Charlotte, North Carolina. Launched in 1990, INSP exhibits wholesome, family-friendly, general entertainment programming, which is welcomed by American families in an era when much of the video content available to them on television, in movie theaters and online continues to grow more and more coarse.

INSP currently is distributed by all major cable and satellite distributors to a total of approximately 80 million homes, and its ratings are strong, continuing to grow, and indeed higher than many networks that are owned by content conglomerates. While INSP's admirable

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<sup>1</sup> These comments are submitted in response to the sixth in a series of white papers (the "White Paper") issued by the Committee, calling for public comment on a number of issues bearing on the update of the Communications Act.

growth reflects the allure of its programming, it also is due in part to the fact that INSP is distributed on a license fee-*free* basis. Yet, even as a free and highly rated service, INSP has encountered very significant challenges in achieving its current distribution, and faces even greater challenges ahead in retaining that distribution and achieving further growth – a plight that is due largely to increasing consolidation among both content conglomerates and television distributors. In this regard, INSP is representative of a host of independent television networks that have faced similar hurdles and are struggling to survive in the current television marketplace.

## **THE PROBLEM: MEDIA CONSOLIDATION THREATENS THE SURVIVAL OF INDEPENDENT CABLE TELEVISION NETWORKS**

For the past half century, the television screen in U.S. homes has been the dominant means by which Americans secure news and entertainment programming, and it will continue to be so for the foreseeable future notwithstanding recent innovations in digital video distribution. In its infancy, “television” essentially consisted of a handful of nationally distributed broadcast networks. However, the advent of cable television and direct broadcast satellite technologies triggered a multichannel video world evolution in which scores of *independently owned* cable networks were launched. These Independent Networks,<sup>2</sup> with their unique editorial and creative viewpoints, reflected virtually every face of our diverse American society.

But the great gains in diversity and true consumer choice achieved over the past fifty years are now threatened as ownership of both television distribution platforms and the networks they telecast are becoming increasingly concentrated in a very few powerful media conglomerates.

### ➤ **Consolidation of Power Among Conglomerate Networks**

The programming sector has been marked by dramatic consolidation, with six companies – The Walt Disney Company, The News Corporation, Time Warner Inc., Viacom, NBCU and Discovery Communications -- collectively owning more than 125 cable television networks, and each of them owning one or more powerhouse, “must-have” networks. Adding to these companies’ muscle, most of them have interests in movie studios, major broadcast networks and/or professional sports teams. These major multi-network programmers are able

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<sup>2</sup>“*Independent Networks*” refers to cable networks that are **not** any of the following: (1) a network in which a cable television or direct broadcast satellite (“DBS”) operator (collectively, “multichannel video programming distributors” or “MVPDs”) has an attributable interest; (2) a network in which an attributable interest is held by a company that also holds an attributable interest in, or has management, sales or marketing agreements with, one or more broadcast television stations that have retransmission consent rights that may be asserted against MVPDs and whose communities of license collectively include more than ten (10) percent of U.S. television households; or (3) a network in which an attributable interest is held by a company that has an attributable interest either in four or more other cable television networks or in a network that is ranked in the top thirty (30) Nielsen-rated cable networks. Networks that fall within any of these three categories are referred to as “*Conglomerate Networks*.”

to use their flagship “must-have” networks as leverage to coerce preferential carriage terms from multichannel video programming distributors for their full roster of associated networks without regard to consumer demand for many of those channels -- even those with lesser viewership and/or lower ratings than some Independent Networks. Similarly, some vertically integrated distributors favor their numerous affiliated networks with preferential carriage terms, unrelated to quality or content, in comparison to terms afforded to Independent Networks.

- As the Committee’s White Paper notes in discussing how the industry has gotten to its current state of affairs, while “[b]undling is a time-tested business strategy for many businesses in the communications industry, including cable operators and telephone companies \*\*\* independent and start-up networks and some MVPDs have argued that bundling advantages incumbent programmers who are able to require cable operators to expend both bandwidth and programming budgets on carrying incumbent programming networks leaving little spectrum or money for independent networks.” White Paper at 5. Conglomerate Network companies’ bundling demands force MVPDs to purchase unwanted networks, either directly or, no less effectively, indirectly through pricing schedules that make it uneconomic for MVPDs to take anything less than the conglomerate’s entire bundle.
- Conglomerate Network companies also impose tier placement requirements on MVPDs that require carriage of the bundled, tag-along networks in MVPDs’ highly distributed tiers -- placement that often is unwarranted by the ratings of the networks – to the exclusion of Independent Networks that are more highly desired by viewers but that have less leverage. Here too, this is accomplished either through Conglomerate Networks’ direct demands or through pricing schedules that make it uneconomic for MVPDs to resist such demands.

These actions, made possible by Conglomerate Networks’ concentration of market power, give them *de facto* control over MVPDs’ programming decisions regarding content selection and how such programming is sold to consumers (through tiering and packaging requirements), and ultimately over viewer choice. Consolidation among content companies has resulted in a handful of companies controlling the overwhelming majority of channel positions on cable and direct broadcast satellite (DBS) systems, to the exclusion of Independent Networks, and dominating actual television viewing in the United States. In the end, television consumers are forced to buy bundles of Conglomerate Networks’ programming that they don’t want, and denied the opportunity to watch the Independent Network channels that they do want, that would provide them with genuinely diverse and differentiated sources of programming, and that would cost them far less.

#### ➤ **Consolidation of Power Among MVPDs**

Conglomerate Network companies also have used their leverage to require MVPDs to pay them disproportionately high license fees for their multiple networks, including forcing

MVPDs to pay for carriage of undesired channels. MVPDs offset the excess costs imposed on them by Conglomerate Networks by paying disproportionately low, or even no, license fees to Independent Networks, which have no leverage to resist such unfair treatment. Indeed, DBS operators even force some Independent Networks to *pay* for carriage notwithstanding the fact that those Independent Networks enjoy higher ratings than some of the richly compensated channels of the Conglomerate Networks. The remainder of the excess costs of carrying unwanted Conglomerate Networks' channels that are not shifted to Independent Networks is passed on by MVPDs to their subscribers, contributing to the continuously escalating, ever higher fees that consumers are forced to pay for their cable and satellite bundles.

MVPDs can get away with such unfair treatment of Independent Networks because their tremendous gatekeeper leverage enables them to force Independent Networks – whose long-term viability depends on being distributed by all of the major MVPDs -- to accept unfair, economically onerous and anticompetitive terms and conditions for carriage. Increased consolidation has resulted in the top four MVPDs today controlling television distribution to approximately 68 percent of all MVPD households and the top ten controlling 86 percent. Moreover, while Congress' focus in enacting the 1992 Cable Act was on then-dominant cable television operators, today DBS operators are the second and third largest MVPDs in the nation, and have shown a proclivity to use their market power to coerce Independent Networks to accept oppressive, supra-competitive terms. This huge leverage creates a dramatic power imbalance during negotiations and empowers MVPDs to impose ever more burdensome terms on Independent Networks, including in particular draconian Most Favored Nations (MFN) obligations.

- MFN provisions in distribution agreements, generally structured as unconditional, "cherry picking" MFNs, entitle MVPDs to take any term provided, or even offered, by an Independent Network to any other distributor without necessarily having to match consideration that was required in return for the more favorable term.
- By allowing each MVPD to pick, on a provision-by-provision basis, from all of an Independent Network's distribution contracts, terms that are most favorable to the MVPD (and therefore least favorable to the Independent Network), the effect is that an Independent Network's worst terms from any deal become its only terms in contracts with all MVPDs.
- MFNs effectively prevent Independent Networks from offering better or more innovative deal terms to one distributor without providing the same to all other distributors (without necessarily receiving the commensurate, bargained-for benefits of such deals). As the Department of Justice has recognized, MFNs can result in indirect collusion among companies in whose favor the MFNs are granted – in this case, the MVPDs. This virtually ensures that Independent Networks can never improve their competitive posture in the marketplace in comparison to Conglomerate Networks, which have the leverage to resist such unreasonable MFN requirements.

➤ **Further Consolidation is a Certainty**

Consolidation in the content and distribution marketplace shows no sign of abating, and undoubtedly will increase. Presently pending are the MVPD mergers of Comcast and Time Warner Cable, and of AT&T and DirecTV, and other top MVPDs are said to be considering mergers and acquisitions as well. Those moves prompted News Corp. to make a bid for Time Warner Inc., and although that move failed, content conglomerates are virtually certain to bulk up through M & A transactions in response to the Comcast/TWC and AT&T/DirecTV deals.

This is the flawed marketplace in which Independent Networks operate. They are foreclosed from growing, indeed even sustaining, existing channels and from launching new ones because consolidation has produced a symbiotic concentration of power among MVPDs and Conglomerate Network companies that enables them to blatantly discriminate against Independent Networks and to deny them treatment comparable to Conglomerate Networks' channels.

This flawed video marketplace is accompanied by an equally flawed regulatory system in which the FCC is unable, or unwilling, to provide effective or timely remedies to Independent Networks that have been victimized by unfair, inequitable and inherently discriminatory practices of either MVPDs or Conglomerate Networks. The White Paper notes that “[t]o ensure that independent networks would have the ability to challenge discriminatory practices favoring cable-owned networks, Congress established the program carriage rules in the 1992 Cable Act to ensure that consumers would benefit from competition and diversity in the video programming and video distribution markets.” White Paper at 4. But the concern in 1992 was that MVPDs would make discriminatory carriage choices in favor of *vertically integrated networks* and to the disadvantage of independent networks. While the FCC’s current program carriage rules purport to provide a method by which Independent Networks, at least in theory, can obtain redress in the case of an MVPD’s discrimination in favor of a vertically integrated network,<sup>3</sup> those rules do not apply at all to the problems addressed here.

In short, Independent Networks operate at a profound disadvantage, and their continued existence, and the viewing public’s access to and opportunity to choose from among truly diverse media voices, are in jeopardy. *In considering how the Communications Act should be updated, Congress must address these problems if Independent Networks are to survive and continue to provide the American viewing public with diverse sources of programming and the independent viewpoints such programming represents. **Congress needs to take action!***

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<sup>3</sup> The current FCC program carriage rules have proved to be ineffective due to substantive and procedural hurdles that inherently disadvantage Independent Networks seeking even the limited relief that those rules purport to provide.

## CONGRESSIONAL ACTION IS NEEDED NOW!

Congress must make it a priority to create a more level playing field on which Independent Networks have a fair chance to compete, survive and even flourish. Legislative leadership can accomplish this, and yet not unreasonably interfere in the marketplace or with multichannel programmers' and distributors' First Amendment freedoms, by: (1) applying nondiscrimination requirements to relations between Independent Networks and the MVPDs who are the gatekeepers to the American viewing public, and (2) implementing safeguards to ensure that Conglomerate Networks do not utilize their leverage to preempt, or otherwise impede, Independent Networks' access to MVPDs' distribution platforms. Only in this way can Congress ensure that the American public will be served by diversely owned and programmed cable networks that truly reflect a panoply of independent viewpoints.

To that end, the Committee should consider the enactment of pro-competitive legislation that embodies the following reforms:

1. **MFNs.** Restrict MVPDs' use of predatory MFN clauses in distribution deals with Independent Networks, for example, by prohibiting unconditional MFNs, "cherry-pick" MFNs, "MFNs on MFNs," and other MFN requirements that provide MVPDs with anything more than traditional volume-based MFN protections; and require that volume-based MFNs imposed by an MVPD on an Independent Network be in material parity with, and not more burdensome than, the least burdensome volume-based requirements that the MVPD applies to any of the top twenty (20) cable networks. Such restrictions would not extend to MVPDs' dealings with Conglomerate Networks, since the latter have adequate leverage to resist unreasonable requirements without need of regulatory assistance.
2. **Nondiscrimination.** Ensure that MVPDs engage with Independent Networks in *bona fide* negotiations to attain reasonable carriage terms (including, for example, license fee compensation, tier placement, packaging, channel positioning and alternative means of distribution) that are fair, equitable and nondiscriminatory in comparison to those received by Conglomerate Networks. MVPDs should be required to engage in transparent evaluation and selection processes, and in good-faith negotiation of fair and nondiscriminatory terms and conditions. Nondiscrimination should be determined based on a comparison of objective factors such as ratings, programming and marketing expenditures, and similar verifiable criteria.
3. **Enforcement.** The FCC's existing program carriage rules should be modified to include the following safeguards for the interests of Independent Networks:
  - **Expedited FCC Review.** Require the FCC to promptly address both (i) claims of unlawful discrimination by MVPDs and (ii) violations of any other reform provision mandated by Congress, with a defined timetable for agency action, including the availability of interim relief (including standstill provisions) while proceedings are

pending, followed by expedited court review, if necessary. In the event that FCC review and action are not completed within the specified time period, Independent Networks should be given an explicit private right to enforce these safeguards in federal district court.

- **Prima Facie Standard.** Provide that a *prima facie* case of discrimination can be established based on affiliation, utilizing the circumstantial evidence standard outlined in the FCC's 2011 Program Carriage Order.
- **Arbitration.** Provide that, if negotiations between an Independent Network and an MVPD fail to produce a mutually acceptable set of price, terms and conditions for carriage by the MVPD, the Independent Network will have the right to submit a dispute to commercial arbitration regardless of whether there is an arbitration provision in any contract between the parties. The results of any such arbitration should not be subject to review by either the FCC or the courts, and should be binding on the parties for a period of three years.
- **Non-retaliation.** Provide that no MVPD shall retaliate against an Independent Network for exercising any rights, including without limitation filing and prosecuting, in good faith, a complaint with the FCC alleging a violation of any program carriage rule, commencing an arbitration, or obtaining a remedy pursuant to the program carriage rules.
- **Sunset.** Provide that the expanded regulatory protections for Independent Networks will sunset after a period of seven years if the Commission affirmatively finds that they no longer are necessary, any such finding to be based on consideration of then-existing levels of concentration among MVPDs and Conglomerate Networks, the extent of carriage of Independent Networks by MVPDs, the development of viable alternative distribution platforms for Independent Networks, and similar factors.

These reforms will not require Congress or the FCC to regulate the prices and terms of wholesale or retail program transactions. Rather, they require only that Content Conglomerates and MVPDs refrain from the oppressive, discriminatory practices that characterize the video marketplace today.

Nor need the Committee fear that the reforms suggested here would run afoul of the First Amendment rights of either Content Conglomerates or MVPDs. The White Paper notes that, “[d]ue to First Amendment concerns, the government does not set the programming to be carried by MVPD networks beyond the must-carry regime and certain other public interest-related obligations that have thus far passed scrutiny.” But just as must-carry and PEG set-aside requirements, for example, have passed First Amendment muster due to the important public interests they serve, so too would platform-access requirements aimed at serving the equally

compelling public interest of ensuring the availability to American television viewers of independent cable networks and the diverse viewpoints they represent.

Finally, Congress should not be tempted to delay enactment of this sorely needed reform in the hope that the Internet will provide a solution to the problem. While the White Paper observes that we are in “the era of the Internet” (White Paper at 6), it also notes that, despite the introduction of Internet-based streaming and OTT services, those new offerings to date have had limited success (White Paper at 4-5). Internet streaming and OTT services will not displace MVPDs’ platforms as the principal path to the American viewing public for many years. Thus, Congress should not fail to address this urgent situation in the misplaced hope that, someday, the Internet may provide a solution. Should it fall prey to that trap, many Independent Networks will not survive until the time the Internet becomes a realistic alternative means of serving the bulk of the American television viewers. ***Independent Networks need access to MVPDs’ platforms now!***

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As the Committee considers these important issues, it is important to recall that what is at stake is not only the interests of Independent Networks – which, in their own right are worthy of protection – but the welfare of American consumers. The viewing public needs to be ensured that it will have access to real diversity in viewing sources, not just the illusion of choice presented when the overwhelming majority of networks to which viewers have access are controlled by a handful of content conglomerates, and MVPDs are either powerless or unwilling to resist such leverage. Thus, it is of paramount importance that any update of the Communications Act include provisions that ensure the American viewing public’s access to diverse sources of programming and the independent voices that they express.



*The voice of mid-size communications companies*

## **Introduction**

ITTA, the voice of mid-size communications companies, is a Washington, DC-based industry association dedicated to representing mid-size, incumbent wireline carriers that provide a variety of communications services to consumers in predominantly rural areas across 45 states.

ITTA is pleased to respond to the Subcommittee on Communications and Technology's White Paper on Video Reform and welcomes the Subcommittee's interest in updating the outdated Communications Act.

ITTA's members provide a wide range of communications services. In addition to voice and high-speed data offerings, all ITTA members provide video service to subscribers utilizing a variety of distribution platforms, including IPTV networks, coaxial cable systems, and fiber infrastructure. Collectively, ITTA members currently pass in excess of 3.9 million homes with video service and serve well over half a million video subscribers in approximately 50 television markets across the United States. In nearly all of these markets, ITTA members are new entrant video programming distributors ("MVPDs") that compete head-to-head against both DBS providers, at least one (and in some cases two or three) incumbent cable operators, and online video providers, such as Netflix, Hulu, Amazon Video, Apple TV, and others.

As the Subcommittee on Communications and Technology begins the important work of updating our outdated communications laws, ITTA urges the Subcommittee to look for areas of reform that enjoy bipartisan support in both the House of Representatives and the Senate. The need to update our video rules has brought together a diverse coalition of interested parties including public interest groups, video distributors, independent programmers and others. Similarly, video reform has brought Democrats and Republicans together and the passage of H.R. 5728, the STELA Reauthorization Act of 2014, represented an incremental, but positive, first step for Congress in passing bipartisan legislation that will directly benefit consumers. It is ITTA's hope that Congress will take advantage of the legislative record of bipartisan support on video reform and pass comprehensive video reform as part of the #CommActUpdate.

Thank you again for the opportunity to comment on this important subject.

Please feel free to contact Paul Raak, ITTA's Vice President of Legislative Affairs, by email at [REDACTED] or by phone at [REDACTED] with any questions.

**1) Broadcasters face a host of regulations based on their status as a “public trustee.”**

**a. Does the public trustee model still make sense in the current communications marketplace?**

Yes. The government gives broadcasters exclusive rights to extremely valuable and limited public spectrum. In return, broadcasters have an ongoing obligation to serve the public interest. So long as broadcasters enjoy continued use of public spectrum they should be expected to not only fulfill all existing public service obligations, but also Congress and regulators should periodically revisit whether additional obligations are necessary or desirable to ensure taxpayers are receiving the full benefit of the broadcasters’ free use of the public airwaves.

**b. Which specific obligations in law and regulation should be changed to address changes in the marketplace?**

Today, many of the geographic areas within which ITTA members provide video service are outside the local broadcaster’s digital contour. Congress and the FCC should adopt rules to help ensure that broadcasters are delivering digital signals to all households inside their DMA. In instances where a broadcaster is unable, or unwilling, to deliver a digital signal to certain households within its DMA, it should have Must Carry status. This would avoid rewarding the broadcaster by permitting it to collect exorbitant retransmission fees for households that, absent an MVPD, would be unable to receive the broadcaster’s signal.

In addition, Congress should confirm the FCC’s authority to tie renewal of a broadcaster’s license to whether or not the broadcaster is negotiating in good faith with MVPDs with respect to carriage of the broadcaster’s signal.

**c. How can the Communications Act foster broadcasting in the 21<sup>st</sup> century? What changes in law will promote a market in which broadcasting can compete with subscription video services?**

In a competitive environment such as the video distribution market, Congress or regulators should not adopt additional rules that promote one segment of the industry over others. Congress should focus instead on whether there are any changes in law that would enhance current retail competition in the video market and promote reasonable access by all MVPDs to programming. There are several changes to the 1992 Cable Act identified by ITTA in this White Paper that it believes will help ensure equal and fair competition among video distributors.

**d. Are the local market rules still necessary to protect localism? What other mechanisms could promote both localism and competition? Alternatively, what changes could be made to the current local market rules to improve consumer outcomes?**

Prior to enactment of the 1992 Cable Act, broadcasters had the incentive to cover local news, weather, traffic and community activities because broadcast television and broadcast radio were virtually the only mediums available for Americans to receive local news in a time sensitive manner. Broadcasters' business models largely depended on revenue derived from local advertising. Today, Americans typically obtain local news and other local content from a wide range of sources and, consequently, broadcasters have significantly decreased their coverage of local happenings. Today, local broadcasters depend far less on local advertising for revenue and instead receive a significantly increasing amount of revenue from retransmission consent fees.

According to analysis by SNL Kagan, retransmission consent fee revenues grew by 45.8 percent in 2013 alone. At \$3.3 billion, such revenue now represents 18.5 percent of total broadcast television station industry revenue, double the figure from 2012. It is anticipated that retransmission consent revenue will continue to grow exponentially, escalating to \$7.6 billion in 2019.<sup>1</sup>

Given the expected continued escalation in retransmission consent fees and the fact that local broadcasters are spending less time and fewer resources on local content, ITTA recommends that Congress repeal the network non-duplication and syndicated exclusivity rules and allow MVPDs to import broadcast programming from out-of-market stations.

By allowing MVPDs to import distant signals, Congress would afford consumers greater choice. Consumers, not broadcasters, would decide what signal is most valuable and relevant based on their individual needs and preferences. These rule changes would, in addition, lead to a more balanced retransmission consent fee negotiation process between broadcasters and MVPDs, provided there are measures in place to prevent broadcast networks and their affiliates from creating contractual restrictions or engaging in other practices that would circumvent such relief. Lastly, by repealing the exclusivity rules and allowing the importation of distant signals by MVPDs, broadcasters would face enhanced

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<sup>1</sup> Mike Reynolds, "Station Retrans Fees to Reach \$7.6B in 2019: SNL Kagan," *Multichannel News*, Nov. 22, 2013, available at: <http://multichannel.com/news/content/station-retrans-fees-reach-76b-2019-snl-kagan/356879> (last visited: June 22, 2014).

regional competition that should encourage the development of compelling local program offerings and result in lower retransmission consent fees.

**2) Cable services are governed largely by the 1992 Cable Act, a law passed when cable represented a near monopoly in subscription video.**

**a. How have market conditions changed the assumptions that form the foundation of the Cable Act? What changes to the Cable Act should be made in recognition of the market?**

Today, competition in the retail video distribution market is well established, with ITTA member companies and other MVPDs offering video services in direct competition with traditional cable companies, satellite providers, and online video providers such as Netflix, Hulu, Amazon Video, Apple TV and others.

However, despite this increased competition in the retail video distribution market, ITTA members are saddled with a host of regulatory obligations that cable and satellite competitors do not have. This is a direct result of ITTA members' historical status as incumbent local exchange carriers (ILECs). This disparate regulatory treatment has unfortunately led to a dramatic disparity in operating costs between ILECs operating as MVPDs and their competitors.

Congress should reexamine all the outdated regulations that have resulted in an unequal playing field among providers of similar services. To allow one class of competitors to operate largely unfettered by regulatory requirements while another class of competitors are burdened with costly, outmoded, and unnecessary regulatory obligations will only chill investment and stifle further innovation.

**b. Cable systems are required to provide access to their distribution platform in a variety of ways, including program access, leased access channels, and PEG channels. Are these provisions warranted in the era of the Internet?**

Program access rules continue to be absolutely necessary given the consolidation that has occurred in the cable industry, with increasingly large cable companies becoming vertically integrated providers. Regional Sports Networks (RSNs) provide a stark illustration of why meaningful program access rules remain necessary.

RSNs represent some of the most popular programming in any given market and an MVPD's success depends largely on access to high-definition RSNs and other must-have programming. As the Commission previously recognized, "RSNs have no good substitutes, are important for competition, and are non-replicable."<sup>2</sup> As new entrants into the video distribution marketplace, ITTA members' access to RSNs is critical to compete.

Congress should ensure that reforms to the 1992 Cable Act permit smaller and new entrant video distributors to obtain access to vertically integrated programming, including RSNs, on reasonable terms and conditions. Without reasonable access to such programming, competitive providers cannot offer a meaningful alternative for consumers. Consumers should not be denied the benefits of increased retail competition because incumbent cable operators withhold access to valuable, must-have programming like local sports.

With respect to leased access and PEG channel requirements, the Internet has provided cities and local public interest groups a new and better platform to distribute their programming. Most ITTA members have found that in their local markets the local PEG channel is streaming its programming over the Internet, thereby diminishing the need for the MVPD to carry the programming.

ITTA members also have found that local franchising authorities may still require MVPDs to collect PEG fees from consumers on the municipality's behalf even when they do not provide the MVPD with PEG content. This practice effectively enacts a local tax by virtue of state and local franchise agreements with no consumer benefit. ITTA recommends that Congress revisit the relevancy of local franchising rules, pass measures to incentivize states that have not already moved to a statewide franchise regime to do so, and prohibit franchising authorities from implementing PEG fees without providing local programming.

**3) Satellite television providers are currently regulated under law and regulation specific to their technology, despite the fact that they compete directly with cable. What**

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<sup>2</sup> *In the Matter of Revision of the Commission's Program Access Rules; News Corporation and the DIRECTV Group, Inc., Transferors, and Liberty Media Corporation, Transferee, for Authority to Transfer Control; Applications for Consent to the Assignment and/or Transfer of Control of Licenses, Adelphia Communications Corporation (and subsidiaries, debtors-in-possession), Assignors, to Time Warner Cable Inc. (subsidiaries), Assignees, et al.*, MB Docket Nos. 12-68, 07-18, 05-192, Notice of Proposed Rulemaking, FCC 12-30 (rel. Mar. 20, 2012).

**changes can be made in the Communications Act (and other statutes) to reduce disparate treatment of competing technologies?**

As mentioned in response to Question 2(b), Congress should revisit the issue of local franchising and examine whether such rules are needed in today's marketplace. Satellite television providers are not required to pay local franchising fees despite offering the same video service as ITTA members and cable companies. ITTA does not recommend that satellite TV providers be subjected to the same franchising requirements as non-satellite MVPDs, but rather that other MVPDs not be required to pay franchising fees in markets with sufficient satellite competition.

ITTA would like to highlight two other areas where Congress can enhance parity between satellite television providers and other MVPDs:

1) Harmonizing the out-of-market compulsory license fees.

Today, non-satellite MVPDs pay a much higher out-of-market compulsory license fee to import distant signals than satellite providers. As a result, it is often cost prohibitive for non-satellite MVPDs to bring in out-of-market station programming, even when it is relevant to and desired by consumers. This results in reduced consumer choice. ITTA recommends that Congress amend Section 119 of the Copyright Act to allow all MVPDs to import an out-of-market signal at the same rate paid by satellite TV providers.

2) Basic Tier Requirements.

One of the primary goals of any Communications Act reform efforts should be to create and enhance parity among competitors. The retail video distribution market is one of the more competitive marketplaces in the communications industry, yet satellite providers do not have to operate under the same regulations as cable and IPTV providers. One area in which Congress can create parity between satellite providers and other MVPDs is to repeal the basic tier mandate for non-satellite MVPDs.

**4) The relationship between content and distributors consumes much of the debate on video services.**

**a. What changes to the existing rules that govern these relationships should be considered to reflect the modern market for content?**

ITTA suggests two changes that will remove the MVPD from the middleman position, give consumers more opportunity to choose the programming that is most beneficial to them, and allow consumers more discretion regarding how much they pay for programming.

ITTA's first recommended change would be to adopt an approach similar to the Local CHOICE proposal that Senate Commerce Committee Thune and former Senate Commerce Committee Chairman Rockefeller circulated to industry in August of last year. One benefit of the Local CHOICE proposal is that it would give consumers the choice of whether or not to receive and pay for local broadcast stations. MVPDs would merely collect the fee that is established by the local broadcaster and pass it through to the consumer.

Another benefit of the Local CHOICE proposal is that it would enhance transparency. The consumer would know how much the broadcaster is charging for "free over-the-air" signals. Additionally, it would allow consumers to reduce their monthly cable bills by choosing not to take a broadcast signal.

ITTA would include in the Local CHOICE proposal a provision that MVPDs be allowed to give consumers the choice of bringing in an adjacent out-of-market station that may be more geographically relevant to them. In addition, ITTA would add language that prevents a broadcaster from charging consumers who live outside of the broadcaster's digital contour and would not receive the content but for the MVPD's distribution network.

The second change ITTA recommends would be the adoption of reforms that would provide relief from coercive and anticompetitive practices by video programmers, such as wholesale tying, forced tier placement, and discriminatory pricing, that lead to less marketplace competition and higher prices for consumers of video services.

As ITTA has noted before the Federal Communications Commission (FCC) on numerous occasions, programmers often use a variety of methods to force MVPDs and their video customers to purchase unwanted networks.<sup>3</sup> Often, programmers' price bundles of programming and stand-alone channels in a manner that makes it uneconomic for an MVPD to purchase anything but the bundle. Many programmers also routinely dictate how MVPDs must package programming in their retail offerings to consumers by including in affiliation agreements provisions that effectively require MVPDs to bundle many, if not all, of the programmers' networks together on the basic or expanded basic tier. In addition, programmers typically offer larger MVPDs volume discounts that have no correlation to the actual cost of video programming, placing smaller MVPDs at a competitive disadvantage, and leading to higher prices and fewer choices for consumers. Programmers also have begun to force MVPDs to accede to their

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<sup>3</sup> See, e.g., Comments of ITTA, *In the Matter of Mediacom Communications Corporation Petition for Rulemaking to Amend the Commission's Rules Governing Practices of Video Programming Vendors*, RM 11728 (filed Sept. 29, 2014).

unreasonable demands by limiting consumers' access to programming on the Internet and interfering with consumers' ability to enhance their viewing experience through use of lawful devices and technologies that enable time-shifting and space-shifting of video programming services.

In order to remedy such behavior, Congress should confirm the FCC's authority to adopt rules addressing coercive tying and tier placement requirements and discriminatory pricing practices. Congress should also confirm the FCC's authority to prohibit programmers from blocking access to online content when an impasse in negotiations for carriage happens.

**5) Over-the-top video services are not addressed in the current Communications Act. How should the Act treat these services? What are the consequences for competition and innovation if they are subjected to the legacy rules for MVPDs?**

Any Communications Act reform should be technology neutral. As such, any legacy rules that are deemed unnecessary or inappropriate for new platforms such as over-the-top video services should be re-examined as to their validity for existing MVPDs in a competitive market. Additionally, Congress must continue to preserve policies that ensure MVPDs and their customers have access to programming at reasonable rates, terms and conditions regardless of the delivery platform.

January 23, 2015

**The Honorable Fred Upton**  
**2183 Rayburn House Office Building**  
**Washington, DC 20515**

**The Honorable Greg Walden**  
**2185 Rayburn House Office Building**  
**Washington, DC 20515**

Committee Members:

I am writing to express my support of providing ongoing public access to community media stations via existing media network companies such as Comcast and AT&T.

I live and work in two very well-educated communities: in Silicon Valley and Santa Cruz County. The local public access station, KMVT15, cablecasts programming to the communities of Mountain View, Los Altos, Sunnyvale and Cupertino. KMVT also works with several regional cities to provide and manage their government meeting carriage to the community. None of this content is found on commercial television stations, which deliver content mainly in the entertainment area, college and professional sports, and national, state and regional news coverage. These commercial stations have not shown they value the focus or audience participation to warrant spending time and resources on local matters important to the various communities in Silicon Valley.

Community television and media providers are proven content distributors for local issues, including public access which allows all perspectives to be broadcast on important issues. Education is a major component of KMVT and most community media stations, providing informational content on a wide variety of issues including health, exercise, diet, aging, and resources available to address health issues.

KMVT educational content also is delivered in the form of classes for middle school and high school student in the digital arts, directing, camera operations, and other training.

And every election cycle, KMVT community television broadcasts government hearings and proactively hosts a discussion of election issues and local candidate debates.

Allowing community television and media stations to create original content and use a broadcast channel or the MVPD system for distribution will continue to serve communities with relevant local content. In short, community television and media companies have evolved to be the “**town halls**” of our democratic heritage, every citizen and every perspective gets an equal opportunity to be heard and important information on government and educational resources are added benefits.

The second question relates to the role of PEG fees paid by the network content provider, the MVPD and the justification for continuing these fees. The PEG ( public access, education, government ) fee structure have operational costs that are partially covered by these (PEG) fees.

The level of information on local community events, local government issues as well as education events is simply not available and would not be not commercially feasible to broadcast by the existing broadcast programming providers. There is no financial incentive for them to do so.

If you have watched “regular television” lately, you may have noticed the incredible level of advertising that accompanies every television program. Commercial broadcast television delivers 42 minutes of content and 18 minutes of advertisement for every broadcast hour. Community television is a refreshing break from the onslaught of advertising focused on the purchase and consumption of product and services.

Thank you for your time and consideration of my remarks.

Regards

Jan Janes



PO Box 772, Woodbridge, New Jersey 07095

732-877-8581

[www.jagonline.org](http://www.jagonline.org)

[info@jagonline.org](mailto:info@jagonline.org)

*New Jersey Chapter of NATOA and New Jersey League of Municipalities Affiliate*

January 21, 2015

The Honorable Fred Upton  
2183 Rayburn House Office Building  
Washington, DC 20515  
Fred.Upton@mail.house.gov

RE: Regulation of the Market for Video Content and Distribution – Response to White Paper #6

Dear Representative Upton:

My name is David Garb, and I am the current Vice President of the Jersey Access Group (JAG). JAG is a professional advisory organization that informs, educates, and recommends in the areas of technology, legislation, and regulation that shape and direct the use of multi-communication platforms for content creators and distributors on behalf of municipalities, educational institutions, and other public media facilities.

JAG represents PEG stations throughout New Jersey. We service over 200 municipalities which reaches about 2 million households. Our membership also includes channels from New York and Pennsylvania. As you will see from the below comments, PEG Access channels are needed more today than ever before.

### The Reasons for the Continued Existence of (PEG) - Public, Education & Government Television Stations from (JAG) - the Jersey Access Group

- PEG is “As Local as Local Gets”!
  - Nowhere else will you find local media organizations that provide coverage of local events the same way as PEG television. Where else will you see the community sports team's games being covered or a local organization being showcased? What other media provides unedited, gavel to gavel coverage of the local government and educational meetings that affect our daily lives?
- PEG is a Communication Conduit of Local Emergency Management.
  - School closings, water main breaks, gas leaks, road closures or even another Hurricane Sandy - PEG is there to report to its community the vital information they specifically need to know about. What are the preparations required for an impending disaster? Where are the local shelters? Who do I need to call if help is needed? Now what? PEG is there to get the message out and answer all the local concerns.
- PEG Brings Government to Your Home.
  - Council and Board of Education meetings allow the residents to keep up with what is going on in their towns. People have hectic work schedules and cannot always come out to these meetings in person. Residents can watch them on their own schedule, at their convenience. And these meetings are delivered to them from gavel-to-gavel just as they would if they were present.

- PEG Gives the Community Transparency.
  - PEG has been providing local transparency long before the term was even in style. What could be more transparent than having a video camera recording your every action as you do business in the name of the public.
- PEG Allows for the Discussion of Government Behavior.
  - PEG television gives the community a platform to openly discuss and argue their local government's performance. Open communications between the citizens and their leaders are necessary for the well-being of local government.
- PEG Lets Residents Meet their Community Leaders.
  - PEG programming is a major avenue in which people get to know their Mayor, police and fire chiefs, senior services director, school board members, and others officials whose jobs are to improve the health, safety and ethnic culture of their communities.
- PEG Creates Community Focused Programming.
  - Each and every town designs its own unique style of programming based on the needs and make-up of their communities. It is "hyper-local"! Programming is for, and about, the individual municipality.
- PEG Helps to Educate the Public.
  - The programming aired on PEG is geared toward educating and improving the well-being of the local community.
- PEG is a Learning Resources.
  - PEG stations are either run or connected with their respected school districts. Students have television classes where they learn the trade and produce shows for their stations. In many communities the public volunteers at PEG channels to create its programming and some of them even use it as a stepping stone to a career in the television field.
- PEG is Community!
  - PEG offers its residents something that no other television source can or will supply. That is Community! Whether it's working together producing the local content, watching a show of local interest, or reading important information on an electronic bulletin board designed exclusively for the local audience, PEG brings the community together for the benefit of the community.

PEG Access is extremely necessary to local communities. If PEG channels were removed from the line-up of the cable companies, localism would be lost. Communities are based on working together and being part of the local societal structure. If PEG Access were to disappear, so too would the essence that helps to hold the community together.

Respectfully yours,

David Garb  
Vice President,  
JAG-The Jersey Access Group

January 23, 2015

**The Honorable Fred Upton**  
**2183 Rayburn House Office Building**  
**Washington, DC 20515**

**The Honorable Greg Walden**  
**2185 Rayburn House Office Building**  
**Washington, DC 20515**

Committee Members:

The purpose of this letter is to provide some information on the issue of providing ongoing public broadcast access to community media stations by the existing media network companies such as Comcast and AT&T.

This issue of requiring access and content distribution by broadcasters in a community is one that wants significant serious attention. We live in a very well-educated commitment in Silicon Valley. The local Community station, KMVT, provides programming to the communities of Mountain View Los Altos Sunnyvale. KMVT also works with several regional cities to provide and manage their government and local local affairs news and information to the community. The regular commercial television stations operate commercial stations and as such deliver content mainly in the entertainment area, college and professional sports, and national, state and regional news coverage. These commercial stations generally do not have the have the focus or audience participation to warrant spending time and resources on local matters important to the various communities in Silicon Valley.

Community television and media providers have been the content distributors for local issues, including public access which allows all perspectives to be broadcast on important issues. Education is a major component of KMVT and most community media stations, providing educational content on a wide variety of issues including health, exercise, diet, aging, and resources available to address health issues.

Educational content also is delivered in the form of classes for middle school and high school student in the digital arts, directing, camera operations, etc. The third point is that community television broadcasts government hearings, and generally hosts a discussion of election issues and candidate debates.

All of these above issues are relevant to citizen knowledge and involvement in the community. I do not see a practical or realistic method for commercial broadcasters or Multi-Channel Video Programming Distributors ( MVPD's) to create this content.

Allowing community television and media stations to create original content and use a broadcast channel or the MVPD system for distribution will continue to serve communities with relevant local content. In short, community television and media companies have evolved to be the “**town halls**” of our democratic heritage, every citizen and every perspective gets an equal opportunity to be heard and important information on government and educational resources are added benefits.

The second question relates to the role of PEG fees paid by the network content provider, the MVPD and the justification for continuing these fees. The PEG ( public access, education, government ) fee structure have operational costs that are partially covered by these (PEG) fees.

The level of information on local community events, local government issues as well as education events is simply not available and would not be commercially feasible to broadcast by the existing broadcast programming providers.

If you have watched “regular television” lately, you may have noticed the incredible level of advertising that accompanies every television program. Commercial broadcast television delivers 42 minutes of content and 18 minutes of advertisement for every broadcast hour. Community Television is a refreshing break from the onslaught of advertising focused on the purchase and consumption of product and services.

I personally have found a number of community television shows to be thoroughly engaging and informative. I enjoyed the opportunity to watch a complete show without interruptions from advertisements.

Thank you for your time and consideration in this commentary.

Regards

David Joud

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████████████████████  
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[REDACTED]

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**From:** Robert Keefe <[REDACTED]>  
**Sent:** Thursday, January 01, 2015 4:56 PM  
**To:** CommActUpdate  
**Subject:** Modernizing the Communications Act

Dear Sir or Madam:

I would like to submit a comment on updating communications law.

The FCC NOTICE OF INQUIRY of April 21, 2010 (Video Device Competition) referenced the Implementation of Section 304 of the Telecommunications Act of 1996. The FCC has not gone further on the Video Device Competition at this time. I thought that your committee would include this area of investigation in the Communications Act Update of 2014. However a search of the Energy and Commerce House Committee web site of terms, "*Video Device Competition*" and "*AllVid*" produced no results.

If your committee does not intend to include Video Device Competition in the Communications Act Update I would like to be an advocate that this area be included and that your committee find out what the FCC needs to go forward. The American public would want this area to be included.

An AllVid device would replace a cable company's set-top box without a cablecard and could perform all the functions that Roku, Netflix and other companies' devices now perform.

In 1984 the AT&T Corporation was split up to provide more competition in the telephone business. Since then we have cordless phones, cell phones, calls going through the internet, etc. These advances would not have occurred without the split up or would probably cost 3 times or more to the public if AT&T controlled everything.

Can you provide me with information on how to become an advocate for Video Device Competition?

I did send a similar email to Mr. David Redl but Mr. Redl has not responded as of yet.

Thank you for your efforts in my request.

Sincerely,

Robert Keefe  
[REDACTED]

[REDACTED]

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**From:** Shelley Wolfe [REDACTED]  
**Sent:** Wednesday, January 21, 2015 9:31 PM  
**To:** [REDACTED]  
**Subject:** "Re: Regulation of the Market for Video Content and Distribution – Response to White Paper #6"

Attn:  
The Honorable Fred Upton

2183 Rayburn House Office Building

Washington, DC 20515,

I am writing as the Executive Director of KMVT 15 Silicon Valley Community Media. We have been serving our community for over 32 years.

It has brought my attention that there are questions as to the importance of PEG Channels vs. the internet.

I can assure you there is a major need for PEG channels. PEG Channels are distribution platforms, for the many that still DO NOT have access to the internet which is still a large number of Americans.

PEG Access/Community Media Channels are also key supporters to the local communities.

There is no one that covers local election coverage like access. This past election we provide over 40 different video segments from local candidate statements, local debates and forums. Our organization also provide live election night coverage hosting an event to over 250 residents along with the local candidates all coming together in one place to provide information to residents and hear the results together. - Local newspaper even used us to as their destination to interview the candidates.

We provide hands on training to over 1000 individuals yearly in video production, field production, youth camps, photography, editing, directing, audio engineering, producing and more. Each of these classes is an opportunity to provide more education to our residents about media and provide training for real life job opportunities in the industry.

We provide youth tours to scouts, who come in and learn about media and create content to earn their journalism badges.

We provide internship programs that allow our local college students again to gain hands on training to prepare them for jobs within the industry.

We have partnerships with schools providing Digital Media Literacy training that provides an opportunity for parents and youth to be able to use communication tools.

We bring folks coverage of local events happening in our area for folks that can not leave their homes.

We teach people how to share their stories that provide a visual history of this country.

I could go on an on about all the great work we provide to our community.

Is there a need to continue supporting PEG the answer is YES.

I hope that you will see us much more then just a distribution platform that money is spent on. We provide media tools, historical and local information and stories and training that will support generations to come in a marketplace that has a digital landscape.

I would be free to have a conversation with anyone who does not feel we should be supported in a local community.

Thank you for taking the time to read.

Sincerely,

Shelley Wolfe

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**Shelley Wolfe, ED**

*KMVT 15 Silicon Valley Community Media*



[REDACTED]

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**From:** Dave Kocharhook [REDACTED]  
**Sent:** Thursday, January 22, 2015 3:49 PM  
**To:** [REDACTED]  
**Subject:** Re: Regulation of the Market for Video Content and Distribution - Response to

To Whom It May Concern.

As the House Energy & Commerce Committee deliberates on the regulation of the market for video content and distribution, I wish to provide my perspective on the issue. I am a resident of Cupertino, California, and have had the privilege of engaging with the local Community Access station, KMVT in Mountain View. I've been producing a show there since April 2007. In this time I've come to appreciate what facilities like this have to offer the local community.

At question in White Paper #6 is whether or not it is still appropriate to require cable systems to provide access to and/or make fee payments to support PEG (Public, Educational & Government) programming.

There are actually two distinct parts to this issue:

1. The proliferation of distribution channels for video content; and
2. Financial support for independent community television stations that provide local residents access to the creation and distribution of content that is relevant and important to local citizenry.

Clearly, technological advances over the past 10 years have greatly expanded the options for video distribution. Such advances will continue. However, it is important to consider the demographics of the people accessing these various distribution channels. "How" people choose to view video content is, to a large degree, influenced by their age and their location in the country. Do they have broadband or satellite access? Are they comfortable using new technology to facilitate their television viewing? I believe you will find that a substantial percentage of the US population still relies on traditional cable as their means of access. While this is changing, it will continue to be so for years to come. Therefore, continuing the support for PEG programming remains an important and relevant action.

In addition, even though broadband access (i.e., viewing content over the Internet) is a rapidly expanding channel, the question still remains: From where does the content originate? We must look at where content is created not just how it is transmitted.

Informal content (like much of what is seen on You Tube and other Internet sites) can be created by individuals using any number of video recording devices. More formal content is provided by traditional broadcast media stations using more sophisticated equipment and facilities. They then use the Internet as an access point of the content.

The Community Access TV network of stations provides local citizens access to the kind of facilities and equipment of traditional broadcast media at extremely affordable pricing. Such is available due in large part to the payments made by cable providers to support these stations. This is a substantial benefit to local communities for the following reasons:

- a. It provides a platform for creativity, dissemination of information, community connectivity and issue debate that is affordable, localized, and directly pertinent to those that live in the community.
- b. It allows local people to address issues that are of utmost importance to them.
- c. It provides visibility to local government deliberations. (Similar to what CSPAN offers at the Federal level, community stations provide visibility at the local level.)

- d. Community stations offer education about the various aspects of television production: How to produce a show; in-station and field camera equipment; stage lighting technology; microphone/sound production; show direction (i.e., selecting camera angles and shots); video graphics content and display; and a myriad of other items associated with the creation of a TV show.
- e. The educational offerings noted in item (c) extend across age groups. Youth as young as middle school age through seniors in their 70s+ have the opportunity to participate, learn, create and contribute.
- f. Such an affordable educational environment is a stepping stone for those interested in a career in broadcast media.
- g. It gets people involved in their local community. The local community is the basic building block for all social, educational and political activity. Community Access Television engages people where they live which, in turn, provides a potent reason for them to be involved.

I strongly encourage the committee to take these points into consideration and to continue the policy of support for community based television programming.

Sincerely,

David Kocharhook  
Cupertino, CA

[REDACTED]

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**From:** Tom Reeser [REDACTED]  
**Sent:** Thursday, January 22, 2015 3:13 PM  
**To:** CommActUpdate  
**Cc:** [REDACTED]  
**Subject:** Re: Regulation of the Market for Video Content and Distribution – Response to White Paper#6

The Honorable Fred Upton

2183 Rayburn House Office Building

Washington, DC 20515

I'm concerned about a debate in the U.S. House & Energy Commerce Committee that might result in cable companies no longer being required to provide PEG television channels and PEG Fees for support of community television. KOCT-Oceanside Community Television, has been providing community television services for over 30 years and the need for local information is now greater than ever. We need MORE support—not less.

KOCT fills a very real need in north San Diego County—providing government and community programming that cannot be found on local commercial television channels. The North County Times was a local newspaper that had served our community for over 100 years—until it was recently bought & eliminated by the San Diego Union-Tribune. This loss of local information is just one example of why PEG stations like KOCT are needed to inform residents about our large and diverse community. KOCT is a successful non-profit organization whose **only** mission is to provide programming for, by and about our north San Diego County community.

The information we provide IS NOT being provided by internet providers and we depend on franchise funding to produce and distribute our hyper local content: government meetings, election programs, documentaries and talks shows about local issues and concerns. We provided more election programs than our local commercial television stations. In the fall election candidates and elected officials were supportive of our informative programs because if we had not produced these election programs no other media outlets were available to inform voters. KOCT is essential, unique and the only media service of its kind. Please make sure that cable companies continue to be required to provide channel space and financial support for PEG channels.

Is it too much to ask that out of the thousands of channels they provide that a few channels be reserved for the viewers own home town information & programming?

Thank you,

**Tom Reeser**  
Executive Director  
KOCT-Your Community Channel  
3038 Industry Street,



[KOCT.ORG](http://KOCT.ORG)

Tune into the Community by tuning to KOCT

[REDACTED]

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**From:** Brian Kukon [REDACTED]  
**Sent:** Thursday, January 22, 2015 12:14 PM  
**To:** CommActUpdate  
**Cc:** [REDACTED]  
**Subject:** Regulation of the Market for Video Content and Distribution - Response to White Paper #6

Attention please:

The Honorable Fred Upton  
2183 Rayburn House Office Building  
Washington, DC 20515

The Honorable Greg Walden  
2185 Rayburn House Office Building  
Washington, DC 20515

Yes, provisions requiring local PEG access are still necessary and warranted today!

It gives our community necessary and much needed updates, information, education, and hands on availability to get important messaging out, that otherwise would not be able to. It has brought our community together and served as a great communication vehicle, especially to those that would not be able to afford to either create or receive such.

Our local GNAT-TV serves us extremely well and our community loves it!

Thank you-

Brian Kukon



## LAKE CHAMPLAIN ACCESS TELEVISION

Colchester • Milton • Georgia • Fairfax • Westford • South Hero • Grand Isle • North Hero

The Honorable Greg Walden  
2185 Rayburn House Office Building  
Washington, DC 20515

Transmitted on 1/23/15 by email to [CommActUpdate@mail.house.gov](mailto:CommActUpdate@mail.house.gov).

**Re:** Regulation of the Market for Video Content and Distribution - Response to White Paper #6

Dear Members of the House Energy and Commerce Committee,

Our PEG Access center, Lake Champlain Access Television, openly and equitably serves all the residents, schools, municipalities and nonprofits in our region. Your Committee has questioned whether PEG channels are community services which still meet any need now that the Internet is so widespread. Our answer to that is a very strong “yes.”

We are one of 25 PEG Access Centers in Vermont, the most rural of all the states. Because the few broadcast TV channels in the state cannot cover the state as well as we can, residents here rely on us to provide hyper-local coverage of town and school meetings, community and student events, lectures, performances and a whole host of other programming types.

We strongly encourage your Committee to help PEG Access, our channels and our funding survive and thrive by incorporating PEG into Internet broadband legislation, as it has been allowed to do under the Cable Communications Act of 1984.

Since 1993, we have been not only meeting our primary obligation to cable television subscribers with 24/7 programming on our 3 cable TV channels, but also serving everyone in our region by making available the free non-commercial use of our studio facilities, free and low-cost training, equipment lending, and distribution of local, original video productions on the Internet. In fact, anyone in our region, in Vermont or even around the world who has Internet access can see our programs via streaming content on [www.lcatv.org](http://www.lcatv.org). We invite you to go there to see the quality and breadth of our community service.

We have already embraced the Internet as an essential partner in serving our community, but increasingly we will need to rely on it more to replace the funding we'll be losing from the cable operator's TV revenues as more and more people watch their video on the Internet and drop their cable TV subscriptions. Please maintain PEG Access funding and distribution on the Internet and all commercial video service providers.



Kevin Christopher  
Executive Director

cc: The Honorable Peter Welch  
c/o [Patrick.Satalin@mail.house.gov](mailto:Patrick.Satalin@mail.house.gov)



January 23, 2015

Hon. Fred Upton  
Chairman  
Energy and Commerce Committee  
US House of Representatives  
2125 Rayburn House Office Building  
Washington, DC 20515

Hon. Greg Walden  
Chairman  
Communications and Technology Subcommittee  
Energy and Commerce Committee  
US House of Representatives  
2125 Rayburn House Office Building  
Washington, DC 20515

*Re: Communications Act Update; Video Policy*

Dear Representatives Upton and Walden:

Thank you for the opportunity to comment on video policy as part of the effort to update the Communications Act. This process has been ongoing for more than a year, and it provides a rational, inclusive forum for stakeholders from many perspectives.

I submit my comments as a US citizen, though I am informed from my research and experience as a Ph.D. Fellow at the Center for Media, Communications, and Information Technologies at Aalborg University in Denmark. My department has an expertise in regulation and regulatory modernization. Below, I provide some general comments about video policy. The views expressed are my own.

It is not an understatement to say that the future of the Internet is video. While the conventional consumer understanding of the Internet is using one application in particular, browsing websites on the World Wide Web, the Internet is turning into television, and network architecture is evolving to enable this shift.

Internet protocol (IP) video already accounts for two-thirds of the world's Internet traffic today and is projected to grow to nearly 90 percent of all traffic by 2018.<sup>1</sup> In the US extensive broadband networks have enabled the emergence of many over the top (OTT) video providers such as Amazon Prime Time, Hulu, HBO Go, YouTube, Vimeo, and others. Indeed Netflix has been able to transform itself from being a DVD-by-mail company into the world's leading streaming video on demand provider with 57.4 million subscribers globally.<sup>2</sup> Video is an important part of the digital goods and services that comprise America's third largest export.<sup>3</sup>

From the end user perspective, all video is simply content. Users generally don't distinguish how video is delivered to them—whether via satellite, ATSC, DSL, mobile broadband, cable broadband, or fiber—and the many technologies supporting these infrastructures. Thousands of companies, many just a few years old, enable the delivery of video through content delivery networks, video compression, content encoding, analytics, ad

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<sup>1</sup> From the Cisco® Visual Networking Index (VNI), "The Zettabyte Era: Trends and Analysis": *Globally, IP video traffic will be 79 percent of all IP traffic (both business and consumer) by 2018, up from 66 percent in 2013. This percentage does not include the amount of video exchanged through peer-to-peer (P2P) filesharing. The sum of all forms of video (TV, video on demand [VoD], Internet, and P2P) will continue to be in the range of 80 to 90 percent of global consumer traffic by 2018.* [http://www.cisco.com/c/en/us/solutions/collateral/service-provider/visual-networking-index-vni/VNI\\_Hyperconnectivity\\_WP.html](http://www.cisco.com/c/en/us/solutions/collateral/service-provider/visual-networking-index-vni/VNI_Hyperconnectivity_WP.html) June 10, 2014.

<sup>2</sup> [http://files.shareholder.com/downloads/NFLX/2273280957x0x804108/043A3015-36EC-49B9-907C-27960F1A7E57/Q4\\_14\\_Letter\\_to\\_shareholders.pdf](http://files.shareholder.com/downloads/NFLX/2273280957x0x804108/043A3015-36EC-49B9-907C-27960F1A7E57/Q4_14_Letter_to_shareholders.pdf)

<sup>3</sup> <http://www.usitc.gov/publications/332/pub4415.pdf>

serving, platform management, and so on. Convergence is enabling an important “understory” as it were within the video ecosystem.

While communication and distribution networks may have different infrastructures, what they have in common increasingly is IP. It would seem that the same regulatory standards should apply across all networks, but this is not the case. Each of these networks is best with different rules and requirements that can make it more or less attractive for distribution. Some networks have requirements in which they must carry certain content and include local content while others do not. On top of that, the supply of spectrum is hoarded by governmental actors, limiting the availability for commercial and community purposes.

It is interesting to compare video distribution to print. In the latter, Congress gives content producers copyright protection, and print content is distributed on various platforms (Internet, e-books, magazines, newspaper etc.). Content producers decide how they want to monetize their work, and the distribution is determined by market actors, not government regulators. No agency regulates the distribution of print as such. Indeed such notions of the “Ministry of Information” might be considered Orwellian. However the US has de facto regulation of video under the Federal Communications Commission. If the market for print can be unregulated as such, and rely on competition law and copyright, there is no reason why the same standard can’t apply to video.

The Communications Act itself has become a colossus that verges on collapse from its own weight. As is discussed in the white paper inquiry, new and innovative services emerge from those companies that can circumvent the Act. Meanwhile the various titles in the Act provide perverse incentives for regulatory arbitrage. As has played out in Washington over the last year, companies abuse the set of classifications to regulate their rivals by getting them classified in the most unfavorable categories. This is evident in the FCC’s Open Internet proceeding in which companies such as Netflix advocate to classify broadband providers under Title II common carrier communication services.<sup>4</sup> It is ironic that Netflix would pursue such a tactic, for as a content distributor it is many similarities to a broadcaster, but would not want to be saddled with legacy broadcast rules itself.

As long as there is such a siloed structure in place in the Act, there will be the opportunity for the ghettoization of technologies. The best thing to do is to retire the categories all together. Let consumers, not regulators, decide which technologies they desire.

I applaud Congress on this effort and note that it is consistent within a larger global trend of developmental economics in which national governments realize that communications regulators can provide more value to society by enabling frameworks for technology rather than micromanaging networks. Obsolete regulations are retired in favor of a pro-competitive, technology-neutral framework that applies equally to all networks, technologies, and services. A standard framework is the best for industry, consumers, and innovation.

Thank you for the opportunity to comment.



Roslyn Layton  
Ph.D. Fellow  
Center for Communication, Media and Information Technologies  
Aalborg University  
Frederikskaj 12, 3rd Floor  
Copenhagen, Denmark 2450

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<sup>4</sup> <http://www.computerworld.com/article/2853428/obama-s-internet-plan-plays-favorites-and-netflix-is-one-of-the-darlings.html>



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[www.orcities.org](http://www.orcities.org)

January 21, 2015

The Honorable Fred Upton  
2183 Rayburn House Office Building  
Washington, DC 20515

The Honorable Greg Walden  
2185 Rayburn House Office Building  
Washington, DC 20515

SENT VIA EMAIL:  
[commactupdate@mail.house.gov](mailto:commactupdate@mail.house.gov)

**RE: Regulation of the Market for Video Content and Distribution  
Response to White Paper #6**

Representative Upton and Representative Walden:

On December 10, 2014, the House Energy and Commerce Committee (Committee) issued its latest White Paper as part of its initial efforts to modernize the laws governing communications and technology. In that White Paper, the Committee posed the following question:

“Cable systems are required to provide access to their distribution platform in a variety of ways, including program access, leased access channels, and PEG channels. Are these provisions warranted in the era of the Internet?”

The League of Oregon Cities (League) appreciates the opportunity to comment on that question and writes to emphasize the importance of PEG channels for Oregon’s local governments.

Founded in 1925, the League of Oregon Cities is a voluntary statewide association representing all of Oregon’s 242 incorporated cities. As part of its mission, the League strives to

be the collective and effective voice of Oregon cities before legislative bodies, including the United States Congress and House and Senate Committees. Updates to the Communications Act of 1934 and to its various amendments inevitably will impact local governments, and the League offers these comments to provide the Committee with the perspective of Oregon's cities.

Currently, the Communications Act, as amended by the Cable Communications Policy Act of 1984, provides that local franchising authorities may require cable operators to designate channel capacity for public, educational, and governmental (PEG) uses. Franchising authorities may also require cable operators to provide services, facilities, and equipment for use in operating PEG channels. PEG channel capacity is not mandated by federal law. Rather, the law recognizes that, in exchange for the benefit of operating within public rights-of-way, cable operators may be required to provide PEG channels and services, facilities, and equipment to support operation of those channels. Any update to the Communications Act should continue to recognize that exchange, consistent with the stated purpose of “establish[ing] franchise procedures and standards which encourage the growth and development of cable systems and which *assure that cable systems are responsive to the needs and interests of the local community.*” 47 U.S.C. § 521(2) (emphasis added).

Cable operators use and benefit from a vital public resource when they occupy public rights-of-way. Cities hold rights-of-way in trust for their citizens and therefore must manage that property to serve their citizens' interests, which includes ensuring that citizens are compensated for private use of public property. That compensation may take the form of franchise fees, but may also take the form of requiring access to a limited resource – cable channels and the services, facilities, and equipment that it takes to operate them. The federal government should not take away an important tool that cities have for receiving compensation from cable operators

that get a direct government benefit. Cities can continue to operate rights-of-way in the public interest if the law preserves local choice regarding PEG channels.

Besides being a key element of compensation for private use of public rights-of-way, PEG channels serve important governmental interests by allowing local governments to connect with the public through a unique medium. PEG channels provide an avenue for creating governmental transparency, disseminating community information, and educating the public about local issues. Without designated PEG channels, local governments would not be able to convey those messages through cable because it would be prohibitively expensive. As a result, local governments would have fewer opportunities to reach and share information with their citizens, which would not be consistent with the purpose of the Cable Communications Policy Act of 1984 to “assure that cable communications provide and are encouraged to provide the widest possible diversity of information sources and services to the public.” 47 U.S.C. § 521(4).

Although the internet provides an inexpensive, widely disseminated means for local governments to connect with their citizens, it is not a replacement for PEG channels. PEG channels are important precisely because they allow local governments to access members of the public without relying on the internet. That access is particularly important in Oregon because, despite the fact that Oregon is ahead of the national average on broadband accessibility, 18% of Oregon homes still do not have broadband access, and those who live in the rural parts of the state are disproportionately affected by that lack of access.<sup>1</sup> As noted in a recent report to Congress, “Internet access is not universal and therefore relying upon the Internet to replace

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<sup>1</sup> See Oregon Broadband Advisory Council, *Broadband in Oregon 16* (2014), available at <http://www.orinfrastructure.org/Infrastructure-Programs/Telecommunications/OBAC/Reports/BroadbandRpt2014.pdf>.

rather than extend cable distribution of PEG programming might not be consistent with the long-standing public policy goal of fostering localism.”<sup>2</sup>

In addition, the PEG provisions of the law state that local franchising authorities may require cable operators to provide services, facilities, and equipment, which can foster the creation of PEG programming. Eliminating those resources would remove a vital source of support that provides cities with the opportunity to create content that reaches the public.<sup>3</sup> As a practical matter, without PEG funding and support, the programming that currently is provided likely will be eliminated, rather than transformed into content available on the internet.

In sum, PEG channels are warranted in the era of the internet because they provide local governments with resources for reaching the public through a unique medium. Modernization of communications laws should not leave behind those who have not yet benefitted from advancing technologies and should not eliminate important and effective programs, like PEG channels, without ensuring that there is an adequate substitute. At this point, the internet is not a universally sufficient means for providing valuable PEG programming. Therefore, the choice of whether to provide PEG channels and programming must remain local. The League urges the federal government to preserve the PEG provisions of the Communications Act as amended.



Michael J. McCauley  
Executive Director  
League of Oregon Cities

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<sup>2</sup> Charles B. Goldfarb, Congressional Research Service, *Public, Educational, and Governmental (PEG) Access Cable Television Channels: Issues for Congress 7* (October 7, 2011), available at <http://acomunitytv.org/wordpress/wp-content/uploads/2011/10/CRS-PEG-Report-10-7-11.pdf>.

<sup>3</sup> See *id.* (“Moreover, use of the Internet for distribution does not eliminate the problem of funding PEG program production.”).



**The League of Women Voters of Southeastern Connecticut**  
**<http://sect.lwvconnecticut.org/> - [lwvsect12@gmail.com](mailto:lwvsect12@gmail.com)**  
**Marilyn Mackay, President, 860-535-1192 - 631-988-2318**  
**92 Wyassup Lake Road, North Stonington, CT 06359-1124**

January 26, 2015

The Honorable Fred Upton  
2183 Rayburn House Office Building  
Washington, DC 20515

The Honorable Greg Walden  
2185 Rayburn House Office Building  
Washington, DC 20515

Re: Regulation of the Market for Video Content & Distribution  
Response to White Paper #6

The League of Women Voters of Southeastern Connecticut has been availing itself of public services available through SEC-TV, 80 Plaza Court, Groton, CT, since September 2014 when it began its one-hour monthly public access TV series airing on the fourth Thursday of each month.

Our ability to educate the public on non-partisan political issues and expose candidate forums during election seasons would be non-existent were it not for public access TV stations such as SEC-TV nationwide.

In addition to airing the series on SEC-TV, and thereafter Metrocast and Nutmeg-TV, we now upload it - "Democracy is NOT a Spectator Sport" - to our own channel on YouTube allowing it a worldwide audience,

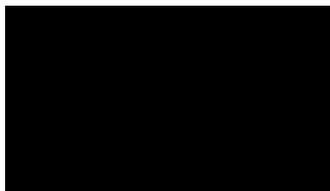
**[www.youtube.com/results?search\\_query=lwvsect](http://www.youtube.com/results?search_query=lwvsect)**

There is no alternative for non-profit organizations with the League's budgetary constraints to afford such exposure.

What with the cost of commercial television time - and the lack of mandated public service time for organizations such as the League - the American public would, once again, be educationally short-changed.

We urge the FCC to go back to its roots of protecting viewership and promoting non-partisan and non-commercial information to reach its future and present citizens.

Given the ability for such organizations to reach residents locally, democracy will be enhanced - a goal worthy of major effort on everyone's part.



Marilyn Mackay, President  
League of Women Voters of Southeastern Connecticut

[REDACTED]

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**From:** William Laberge [REDACTED]  
**Sent:** Thursday, January 22, 2015 1:21 PM  
**To:** CommActUpdate  
**Cc:** [REDACTED]  
**Subject:** PEG Access

The Honorable Fred Upton  
2183 Rayburn House Office Building Washington, DC 20515

The Honorable Greg Walden

2185 Rayburn House Office Building Washington, DC 20515

Transmitted on *January 22, 2015*, by email to: [CommActUpdate@mail.house.gov](mailto:CommActUpdate@mail.house.gov)

**Re:** Regulation of the Market for Video Content and Distribution - Response to White Paper #6

Dear Members of the House Energy and Commerce Committee,

Our PEG Access center, *GNAT*, openly and equitably serves all the residents, schools, municipalities and nonprofits in our region. Your Committee has questioned whether PEG channels is a community service that still serves any need now that the Internet is so widespread, and our answer to that is a very strong “yes.”

We are one of 25 PEG Access Centers in Vermont, the most rural of all the states. Because the few broadcast TV channels we have can't cover the state as well as we can, people here rely on us to provide hyper-local coverage of town and school meetings, community and student events, lectures, performances and a host of other types of programming. *We offer: State of the Art Media Technologies and Studio Facilities; Training Programs; Youth Programs; Community Bulletins & Video Announcements; Online Video-on-Demand; Media Transfer Services. Based on our involvement in our community—and thanks to volunteers from our community—we recently won the Alliance for Community Media 2014 National Overall Excellence Award.*

**We strongly encourage your Committee to help PEG Access, our channels and our funding, survive and thrive by incorporating PEG into Internet broadband legislation, as it has been allowed to do under the Cable Communications Act of 1984.**

Since 1995, we have been not only meeting our primary obligation to cable television subscribers with 24/7 programming on our 5 cable TV channels, but also serving everyone in our region by making available the free non-commercial use of our studio facilities, free and low-cost training, equipment lending, and distribution of local, original video productions on the Internet.

Most importantly, anyone in our region, in Vermont or even around the world who has Internet access can see our programs through links on our website: <http://www.gnat-tv.org>. We invite you to go there to see the quality and breadth of our community service.

We have already embraced the Internet as an essential partner in serving our community, but increasingly we will need to rely on it more to replace the funding we'll be losing from the cable operator's TV revenues as more and more people

watch their video on the Internet and drop their cable TV subscriptions. Please maintain PEG Access funding and distribution on the Internet and all commercial video service providers.

Sincerely,

William Laberge

Vice President  
GNAT Borad of Directors

cc: The Honorable Peter Welch



January 22, 2015

The Honorable Fred Upton  
2183 Rayburn House Office Building  
Washington DC 20515

The Honorable Greg Walden  
2185 Rayburn House Office Building  
Washington DC 20515

Dear Sirs:

It is my understanding that the House Energy & Commerce Committee will soon be addressing the issue of PEG channel requirements for cable companies and their relevance in this digital age as preparation for a possible update of the Communications Act.

Lockport Community Television, Inc. (LCTV), is a not-for-profit community service organization which has operated 3 access channels on the local cable system since 1983. These channels currently offer public, governmental and educational programming to nearly 60,000 cable subscribers in Niagara County, New York.

LCTV's public, government and educational channels provide programs on a variety of topics, from sports and entertainment to civic affairs, religion and education. We bring church services to shut-ins, provide essential health and lifestyle information to the elderly and enable our school districts to communicate effectively with students and parents. Our government programming helps reinforce governmental accountability by serving as an interactive link between elected officials and their constituents.

LCTV has been recognized for its level of activity, quality of programming and commitment to community service. A recent survey of local residents conducted by Goldhaber Research found that 67% of the respondents had watched LCTV's three channels at least once and 21% watched on a regular basis. Nearly 30% of the respondents with household incomes under \$20,000 watched several times a week. This coincides with national studies indicating that low-income families view local cable channels as a valuable connection to the community.

I strongly urge the Committee to consider the value of PEG channels within the context of their contribution to promoting localism. This will only increase in importance as local print media continue to decline and cable companies become more regionalized. Communities can only remain strong if communications at the local level remain a viable reality. PEG channels provide the only effective means for this that are available to the average person. They are not only relevant, they are vital.

Thank you for your consideration.

Sincerely,

Tom Riley  
Executive Director



# Manchester Public Television Service, Inc.

1045 ELM ST., SUITE 300 | MANCHESTER, NH 03101 | (P) 603-628-6099 | (F) 603-665-6827

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To: The Honorable Fred Upton & Honorable Greg Walden

From: Manchester Public Television Board of Directors and President

Re: Regulation of the Market for Video Content and Distribution - Response to White Paper #6

Date: January 22, 2015

Currently, there are changes being discussed for the next Telecommunications Act update that would remove PEG channels from the mandated (must-carry) tier.

When Public, Education, and Government Access was instituted in the 1984 and the 1996 Telecommunications Acts, part of the goal was to turn viewers into speakers. Thankfully, we've accomplished that successfully. We, community stations across the country, have opened a window to our local government in a way that only we could. We provide gavel-to-gavel access to our local meetings and make sure that there is a transparency to all that goes on with our tax dollars. We open our stations to our state and federal elected officials to inform the citizens of what is going on in our Congress. We highlight the schools and all of our wonderful students' accomplishments to graduates and plays to their beautiful concerts and sporting events. We provide free access to our non-profits to get the word out on how to help our community and its less fortunate citizens. We are content providers on a conduit (cable) that goes into many homes. Here at Manchester Public TV we broadcast our State House meetings live to our audience on channel 22.

We ask that you not allow the only "local" source of video communication to the citizens of Manchester to be banished to a place that not all our citizens can access or afford. This will hurt our less fortunate and elderly who may not be computer savvy.

Our Congressman, Frank Guinta along with Senator Kelly Ayotte and Senator Jeanne Shaheen know more than anyone the impact that community television can have and its importance. We celebrate Manchester actively and responsibly. Manchester Public Television is the broadest, farthest-reaching education window in our city. It's a place for parents, students, veterans, teachers, elderly, handicapped and the disabled can find out the wonderful things that are happening in our great city.

Thank you in advance for your time. Please feel free to contact us should you have any questions.

Sincerely,  
Jason Cote  
President, Manchester Public Television Services, Inc.

[REDACTED]

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**From:** Dan Coughlin [REDACTED]  
**Sent:** Friday, January 23, 2015 2:49 PM  
**To:** CommActUpdate  
**Cc:** Mike Wassenaar; Zenaida Mendez  
**Subject:** Regulation of the Video Content and Distribution Market

January 23, 2015

The Honorable Fred Upton  
2183 Rayburn House Office Building  
Washington, DC 20515

Re: Regulation of the Market for Video Content and Distribution – Response to  
White Paper #6

Dear Representative Upton,

Founded in 1992, Manhattan Neighborhood Network (MNN) is Manhattan's free public access cable network. We actively strive to empower Manhattan residents to exercise their First Amendment rights in an open, uncensored, and equitable forum. Our two media production and education facilities in Manhattan feature seven state-of-the-art HD studios and four public access TV cablecast channels. More than 700 Community Producers use our studios and equipment and more than 1,000 producers submit over 13,000 hours of original, independently produced content each year.

MNN serves the local community with shows in more than 42 languages that address the needs of diverse ethnic communities in ways that cannot be sustained on commercial media. Our programming is not replicated elsewhere, and is of high quality in both transmission standards and content. Year after year, countless external festivals and awards programs recognize MNN producers.

MNN, like Community Access centers across the country, *represents the essence of localism and diversity*. We provide media and broadband access to a remarkable array of communities that make up the mosaic that is New York City. In this way, MNN seeks to meet two important community needs:

- Access to the knowledge and skills that people need to thrive in the information economy; and
- Access to high-speed Internet.

In our media education classes last year, MNN totaled more than 2,000 enrollees. Students learned how to write, direct, edit and produce high-quality television and video.

One MNN community producer, Carol Lewis, is a shining example of the power and impact of community media. When Carol retired from the US Postal Service several years ago, she decided to pursue her dream of creating media. Carol enrolled in MNN's media education classes and began producing "Never II Late," a weekly talk show aimed at inspiring the 50+ community to see the "second half"—the second 50 years of their lives—as an opportunity to pursue their dreams.

"Never II Late" has featured a range of talents breaking barriers, such as the first African American woman to have a comic strip in mainstream papers and the creators of a grassroots collaboration on black feminist thought. Lewis' endeavor recently caught the attention of Prudential and their initiative "Chapter Two," which spotlights people who pursue their passion after retirement. In addition to sharing the story of how Carol became a director, the bank invited her to direct "Jennifer's Symphony."

The opportunity for Carol to actively participate in the telling of her own story through a program that also gives voice to other members of her community is priceless. That's why we provide low-cost access to our studios, equipment, media education and community events to anyone who lives in Manhattan. Comparable training would cost residents thousands of dollars. Because of that, all Manhattan residents – no matter their income – have access to high tech digital media services and equipment.

In recent years, we have been expanding further into the communities we serve. In 2012, we opened the MNN El Barrio Firehouse Community Media Center, which has become an active part of the East Harlem and uptown community, offering cultural and community events as well as cutting-edge digital media classes in English and Spanish. Since it's opening, the MNN El Barrio Firehouse has welcomed over 1,200 community members to its classes and events.

MNN is also a key player in helping to lessen the city's digital divide. As more services shift to digital platforms, MNN steps in to serve those who are on the wrong side of the divide and allow them to participate in the political, social, economic, and cultural decisions that matter. Access to technologically focused education programs, like the ones at MNN, are more important than ever and must be expanded if we are ever going to succeed in bridging the divide and maintaining a level playing field.

As the House Energy & Commerce Committee contemplates video reform, I urge you to consider the full implication of any reforms, particularly as they relate to Community Access and other PEG channels. The programming aired on MNN, the services we offer and the events we host for our community are simply not

available anywhere else, and must not only be preserved but also strengthened in our changing digital landscape.

Sincerely,

Dan Coughlin

President & CEO

cc Representative Eliot Engel

Representative Yvette Clarke

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Dan Coughlin  
President & CEO  
Manhattan Neighborhood Network



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Thank you.

MassAccess  
23 Highland Street  
Newton, MA 02461

January 23, 2015

The Honorable Fred Upton  
2183 Rayburn House Office Building  
Washington, DC 20515

Re: Regulation of the Market for Video Content and Distribution – Response to White Paper #6

Dear Sir,

We, the undersigned board of directors, are writing on behalf of MassAccess, a volunteer non-profit serving PEG access TV centers in over 150 communities across Massachusetts.

Our access centers provide a huge service to our communities in that we give a local voice to the local population.

With the advent of the internet many feared that PEG Access would go away, but I can assure you that is far from what has occurred. The use of local access to media has grown exponentially in the past decade.

For many of our communities the PEG Access channels are the only source for local information, news, sports and government.

From local churches and non-profit organizations, to local government and educational institutions, our PEG Access stations bring an irreplaceable connection to their citizens. They provide media literacy education to thousands of youths and senior citizens while also strengthening civic participation through the televising and streaming of local government meetings and debates.

Even the Governor of Massachusetts recognized the importance of local PEG Channels when he declared that the PEG Channels were the only place his entire 20 minute speech could be heard instead of the 20 second sound bite that the broadcast stations typically aired during their newscasts.

PEG stations also provide an economic impact in Massachusetts, employing hundreds of staff members and spending millions in equipment purchases and facility rentals.

So whether our communities watch their PEG stations on their televisions, or stream it to their devices, viewership is up, and participation in the production of local programming is constantly increasing.

The consolidation of mainstream media and the failure of the local for profit media model has left a huge void in coverage of local events and news that PEG stations are filling.

The question should not be, “are the need for PEG Channels still warranted?” but rather, “how can we ensure that PEG channels and public access to all media platforms be grown and supported?”

Sincerely,

The Board of Directors,

Massachusetts Community Media, Inc.

Dbas: MassAccess

William R. Nay, Shrewsbury Media Center

Melinda Garfield, NewTV, Newton, MA

Jeff Hansell, Belmont Media Center

Amy Palmerino, Stoneham TV

Eric Dresser, Hingham Media

Scott McPherson, Greenfield Community TV

David Gauthier, Winchester Community TV

Jonathan Barbatos, Arlington Media Center

Stephen Kessinger, NewTV



**MEDIA CENTER**

Lights! Camera! Community Action!

900 San Antonio Road  
Palo Alto, CA 94303

**phone:** 650 494 8686  
**fax:** 650 494 8386  
[www.midpenmedia.org](http://www.midpenmedia.org)

Sunday, January 18, 2015

The Honorable Fred Upton  
2183 Rayburn House Office Building  
Washington, DC 20515

The Honorable Greg Walden  
2185 Rayburn House Office Building  
Washington, DC 20515

Re: Regulation of the Market for Video Content and Distribution - Response to White Paper #6

Dear Representatives Upton and Walden:

As the ED of a PEG Access facility, I am writing to explain why the benefits we provide at our center are necessary in our communities and how our PEG channels and services support localism in ways that other media cannot.

I testified before the **Telecommunications Subcommittee Hearing on Public, Educational and Government (PEG) Access Services in the Digital Age**, on 1/29/08: Here are **Representative Anna Eshoo's** opening remarks:

*"First of all I'd like to thank all the witnesses for being here. Certainly to Ms. Annie Folger, who is here from Palo Alto, CA which is the heart of my district, as the Executive Director of the Midpeninsula Community Media Center. They provide a wonderful service to our community. The mission of that organization, as it is for others like hers, is to use television and the internet to create and distribute programs that promote and celebrate individual expression, local achievements, education, local cultural exchanges, art appreciation and civic engagement. Those are very, very important things in our communities across our country. In fact it's a snapshot of civic life in America. Her organization and others also provide the most local programming on television. They cover all the city councils, all the meetings, all the things that go on in the public square that the public really needs to be included in."*

The Media Center operates three Public and two Government channels serving **Palo Alto, East Palo Alto, Menlo Park, and Atherton, California**, and provides the following programming 24/7 on the Comcast Cable Channels below and through AT&T U-verse's inferior delivery on Channel 99:

- Channels 26 & 29 – Government Channels: Live and re-played local meetings
- Channel 27 – Arts, Issues & Entertainment
- Channel 28 – Youth, Education & Sports + Live School Board Meetings

- Channel 30 – Diversity, Lifestyles & Health

A Viewership Survey revealed that **67% of our viewers watch public meetings regularly or sometimes**. In 2014, we produced **322 government meetings** for **East Palo Alto, Menlo Park** and **Palo Alto** within our service area as well as additional meetings for the neighboring cities of **Belmont** and **Redwood City**. We indexed and archived the Palo Alto and local school board meetings by agenda item, making the video segments easily accessible on our website.

Each year we cover all of the local election races within our service area to help inform our viewers. We partner with the **League of Women Voters** to produce these election forums that are played multiple times prior to election day and made available online, indexed by question and answer. Over the years we have launched various initiatives to target less likely voters such as 18 – 24 year olds and Latinos.

We have a focus on youth, especially those challenged by the digital divide. In 2003, we formed a Youth Broadcasting Collaborative and raised \$850K to place a TV studio in each public middle school and high school in the five school districts in our service area. Last year we ran live broadcasts of 357 morning announcements from these local schools on our channels. Over the years we have run a number of grant-funded projects and after school programs that include media literacy and broadcast production skills in our most economically and technologically challenged school district.

We provide training and equipment to many youth and adults in our communities in both field and studio production as well as use of new media tools. We loan out portable video production equipment and enable community members to produce two shows per night in our TV studio. We cablecast a total of 2,411 community programs in 2014 -- 961 of those programs were produced through our facility with the help of 250+ active trained volunteers.

Beyond the meeting coverage we provide to cities and the production equipment and training we provide to youth, schools and community producers, our PEG channels served over 200 non-profit and other community organizations in 2014, helping them get their video messages out.

*As Representative Eshoo said, these are “very important things in our communities across our country. In fact it’s a snapshot of civic life in America. Her organization and others also provide the most local programming on television. They cover all the city councils, all the meetings, all the things that go on in the public square that the public really needs to be included in.”*

I urge you to do whatever it takes to insure that PEG channels and services can continue to fulfill their vial role in supporting localism in ways that big media cannot.



Annie Folger  
Executive Director  
Midpeninsula Community Media Center  
900 San Antonio Road  
Palo Alto, CA 94030  
650 494 8686 x-17  
[www.midpenmedia.org](http://www.midpenmedia.org)  
[annie@midpenmedia.org](mailto:annie@midpenmedia.org)

**RESPONSE OF MEDIA GENERAL, INC. TO HOUSE  
COMMUNICATIONS AND TECHNOLOGY SUBCOMMITTEE**

**1. Broadcasters face a host of regulations based on their status as a “public trustee.”**

**a. Does the public trustee model still make sense in the current communications marketplace?**

- While the “public trustee” model in the past provided great benefits to TV viewers, it should no longer be used as an excuse for retaining obsolete statutory and regulatory restrictions that limit broadcasters’ ability to compete.
- With the decline of newspapers, local TV broadcasting has assumed a uniquely important role. Today, TV broadcasting is the preeminent provider of local news and information. Given the escalating cost of local news production, each unnecessary regulatory burden prevents broadcasters from maximizing their local service mission and, as a result, hurts consumers.
- If Congress retains the “public trustee” model, it should loosen or eliminate regulations that serve only to inhibit the expansion of essential local news and information services that TV broadcasters provide.

**b. Which specific obligations in law and regulation should be changed to address changes in the marketplace?**

- Broadcasters face increasing competition from both traditional subscription services and new online video programming providers. At the same time, archaic media ownership restrictions and content requirements that apply only to TV broadcasters prevent them from making the level of investment in local television necessary to ensure continued production of high-quality local news and other programming. These outdated restrictions also deter outside investment in TV broadcasting.
- Congress should reduce burdensome ownership restrictions that limit local news production and discourage investment in local TV, by taking at least the following steps:
  1. The local television ownership rule (“duopoly rule”) – including the corollary restrictions on JSAs – should be eliminated in its entirety or significantly relaxed to encourage investment and the increased production of local news programming in all markets, no matter what the size.
  2. Congress should prohibit the FCC from adopting further limits on JSAs and SSAs.
- When it comes to competition, media ownership rules are not necessary to promote and protect the public interest. Competitive abuses are adequately addressed through operation of the antitrust laws, as administered by the Department of Justice and Federal Trade Commission and enforced in the courts.

- Given the plethora of content available today from an incalculably large number of sources, the FCC no longer needs to regulate ownership to ensure availability of diverse programming sources and platforms.
- Congress should also remove the statutory restriction on broadcasters holding a property interest in the spectrum they utilize. The current system of spectrum licensing is antiquated; it impairs broadcasters' ability to obtain financing and discourages investment.
- In addition, Congress should ensure that the FCC continues to respect broadcasters' local exclusivity rights. Both network non-duplication and syndicated exclusivity are important aspects of the TV broadcast system, and the FCC should be required to continue enforcing those principles.
- The statutes and regulations governing program exclusivity, retransmission consent, and mandatory carriage are interrelated and complementary, forming a complex mosaic. Eliminating exclusivity rights alone would skew the competitive marketplace, upending innumerable existing contractual relationships among local TV stations, networks, syndicators, and MVPDs.

**c. How can the Communications Act foster broadcasting in the 21st century? What changes in law will promote a market in which broadcasting can compete with subscription video services?**

- The best way for Congress to foster broadcasting in the 21<sup>st</sup> Century is by eliminating barriers to investment in the broadcast industry and strengthening the rules that define broadcasters' rights.
- Reforming the ownership and other rules described above would be a good first step to fostering broadcasting. In addition, the statutory provisions and rules underlying retransmission consent and mandatory carriage should continue to govern broadcasters' relationship with all multichannel video providers operating in broadcasters' local markets.

**d. Are the local market rules still necessary to protect localism? What other mechanisms could promote both localism and competition? Alternatively, what changes could be made to the current local market rules to improve consumer outcomes?**

- The signal carriage laws and rules that establish and protect broadcasters' local markets remain important for the viability of the broadcasting system. Each station depends upon having a well-defined economic market for MVPD carriage and advertising sales. Any changes to the Communications Act should strengthen local market definitions.
- Indeed, the FCC should make sure that the signal carriage regime and local market definitional rules apply to new video entrants in the same way they apply to cable operators and DBS providers. New online video providers should be required to respect

local market boundaries and refrain from distributing local broadcast signals outside those areas.

**2. Cable services are governed largely by the 1992 Cable Act, a law passed when cable represented a near monopoly in subscription video.**

**a. How have market conditions changed the assumptions that form the foundation of the Cable Act? What changes to the Cable Act should be made in recognition of the market?**

- The Cable Act focused on cable operators because, at that time, they had a near-monopoly on multichannel video distribution. The Congressional findings supporting the Act also acknowledged the threat to local broadcasting's viability absent adoption of that legislation. Today, cable's monopoly no longer exists, given the advent and growth of other subscription services, but the threat that subscription services present to the continued viability of local broadcasting remains very real. The conditions that led Congress to adopt must-carry and retransmission consent provisions are still present, and Congress should expand those provisions to cover all MVPDs.

**b. Cable systems are required to provide access to their distribution platform in a variety of ways, including program access, leased access channels, and PEG channels. Are these provisions warranted in the era of the Internet?**

- Must-carry and retransmission consent remain important parts of the over-the-air broadcast system and should be preserved and expanded to encompass all MVPDs. Media General takes no position on the laws and regulations that govern interaction among subscription programming services and sources.

**3. Satellite television providers are currently regulated under law and regulation specific to their technology, despite the fact that they compete directly with cable. What changes can be made in the Communications Act (and other statutes) to reduce disparate treatment of competing technologies?**

- "Carry-one, carry all" should be maintained and expanded as necessary to ensure that no MVPDs have the ability to exclude TV stations from reaching viewers.
- Like cable operators, satellite providers should be required to provide all customers with access to local television stations and should no longer be permitted to sell such services on a separate programming tier.

**4. The relationship between content and distributors consumes much of the debate on video services.**

**a. What changes to the existing rules that govern these relationships should be considered to reflect the modern market for content?**

- Local TV broadcasters are very important local content providers.

- Congress should preserve the free market for retransmission consent negotiations that in almost all cases function well with minimal government involvement or oversight.
- National TV networks now require payment by local TV stations of a significant percentage of their local revenue as a fee for access to national network programming. Such “reverse compensation” creates significant challenges for local stations facing rising costs in other aspects of their operations, particularly in news production. While Congress should not directly regulate the network/affiliate relationship, it must keep the changing nature of that relationship – and the accompanying potential risks for local TV service – in mind as it addresses other issues such as retransmission consent, mandatory carriage, and the status of new video providers.

**b. How should the Communications Act balance consumer welfare with the rights of content creators?**

- Consumer welfare and the rights of content creators go hand in hand. Consumers benefit most when they receive the best quality programming from the most diverse universe of sources. Congress helps foster an environment in which the largest quantity of high-quality programming is produced by protecting content creators’ rights to profit from the production of that content.
- The current interrelated provisions respecting over-the-air broadcasting, mandatory carriage, retransmission consent, and the TV compulsory copyright license generally ensure universal access to the important local news and services that TV broadcasters provide. To ensure consumer welfare, Congress should expand this system to include all MVPDs.

**5. Over-the-top video services are not addressed in the current Communications Act. How should the Act treat these services? What are the consequences for competition and innovation if they are subjected to the legacy rules for MVPDs?**

- While Congress may want to leave OTT providers free of some legacy MVPD regulations, it should ensure that new OTT providers have the same local service obligations, including signal carriage obligations, that existing MVPDs have in offering consumers access to local television stations.
- Congress should ensure that new OTT providers are included in the compulsory licensing regime.
- Congress also must ensure that new OTT providers respect TV stations’ local market boundaries and programming exclusivity arrangements.

# MediaVox

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The Honorable Fred Upton, Chairman  
Committee on Energy and Commerce  
2183 Rayburn House Office Building  
Washington, DC 20515

The Honorable Greg Walden, Chairman  
Subcommittee on Communications and Technology  
2185 Rayburn House Office Building  
Washington, DC 20515

Transmitted on January 23, 2015 by email to: [CommActUpdate@mail.house.gov](mailto:CommActUpdate@mail.house.gov)

## **Re: Regulation of the Market for Video Content and Distribution - Response to White Paper #6**

Dear Leading Members of the House Energy and Commerce Committee,

I am writing to confirm that from my long professional experience in PEG Access, I can confidently state that the “era of the Internet” has not reduced the need for PEG Access in communities where PEG Access has been allowed to exist, but at the same time, while the Internet has aided our PEG nonprofits to meet their communities’ needs, current national telecom policy has constructed barriers that threaten to kill PEG Access.

I have been involved with PEG Access since 1979, first as a graduate student and volunteer, and later as a Public Access center organizer in Washington, DC and Bennington, Vermont. In 1993 I became the executive director of a PEG Access center and since 2000 have been providing consulting services to dozens of nonprofit PEG Access centers in their funding negotiations with cable operators here in Vermont.

Vermont’s population is about 650,000 and is the most rural of all states, by federal definition, and we only have one commercial and one PBS-affiliated broadcast television stations fully based in, and exclusively serving Vermont. Therefore, PEG access centers and their channels and free production services are highly regarded and very, very active. Here are some statistics, using the most recently available figures:

- Number of PEG Access Center Studio Facilities: 25
- Number of PEG Access Channels: 49
- Number of annually Locally-Produced, Original Programs: 13,737
- Number of annually Locally-Produced Original Program Hours: 16,216
- Number of Fulltime Employees: 72
- Number of Parttime Employees: 96
- Total FY13 Revenues (~90% from cable operators): \$6,681,629

There are many other impressive metrics, too numerous to list here.

PEG Access was given its current funding formula under the Cable Communications Act of 1984

as a way to enable noncommercial voices in the otherwise inaccessible world of broadcast and cable television media. And where local franchising authorities understood the value of PEG, hyper-local programming was allowed to grow and thrive under sensible funding mechanisms. Vermont is often pointed to as one of the most sensible of these models that serves the public good.

Over the years, and with the introduction of “competitive” communications technologies such as direct satellite service and video delivery via broadband, the public’s access to training, equipment lending, studios, crew and production assistance and municipal meeting coverage has not been able to hold its own. Cable television subscriber numbers are in decline, putting into jeopardy the funding that underpins and has been used to sustain PEG Access.

Funding and the other support provisions for PEG access do not exist for competing satellite and broadband wireline television and video deliverers, as they do for cable television. This is not only unfair to PEG Access providers and the American people, it’s also unfair to the cable television industry.

I respectfully recommend the Committee consider the following in any future telecommunication legislative action:

1. Maintain PEG Access provisions for cable television operators;
2. Amend the Cable Act to allow local franchising authorities to negotiate annual operating funding for PEG access, in addition to annual capital funding;
3. Expand PEG Access permissive funding mechanisms, similar to provisions available to local franchising authorities, to include any video services providers that use the public rights-of-way. This would include Internet broadband providers to the extent that they carry video programming to subscribers;
4. Support the reclassification of broadband as a common carrier, using forbearance to the extent that the above-mentioned PEG Access support mechanism could exist;
5. Impose a small PEG Access fee upon satellite television providers that would be available to claim by local municipalities or established entities that have *bona fide* PEG access operations. The fee paid to the municipality or entity would be based upon the number of satellite TV subscribers in the terrestrial service territory of the PEG Access operation.

Thank you for this opportunity to comment on the very important and complex questions you have raised in White Paper #6. My hope is that the Committee will do what it can to Save PEG Access.

Sincerely,

A large black rectangular redaction box covering the signature of Gregory Epler-Wood.

Gregory Epler-Wood

cc: The Honorable Peter Welch  
c/o Patrick.Satalin@mail.house.gov

[REDACTED]

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**From:** Rene Mendoza [REDACTED]  
**Sent:** Friday, January 23, 2015 3:24 PM  
**To:** CommActUpdate  
**Cc:** [REDACTED]  
**Subject:** Re: Regulation of the Market for Video Content and Distribution – Response to White Paper #6"

Dear Honorable Fred Upton and Honorable Greg Walden,

I am writing to you in regards about the Regulation of Market for Video and Content Distribution.

I love to sit down and watch TV shows and movies and that's all I wanted to do, until I took a trip to KMVT, my local access station, when I was 12 years old. It changed my life forever. That trip started my passion for film and video production. So much so that when I was 14 years old I told my parents that I wanted to make movies for the rest of my life, and I'm now working at that same station 16 years later.

Even in the age of the internet, with YouTube, Vimeo and all the other forms of online outlets, not everyone knows how to let their stories be heard. Community Access stations provide the tools and education to have everyone's voice heard.

Community Access stations are also the hub for city news and elections. KMVT15 covered all the debates that the major news outlets could not.

People deserve the right to have their voices heard and be informed in the news concerning the community, and community access stations provide those tools.

Sincerely,

René Antonio Mendoza

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[René Mendoza, Content Technician](#)  
[KMVT 15 Silicon Valley Community Media](#)

[REDACTED]

[REDACTED]

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**From:** Karen Hayden [REDACTED]  
**Sent:** Friday, January 23, 2015 11:51 AM  
**To:** CommActUpdate  
**Cc:** Mike Wassenaar  
**Subject:** Communications Act Update Comments

January 22, 2015

The Honorable Fred Upton  
2183 Rayburn House Office Building  
Washington, DC 20515

The Honorable Greg Walden  
2185 Rayburn House Office Building  
Washington, DC 20515

CC: The Honorable Niki Tsongas

Re: Regulation of the Market for Video Content and Distribution - Response to White Paper #6

[Why should PEG Access be part of the equation for future generations?](#)

At Methuen Community Television, Methuen, MA, we would like to cite what we have done and are doing for our current generations. We run the public access station as a non-profit corporation. Our city hall runs the government access station and the high school runs the educational access station.

We are a multi-generational facility where both teens and retirees work side by side and on their own. Although we have many successes, several projects stand out.

“Call to Serve”, in production since 2003, captures the personal stories of our veterans from all branches of the service. The show has featured 95 year old World War II veterans to the 20 somethings of the War for Iraqi Freedom. This project actually stemmed from a creation of the Library of Congress called the Veterans Oral History Project. The interviews are based on questions from the VOH Project. Given the opportunity to tell their stories of war & loss AND service & victory was freeing and cathartic for many veterans.

The majority of the crew members are veterans themselves. But within that group were two teens who grew up helping on this show. Both have chosen to work in the media for their careers, trying to make a difference in their world. Without the experience of working in the studio with adults on a serious endeavor, who knows if these talented young men would have made this choice. Future youngsters deserve the same opportunity to nurture interest and develop skills in a supervised setting beyond the classroom which can completely impact their lives.

"The Empty Chair: Exposing Addiction" is a program hosted by a father and daughter on the topic of addiction and recovery. This family survived the daughter's heroin addiction and she has been clean for several years. They have decided to give back to the community to help others through this tough time. Without public access station facilities, they would not be producing a regionally recognized program which frankly tells stories of addiction and recovery from people who have been there. They offer hope and inspiration to many.

MCTV has taken a leadership role in "Local and State Election Coverage". Since 2001, we have covered city elections, giving all candidates the opportunity to record messages at no cost and share them- like an electronic knock on the door- via our station. We have also hosted non-partisan forums for candidates to answer the same questions and help voters distinguish between them. Many of these folks are running for office for the first time and have little money. Having this opportunity is invaluable.

In 2012, when our state senator stepped down, the field was wide open for his replacement. We saw an opportunity to do something on a grander scale and band together with the other public access stations in the First Essex district.

We put together a forum for both the Republican and Democratic challengers in the summer of that year. It was the first time that all candidates were in the same location. We hosted a public event and invited people to come and ask questions. The program was shared with all cities and towns in the district.

Our primary election night was streamed via the internet to all involved and transferred onto the area access stations. The eventual winner- Katie O'Connor Ives- was watching our show which was LIVE in Methuen from her headquarters in Salisbury, MA (24 miles away) and called in to participate in the program.

We did the same for the state representative race in a newly created district that includes part of Methuen. We are learning the lessons of collaboration and hoping that by opening up the democratic process, we are serving an important purpose in the health and well being of our community.

We have had students interning with us from local colleges during election season. Having these young people on the front lines of the election process impacts their experience as an American. Without these opportunities for youth to participate in election programming, we are missing an important way to engage them in our democracy.

Methuen Community Television has produced a local newsmagazine since 2003 called "Methuen Now!" With a long track record of covering local events and interesting people, we now get the question when we are out with a camera: "Is this going to be on "Methuen Now!" Our viewers have come to understand that the local broadcast stations will only show up in our city if something bad happens; we are there all the time.

We are able to accept photos and videos sent by local organizations such as Churches, Schools and Service Clubs to include in our "Community Contributions" section of "Methuen Now!". They can post these on Facebook or their own website, but many groups lack the time and resources to upkeep their web presence. When they become part of a

recognized program, it boosts their exposure to the community. People still say, "I saw you on TV!" And there is still room to grow.

Although the equipment and delivery system may change, the need for local news and information remains. Cable television still delivers a reliable good quality signal. The world wide web is a window on the world; PEG Access stations are the window that looks out on our back yard. We see the need for our window to open further. We see the need for all generations to have the opportunity to work together to create media to speak to their communities. There are still voices that we have not yet heard from. Future generations deserve every opportunity we can give them to speak effectively.

Sincerely,

Karen L. Hayden

Executive Director

Methuen Community Television

A black rectangular redaction box covering the signature area.

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