

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
Implementation of Section 621(a)(1) of)	
the Cable Communications Policy Act of 1984)	MB Docket No. 05-311
as amended by the Cable Television Consumer)	
Protection and Competition Act of 1992)	

COMMENTS OF Branford Community Television, Inc.

These Comments are filed by Branford Community Television, Inc. in support of the comments filed by the Alliance for Community Media (“Alliance”), the Alliance for Communications Democracy, the National Association of Telecommunications Officers and Advisors (“NATOA”), and other national local government organizations. Like the Alliance, Branford Community Television, Inc. believes that local or state governments can issue an appropriate local franchise for new entrants into the video services field on a timely basis, just as they have for established cable services providers. In support of this belief, we wish to inform the Commission about the benefits of cable franchising and the Public, Educational, and Government Access (“PEG”) services in our community.

Cable Franchising in Our Community

Community Information

Branford Community Television, Inc. is a Connecticut town with a population of **28,683**. Our franchised cable provider is COMCAST. Our community is one of seven in a negotiated cable franchise that began 01.12.1982. We were collectively represented by local government

appointees to the Cable Advisory Council of South Central Connecticut in each of the franchise proceedings.

The Franchising Process

The COMCAST cable system serving our community also serves six adjoining communities: The franchise is negotiated collectively for seven towns under the Connecticut Dept of Public Utilities (DPUC) Regulatory Process. In Connecticut the State is franchising authority. Ours is one of ten COMCAST franchises in CT.

Our Current Franchise

Our current franchise began on 10.01.2002 and expires on 09.31.2012.

Within our franchise the cable operator provides a town-wide channel devoted to each type of access: public access; educational access; and government access which we refer to as Community Access. Our franchise allows for capital support for PEG Access and other public interest services in the amount of \$6.43 per subscriber per year @2005-6 with an Annual Review for inflation.

Our State's franchise regulations impose many specific requirements on cable TV companies with regard to the provision of public access programming (CGS Sec. 16-331a and Conn. Agencies. Regs. Sec. 16-333). DPUC determines precisely how each company (currently limited to cable) will meet these requirements when it renews a company's franchise or approves a franchise transfer. The company's advisory council is the municipality's voice in the proceedings. The law provides for reviews of the company's performance during the franchise term and allows DPUC to enforce the franchise requirements, including those pertaining to

public access. The law also assigns several responsibilities regarding public access programming to the advisory council during the franchise term. The law requires each company, in consultation with its advisory council, to provide "facilities, equipment, and technical and managerial support" to enable the production of "meaningful" public access programming (CGS Sec. 16-331a). The law also allows a non-profit organization, with DPUC approval, to assume these responsibilities with the company continuing to pay for the costs of public access. Branford Community Television, Inc is such a non-profit organization.

Competitive Cable Systems

Our community

- was served concurrently for a brief period in beginning in 1997 by a competitive cable provider referred to as **SNET PERSONAL VISION, INC** via a state-wide franchise agreement involving (SBC Communications Inc. (SBC), Southern New England Telecommunications Corporation (SNET), and SNET Personal Vision, Inc. (SPV) collectively.
- SBC Communications, Inc. and Verizon Communications Inc. have separately indicated that they intend to offer video programming to consumers. This is currently a DPUC Docket # 05-06-12 - DPUC Investigation of the Terms and Conditions Under Which Video Products May Be Offered by Connecticut's Incumbent Local Exchange Companies.

PEG Access Services

Branford Community Television, Inc and its predecessor, the town appointed committee, has provided access services in our community for 28 years. The number of access channels we operate is 3. In our most recently completed fiscal year, Branford Community Television, Inc provided 641 new original, locally produced programs to the cable subscribers. The community

used our equipment and facility many times through out the year. Below are the highlights of our services to the community.

- Video bulletin board with text and graphics for community announcements.
- Coverage of community planning forums, town hall meetings, and neighborhood board meetings.
- Gavel-to-gavel coverage of local government meetings/hearings and other select "local" governmental proceedings.
- Viewer questions answered during live call-in segments of government meetings.
- Gavel-to-gavel coverage of educational governance proceedings.
- Gavel-to-gavel coverage of state legislative sessions, hearings, and other select proceedings.
- Community-produced television programming for special interests (such as - seniors, non-profit organizations, ethnic and cultural groups, youth, people with disabilities, advocacy groups, health care, etc.)
- Dedicated channel capacity specifically for religious organizations to air locally-produced programming for most of the day every Sunday.
- Hotline studios for live, interactive programs that allow local experts to answer viewer questions.
- Local news coverage (not on local broadcast stations).
- Media literacy and production training for neighborhood based community organizations and individuals
- Video production courses.
- Video production facilities including studio, field, and editing.
- Unique non-local programming available via satellite feed such as Arts Showcase, Mind Extension University, and SCOLA or other international news.
- Local political coverage, candidate platform statements and candidate debates during campaign season.

- Election night coverage.
- Capability to provide emergency information for fire and police services.

Conclusions

This NPRM is only looking retrospectively at one aspect of the franchising process. We believe that the Commission must look to the future of the public's interest in telecommunication's services. The existing franchising process has provided a basis for public interest services appropriately tailored to each community's local needs. We believe that those services such as PEG should be required of all broadband telecommunications providers in every community. We encourage review of the State Regulatory process in Connecticut as a model that can be built upon to serve competing interests equitably while recognizing that acting locally varies by community.

Statewide regulatory oversight of cable franchising ensures that local cable operators are allowed access to the rights of way in a fair and evenhanded manner, that other users of the rights of way are not unduly inconvenienced, and that uses of the rights of way, including maintenance and upgrade of facilities, are undertaken in a manner which is in accordance with local requirements. While maintaining overall standards the states involvement has not diminished the aspect of local cable franchising that ensures local community's specific needs are met and protected.

The Branford Community Television, Inc therefore respectfully requests that the Commission take this opportunity to reaffirm the primacy of local or state government authority over franchising and should make clear that imposition on a new entrant of PEG Access, consumer protections and other public interest services requirements that are equivalent to those

of the incumbent does not constitute an unreasonable refusal to award an additional competitive franchise within the meaning of federal law..

We believe the PEG Access model should be strengthened and applied to new technologies, assuring that localism and community participation are not displaced by commercial interests.

The nation would be well served by a policy of “Community Reinvestment” through PEG Access that includes funds and bandwidth and/or spectrum that will be used for public purposes by:

1. Allowing the local community which owns the public rights-of-way to franchise and determine the best use of the community’s property;
2. Dedicating ten percent of the public airwaves and capacity on communication facilities that occupy public rights-of-way to PEG use for free speech, diverse points of view, local programs, community based education and political speech;
3. Mandating funding of five percent of gross revenues above and beyond any franchise fee to local authorities from all infrastructure and service providers and spectrum licensees to support PEG equipment, facilities, training and services; and,
4. Making PEG Access universally available to any consumer of advanced telecommunications services capable of full-motion video.

Respectfully submitted,

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