

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

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

**COMMENTS OF [NAME OF ORGANIZATION]**

[NAME OF ORGANIZATION] appreciates the opportunity to file comments on the Second Further Notice of Proposed Rulemaking (“FNPRM”) in the above-referenced docket. [INSERT DESCRIPTION OF ORGANIZATION, which may include where you are located, the number of channels you operate, the type of programming you produce, the number of subscribers with access to your channels, etc.] [INSERT STATEMENT OF OPPOSITION TO PROPOSED RULES IN THE FNPRM. For example: We strongly oppose the tentative conclusion in the FNPRM that the value of cable franchise obligations, such as those that allow our programming to be viewed on the cable system, can be deducted from franchise fees.]

[ADD MORE DETAIL REGARDING OPPOSITION, such as (to the extent applicable): the impact to your budget of reduced franchise fees; the long-standing agreement from the cable operator that such obligations are not franchise fees; using fair market value to determine the amount to be considered a franchise fee will lead to arbitrary deductions; etc. Provide examples of the programming you provide that is only available through your channel and the impact to the community of a loss of this programming.]

[ADDRESS THE IMPLICATION IN THE FNPRM THAT PEG REQUIREMENTS ARE “CONTRIBUTIONS” TO LFAs OR PEG PROVIDERS RATHER THAN A VALUED SERVICE PROVIDED TO THE PUBLIC. For example: We reject the implication in the FNPRM that PEG programming is for the benefit of the local franchising authority (LFA) or the PEG provider, rather than the public. As demonstrated above, [ENTITY NAME] provides valuable local programming that is not otherwise available on the cable system. Yet the Commission tentatively concludes that non-capital PEG requirements should be considered franchise fees because they are, in essence, taxes imposed for the benefit of LFAs or their designated PEG providers. By contrast, the FNPRM tentatively concludes that build-out requirements are not franchise fees because they are not contributions to the franchising authority. The FNPRM then requests comment on “other requirements besides build-out obligations that are not specifically for the use or benefit of the LFA or an entity designated [by] the LFA and therefore should not be considered contributions to an LFA.”<sup>1</sup> PEG programming fits squarely into the category of benefits that do not accrue to the LFA or its designated access provider, yet the Commission concludes without any discussion of the public benefits of local programming that non-capital PEG-related provisions benefit the LFA or its designee rather than the public and cable subscribers.]

[IF APPLICABLE, PROVIDE A SUMMARY OF, AND LINK TO, A VIDEO CLIP. For example: We invite the Commission to view for themselves the important benefits provided by PEG programming. The link below is to a video [INSERT DESCRIPTION (e.g., of the mayor/local residents describing the value of PEG programming to the community; of a video we produced to help residents....; for which we won an award; etc.). NOTE THAT THE VIDEO

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<sup>1</sup> FNPRM ¶ 21.

ITSELF MAY NOT BE CONSIDERED PART OF THE OFFICIAL COMMENT, SO YOU SHOULD INCLUDE A SUMMARY OF THE VIDEO AND MAY CONSIDER INCLUDING DIRECT QUOTES FROM THE VIDEO, IF APPLICABLE].

[CONCLUDING PARAGRAPH, which can reiterate your opposition to the proposed rules in the FNPRM.]

Respectfully submitted,  
[SIGNATURE]

[NAME]  
[TITLE/ADDRESS]

[DATE]