

**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 ACCESS HUMBOLDT**

Access Humboldt offers these comments on the Second Further Notice and Proposed Rulemaking (“FNPRM”) in the above-referenced docket. Access Humboldt is a non-profit, community media & broadband access organization serving the residents and local jurisdictions of Humboldt County on the North Coast of California USA, managing resources that include: cable access TV channels; KZZH FM 96.7 community radio; a wide area broadband network with dedicated optic fiber connections to twenty locations serving local jurisdictions and community anchor institutions; broadband access wireless networks; a Community Media Center with studio and other production equipment and training on the Eureka High School campus; and ongoing operational support for public, educational and governmental access media services. We strongly oppose the tentative conclusion in the FNPRM that cable-related in-kind contributions, such as those that allow our programming to be viewed on the cable system, are franchise fees. The impact of such a misguided conclusion would eviscerate our budget and fatally harm our existing operations. More importantly, communities we serve would lose

support for public health and safety, for education, for economic development, for culture and arts, and for informed civic engagement.

We strongly oppose any proposal that would reduce or diminish the resources available in our community to support local voices through non-commercial community-based media. In our view, gifting commercial cable operators with reduced obligations would amount to corporate welfare for absentee owners at the direct expense of our local community.

Since Access Humboldt's inception, private commercial cable operators have agreed to support local non-commercial channels, institutional networks, transmission services, promotional support and other in-kind benefits beyond their franchise fees and PEG support as part of their overall obligation to serve the communities from which they profit. In return, the cable operators receive direct access to our public rights of way, and to our homes.

A simple tithing would call for 10% of cable operators' revenue going to the source of their benefit. But the social contract embodied in cable franchise agreements is certainly much less than that. If the private cable operators wish to renegotiate the social contract, one hopes the FCC will not sell out local communities in the process! For starters, we might suggest applying local franchise fees to all of the revenues gained by services using the cables in the local public rights of way - including internet and telephony. Or, perhaps limit the combination of cash and in-kind contributions' cost to one-tenth of total revenue taken from that community to benefit the absentee owner's private interest. We might suggest 10% of system capacity or 10% of gross revenue as a reasonable starting point. In any case, a gift to industry such as that proposed should create a matching public benefit.

The FNPRM implies that non-commercial community access media is merely a benefit to the local franchising authority or PEG access operator. We reject that implication in the strongest possible terms and would argue that Public Education and Government access (PEG) media are essential social infrastructure serving at least five important functions **for the public, for education and for local government purposes:**

### **Public Health, Safety and Community Resilience**

Diverse geography and demographics give local communities unique challenges to meet basic needs for social services including health care, police, fire and emergency responders. Where resources are thin there is a special need for community-based response to recover from natural disasters. Local community media allow people to connect directly with agencies that provide local services, information and products - especially for disaster preparation, response and recovery.

### **Education and Training - Lifelong Learning**

Community media access empowers local experts to share their knowledge with students across the community. Local knowledge and unique digital archives of historic and cultural significance are captured and shared via robust non-commercial media access. Commercial media networks restrict and further monetize access, favoring voices of distant owners, monocultures and commercial ideas. Without community access media, local knowledge becomes less available and more costly to deliver.

### **Economic Opportunity- Marketplace of Ideas and Transactions**

Local communities co-exist with our natural resources, and effective management of those natural resources increasingly relies upon informed and connected communities to support diverse economic activity and efficient, effective public uses. The loss of local non-commercial media will reduce awareness of local issues, employment opportunities and public services. Concentrating market power in corporate centers tied to distant owners harms localism, diversity and competition in the marketplace of ideas.

## Culture and Arts - Past, Present, Future

Community access to non-commercial media is particularly vital for creative local economies where innovation and diverse cultures thrive. Commercial networks monetize scarcity and reduce diversity by creating barriers to enter the marketplace of ideas. Without non-commercial community access media, diverse local voices have less access .

## Civic Engagement - Liberty and Justice

Lacking PEG access media, absentee commercial operators would be the sole gatekeepers between consumers, businesses, nonprofits and public agencies and the people they serve. Commercial media direct people to advertising or whatever content most benefits the network owner. Local PEG access media support freedom of information and expression.

Local non-commercial access channels, network connections, transmission services, promotional support and other public benefits directly reach the communities served - providing support for public health, safety and community resilience; for education, training and lifelong learning; for economic opportunity and the marketplace of ideas; for diverse culture and arts; and, for civic engagement. These community benefits are designed to meet local needs and interests with the local franchising authority acting on behalf of local residents to ensure that private commercial operators meet their obligations as originally agreed. As such, they should not be considered contributions to the LFA as they are not specifically for the use or benefit of the franchise authority or their designated community access provider - but rather to meet purposes identified by locally accountable means.

For the reasons stated above, we strongly oppose the tentative conclusion in the FNPRM that cable-related in-kind contributions, such as those that allow our programming to be viewed on the cable system, are franchise fees. We hope the FCC will consider the essential public

policies of media localism, diversity and competition in your policymaking framework and your vision for the future - including PEG community access media.

Thank you for the opportunity to add our perspective to the record in this proceeding.

Respectfully submitted,

A handwritten signature in black ink that reads "Sean Taketa McLaughlin". The signature is written in a cursive, flowing style with a large, stylized initial "S" and "M".

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