

**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 METHUEN COMMUNITY TELEVISION**

Methuen Community Television of Methuen, Massachusetts appreciates the opportunity to file comments on the Second Further Notice and Proposed Rulemaking (“FNPRM”) in the above-referenced docket. Created in 1996, Methuen Community Television is the designated non-profit organization which operates the Public and Government channels for the benefit of the citizens of the City. The Methuen School department runs the Educational Access channel. Our organization has grown from airing around 1,500 hours of programming a year on our Public channel to airing almost 5,000 hours a year. The reason for this growth is simple: ordinary citizens in our community got involved in our professionally run organization and created most of it. We are able to provide guidance and technology to make this possible because we have an agreement that currently provides adequate funding. We have had small groups of citizens create:

“*Call to Serve*” gave veterans from all eras and branches of the services the opportunity to tell their stories. This started as part of the Library of Congress Veterans Oral History project.

“*The Empty Chair: Exposing Addiction*”, started by a father whose daughter is in recovery, was the first program in our area to shine the light on the scourge of addiction, how it affects families and what resources (or lack thereof) were available to help. The host has stated that

having a TV show gave his voice legitimacy in speaking with legislators and others about this issue.

“*Yes We Can*” is a program started by two individuals with disabilities to reach out to others with disabilities. They provide information and encouragement for their viewers to make the best lives possible. There are other examples.

Through a partnership with Methuen High School, MCTV is also hosting an internship program for credit where we are training future media creators and professionals to be responsible for their usage of the media. Currently, this internship is producing “*Let’s Talk Education*” with the Superintendent of Schools.

In addition, the Government channel provides Gavel to Gavel coverage of an average of 75 municipal meetings per year, with plans to add additional meetings that are not currently covered. Many of our citizens rely on this UNEDITED coverage to keep abreast of what decisions are being made in the city.

We most definitely 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.

Furthermore, we have had good relationships with the Cable companies who have serviced our area. Our long-standing agreements that provide three cable TV channels and several locations by which to monitor them have never been regarded as unusual. Neither side has viewed them as franchise fees, but rather as a contribution to the community for the use of our public ways. There has been some acknowledgement and understanding over the years that having local content - such as MCTV provides - is a valuable and distinctive enhancement to the product of cable television.

The proposed rule advocates using fair market value to determine the amount to be deducted from a franchise fee. Since our channels are not used for any commercial purposes, just public service ones, fair market value is not a fair measuring stick. This will lead to arbitrary deductions of the funds needed to operate and equip the community's capacity to use the system to communicate. In our community, the burden would be shifted to the government or a non-profit corporation to find a way to fund anything remotely similar in its availability and accessibility.

In our part of the world, the system works to the benefit of our citizens. In addition to the programs mentioned above, our channels provide cultural programming including:

*"Art in the Studio"* is a program created jointly by MCTV volunteers and the Arts Institute Group of Merrimack Valley. It features local artists giving demonstrations and lectures in our TV studio in front of an audience about their creative process to inspire others to follow their own. This program also encourages artists to band together to enrich the city.

*"Nevins Library Author Series"* records talks from local authors about their new works through a trusted organization - our local library. Authors also answer questions from the audience about what inspired them, etc. Aspiring writers can pick the brains of new and established writers to start a journey of their own.

*"Methuen Schools Concerts"* gives our school children the opportunity to showcase what they are learning about creating music and share with a wider community beyond their parents who attended the concert. There are also concerts with adults and senior citizens which are shown. Making music brings people together.

We have also been offering news and non-partisan election programming regularly since 2001. *"Methuen Now"*, our award-winning local newsmagazine, lets people see and hear the people responsible for the good news in our community, instead of just reading quotes or looking

at photos in print. Many of the stories on the program inspire people to help. One organization that was just getting started in 2005 that we covered in the show early on – the Clean River Project – has now changed the course of the health of the Merrimack River, our main river. We allowed them to share the videos we created as part of the newsmagazine, which in turn, helped them reach out to wider and wider audiences. They ended up garnering the attention of Boston news outlets and even “The Jenny Jones Show” which gave them a grant. The boots on the ground alongside the local people who making these things happen is their local station. In many places, like Methuen, the first ones on the scene are the Public Access channels.

Most of these programs written about in this testimony would not be created through another mechanism because of the cost. We offer our production facilities and airtime to our residents at no charge. To lose this ability to create programming and share it if you have limited means would be a true loss to our community.

We reject the implication in the FNPRM that PEG programming is for the benefit of the local franchising authority (LFA) or a third-party PEG provider, rather than for the public or the cable consumer. As demonstrated above, Methuen Community Television provides valuable local programming that is not otherwise available on the cable system or in other modes of video delivery such as satellite. 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. Again, since we are as a municipality and a non-profit organization, we are not the ones making money by providing the services we do. The cable company is by carrying what we *give* back to them!

By contrast, the FNPRM tentatively concludes that build-out requirements are not franchise fees because they are not contributions to the franchising authority. Indeed, increasing capacity to serve more customers is to the direct benefit of the cable company.

We invite the Commission to view for themselves the important benefits provided by local content in PEG programming. The link below is to a video *“The Empty Chair: Exposing Addiction”* which won the New England-New York regional Alliance for Community Media Rika Welsh Community Impact Award in 2012. On this program, the hosts Phil and Colleen Lahey always asked people to share the raw truth. The episode features Mia Griffin discussing how her mother’s addiction and death affected her and her younger sister’s lives. Mia became “Mamma Mia” as she had to increasingly fill in for an absent addicted mother. Their mother asked them to keep everything secret and yet, it wasn’t because their mother was in the news with multiple arrests and Mia and her sister were shunned by their schoolmates. About 23 minutes in, Mia was asked about how she and her sister handled this differently and what she would say to the TV audience, Mia replied: “If we all supported each other and talked about it and made it something that we’re going to help and not put people down and stomp on them while they are down because it is easier to that, then we could change a lot of things.” <http://archive.methuentv.org/Video/3324>

Some changes are good. This proposed rule is not one of those things in our view because voices like this may not have a legitimate platform anymore.

We appreciate the opportunity to add to the record in this proceeding.

Respectfully submitted,

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