



75 South Frontage Road West
Vail, Colorado 81657
vailgov.com

Town Council
970.479.2106
970.479.2157 fax

11/13/2018
The Honorable Ajit V. Pai
Chairman
Federal Communications Commission
455 12th Street, Southwest
Washington, DC, 20544

Dear Chairman Pai,

The Town of Vail, Colorado, utilizes the services of our local community access media center, High Five Access Media, to assist us with our public outreach and cablecasts of our Town Council meetings, which occur twice a month, as well as our review board meetings, equating to four meetings per month.

In light of our reliance upon the excellent services of High Five Media Access, which services are provided through the cable franchise fee revenues collected by the Town, we would like to express our disapproval of the proposals and tentative conclusions contained in the Federal Communications Commission's Sept. 25 Further Notice of Proposed Rule Making in Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992, MB Docket 05- 311. Our neighboring community, the Town of Avon, also receives franchise fees from Comcast in return for allowing its usage of our public rights of way to distribute their cables and earn a profit. And like the Town of Vail, Avon benefits from the community services as provided by High Five Media, utilizing the collected franchise fees to pay for such services.

While High Five serves both towns, it provides monthly media education workshops to the entire county at no or little cost. This education, and free access to production equipment, gives our locals, students and nonprofits the means to create media that is shared with the community via cable television. Indeed, it's a way for folks to express their rights to free speech and create a dialogue among the community.

Our residents, business owners, guests, and our active nonprofit community, all collectively rely upon this coverage to stay civically engaged with their elected leaders and town staff. The Town of Vail itself relies upon this coverage to assure its citizens that decisions are made in the open, transparently. Transparency and civic engagement are values embraced by our Town Council and our organization as a whole.

This local presence enables the residents of our town to watch uniquely local programming about their community and local events and issues of interest to them. And that was the intent of the provisions of the 1984 Cable Act with respect to public, educational, and government access

television (PEG channels) -- to enhance local voices, serve local community needs and interests, and strengthen our local democracy.

By defining "franchise fee" in an overly broad fashion to include "in-kind" support, the FCC's proposals will shift the fair balance between cable franchising authorities and cable operators and will force communities to choose between franchise fees and PEG channels -- something that was never the intent of the Act. Such a change would have far-reaching impact and put at risk the continued function of our local PEG channel and effective community outreach. Specifically, the in-kind support could significantly reduce the amount of franchise fee collected, which in turn would impact the Town's ability to fund the operation of the PEG channel.

We appreciate your consideration and hope you will protect the values of having PEG channels in our community and elsewhere by choosing not to adopt many of the proposals in the Further Notice.

Sincerely,

Dave Chapin
Mayor, Town of Vail

CC: The Honorable Michael O'Rielly, Commissioner
The Honorable Brendan Carr, Commissioner
The Honorable Jessica Rosenworcel, Commissioner