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August 26, 2009

1402

Honorable Julius Genachowski
Honorable Michael Copps
Honorable Robert McDowell
Honorable Mignon Clyburn
Honorable Meredith Attwell Baker
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: In the Matter of Petitions for Declaratory Ruling Regarding Public, Educational, and Governmental Programming MB Docket No. 09-13, CSR-8126, CSR-8127, CSR-8128

Dear Chairman Genachowski and Commissioners Copps, McDowell, Baker and Clyburn:

I write to urge the Commission to act promptly on the above-referenced Petitions to address the grave and immediate challenges that communities all across the country are facing with respect to the carriage of public, educational and governmental ("PEG") channels.

The first of these Petitions was prompted by an Order issued in November 2008 by the United States District Court for the Eastern District of Michigan. The other two were prompted by AT&T's treatment of PEG channels. The Petitions show that AT&T and Comcast are exercising inappropriate control over PEG channels to make them less accessible to viewers, and are claiming the right to provide PEG channels without the functionality, at a lower quality or at an effectively higher price than, for example, broadcast channels carried on the basic cable service tier.

The issues raised by these Petitions have been under discussion for some time. For example, in December 2007, Chairman Dingell copied the FCC on a letter he sent to Comcast CEO Brian Roberts questioning the company's PEG practices in Michigan. Additionally, there were two congressional hearings on these issues before the Petitions were even filed at the FCC. The first hearing on PEG programming was held on January 29, 2008, before the House Energy and Committee Subcommittee on Telecommunications and the Internet. The second was held on September 17, 2008, by the House Appropriations Subcommittee on Financial Services and General Government.

Then-Chairman Martin was asked to investigate the PEG issues by members of the House Subcommittee on Financial Services and General Government by a letter dated September 30, 2008. Similar concerns were raised in a September 23, 2008 letter to Charter Communications, signed by members of the Wisconsin delegation, a copy of which was sent to the Commission.

The Petitions referenced above were filed on December 9, 2008, January 27, 2009, and January 30, 2009, respectively. In May, Acting Chairman Copps advised Chairman Serrano that it was appropriate and possible for the Commission to act on the pending PEG Petitions promptly.

Further delay in acting on these Petitions is resulting in very real damage to the PEG community. It is unfair to require or expect local communities and PEG users to bear the burden of prosecuting claims that should rightly be resolved and championed by the Federal Communications Commission. The non-profit organizations, educational institutions and local governments that program PEG channels have very limited resources. Every day of delay in acting on the Petitions increases costs to PEG channels and threatens to shrink their audiences.

Indeed, our office has received indications that PEG problems are increasing and there is even more urgent need for swift action. While I understand that issues surrounding the DTV transition may have prevented the Commission from acting on the Petitions this summer, I hope these critical Petitions will no longer be permitted to linger. Please let me know when we might expect action by the Commission in this matter. If you have any questions, please contact Amber Shipley on my staff at 202-225-2906.

Sincerely,


Tammy Baldwin
Member of Congress



FAX TRANSMISSION

Congresswoman Tammy Baldwin

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Date: Aug. 26, 2009

To: Leg. Affairs, FCC - Chairman Genachowski

Fax #: (202) 418-2806

From: Rep. Baldwin

Re: PEB channels

Pages: 3 (including this cover sheet)

Notes: Thank you! Hand copies will follow.

Multiple horizontal lines for additional notes or contact information.



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

September 25, 2009

OFFICE OF
THE CHAIRMAN

The Honorable Tammy Baldwin
U.S. House of Representatives
2446 Rayburn House Office Building
Washington, D.C. 20515

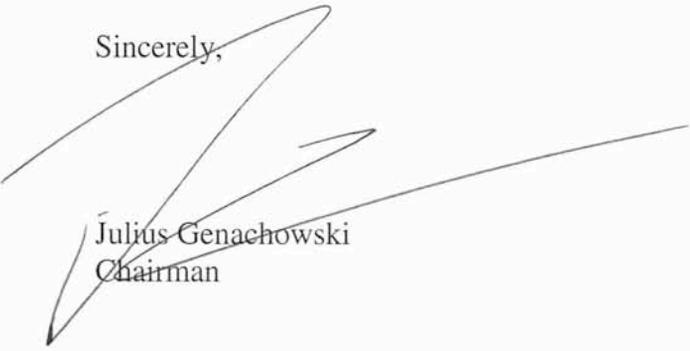
Dear Congresswoman Baldwin:

Thank you for your August 26, 2009 letter regarding the *Petitions for Declaratory Ruling* that were filed with the Commission concerning the carriage of public, educational and governmental (PEG) channels on multichannel video programming distribution systems. Like you, I believe that PEG channels are an important source of local programming and the Commission should ensure that the channels receive equitable treatment consistent with the Commission's rules.

As discussed in your correspondence, the *Petitions* filed by the Alliance for Community Media, and the cities of Dearborn and Lansing, Michigan, seek Commission guidance on several issues related to the carriage of PEG channels. On February 6, 2009, the Commission issued a *Public Notice* establishing a period for comment on the issues presented in the *Petitions*. The comment period in the proceeding closed on April 1, 2009. Staff of the Commission's Media Bureau is evaluating the record developed in the proceeding, and I hope that the Commission will be in a position to address the issues raised in the *Petitions* in the near future.

I appreciate your concerns about this important matter. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,



Julius Genachowski
Chairman