



July 25, 2019

Ajit Pai, Chairman
Michael O’Rielly, Commissioner
Brendan Carr, Commissioner
Jessica Rosenworcel, Commissioner
Geoffrey Starks, Commissioner
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: 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 No. 05-311

Dear Chairman Pai and Commissioners,

We write in support of the draft Third Report and Order on the implementation of Section 621 of the Cable Act and urge its adoption at the Commission’s August open meeting.

The Order wisely reaffirms statutory guardrails on cable franchising and represents a significant win for consumers. It provides a welcome curb on the efforts of some local and state governments to get around the Cable Act’s clear statutory caps on franchise fees and clear prohibitions against double-taxing mixed-use cable networks. These practices have a chilling effect on investment in broadband networks, contrary to the bipartisan goals of promoting broadband deployment and boosting broadband adoption.

The Cable Act was drafted to strike a smart balance, ensuring local governments receive fair compensation from cable companies for the use of public rights-of-way while preventing

consumers from being burdened by excessive fees. By reaffirming the 5% statutory cap on franchise fees – and appropriately limiting the in-kind demands that can be excepted from this cap – this Order will restore this balance as Congress intended.

Furthermore, the Order reaffirms that local authorities cannot require cable providers to seek multiple franchises – or pay multiple sets of franchise fees – just because their networks have mixed uses. This finding is consistent with both the Cable Act and the Internet Tax Freedom Act, which specifically prevents state and local governments from imposing taxes on broadband access service.

We thank you all for your hard work throughout this proceeding. This Order marks an important step forward in the Commission’s efforts to reduce regulatory obstacles to the swift deployment of wired and wireless broadband infrastructure.

Sincerely,

Andrew Langer, President
Institute for Liberty

Phil Kerpen, President
American Commitment

Dan Schneider, Executive Director
American Conservative Union

Jason Pye, Vice President of Legislative
Affairs
FreedomWorks

Patrick Hedger, Research Fellow
Center for Technology and Innovation
Competitive Enterprise Institute

Wayne Brough, President
Innovation Defense Alliance

Tom Schatz, President
Citizens Against Government Waste

Zach Graves, Head of Policy
Lincoln Network

Jerry Rogers, President
Capitol Allies

Matthew Kandrach, President
Consumer Action for a Strong Economy

Seton Motley, President
Less Government

Thomas Giovanetti, President
Institute for Policy Innovation

Pete Sepp, President
National Taxpayers Union

Bartlett Cleland, Executive Director
Innovation Economy Alliance

David Williams, President
Taxpayers Protection Alliance

Christopher Koopman, Senior Director of
Strategy and Research
Center for Growth and Opportunity at Utah
State
(Signed in his individual capacity)

Jeff Mazzella, President
Center for Individual Freedom

Charlie Sauer, President
The Market Institute

Eric Peterson, Director of Policy
Pelican Institute