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Testimony of
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Before the

Federal Communications Commission

**Annual Assessment of the Status of Competition
For the Delivery of Video Programming**

MB Docket No. 05-255

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Keller, Texas

My name is Sharon S. King. I am the President and CEO of Dallas Community Television, the Public Access facility in Dallas, TX. I also serve as the Southwest Regional Chair on the National Board of the Alliance for Community Media. I want to thank Chairman Martin for inviting me to testify today on behalf of the Alliance, a national membership organization representing 3,000 public, educational and governmental (PEG) cable television access centers across the nation. Those centers include 1.2 million volunteers and 250,000 community organizations that provide PEG Access television programming in local communities across the United States. Local PEG programmers produce 20,000 hours of new programs per week – that’s more new programming than all of the broadcast networks combined.

The Alliance for Community Media recognizes that there is a potential community value in encouraging competition in the delivery of video services. Operating in Texas, we have first hand experience in one of the first national experiments in elimination of local franchising authority. We feel that our experience here may offer some insight into what to expect—and not expect—from changes enacted in hopes of speeding competitive entry.

Under existing law, there are many PEG success stories. Founded in 1972 by college students, Austin Community Television has been instrumental in the recognition of Austin as the live music capital of the nation. Tejano music was little known outside the small Latin clubs in Austin until producers Isidoro Lopez and Jerry Avala began their Public Access television show. Lopez is 67 years old and disabled, but full of energy. His show fully involves the Hispanic community, including bands, local businesses and volunteers. Isidoro says, *“Without the Public Access Channels, no one would have known about this kind of music. The public greatly enjoys this service and wouldn't find it anywhere else.”*

Recently, large numbers of Hurricane Katrina survivors have poured into Austin-- homeless, voiceless, alone. Many have found help and their own their voices on ACTV – and they believe they may have found a new home.

At Dallas Community Television, we offer direct service to more than 400 organizations per year. At least 40 of them are non-profit, service-based, client-directed organizations which provide end-user services to the community. DCTV produces a technically polished program for each, promoting their available services to more than 225,000 homes. Each show represents about \$2,000 worth of in-kind services. We are building capacity for these organizations across metro-Dallas. The groups served are both emerging and established, including:

- **Women’s Haven Outreach**, a shelter for battered women;
- **New Hope, New Life**, a program which helps women escape prostitution;
- **Girls Incorporated**, a national organization empowering low-income girls and women;
- **Jonathan’s House**, a safe haven for abused children.

Following the Texas legislation, the Dallas City Manager called us in to discuss the implications. We were told that if she is not able to quickly access local franchise dollars, we will be gone. There is no way she can replace that funding out of Dallas general fund. Fifty-percent of our operating budget is from local cable franchise fees. In the atmosphere

surrounding the legislation, our budget was cut by 22% for FY 2006. The other 50% comes from membership fees, training fees, special events, grants, fundraising and garage sales.

Time Warner was in renegotiation with San Antonio at the end of last year, when their existing franchise expired. Time Warner broke negotiations, and applied for and received a state-wide franchise. They announced with little warning that they would no longer provide the studio, staffing or other support for Public Access that had been required under the local franchise, but which was not required under the new state-wide franchise. This had the immediate result of diminishing the resources of the people who owned the PROW. However, its effects, unintended by the statute's authors, went much further. In the few days between the announcement of the change and its implementation by Time Warner, the City was unable to acquire equipment, allocate funding and put the equipment in place. The channel went dark. Time Warner then invoked fallow time provisions which allowed them to take the channel back for their own programming use. The City of San Antonio and its citizens are forced to patch together enough production resources to program the minimum number of hours required under the state franchise law to regain the channel they had operated for years.

The law was intended to keep existing PEG resources whole. It was intended to allow those without PEG resources a reasonable process to secure them. Its very first implementation led to a loss of existing resources, both financial and channel capacity.

The Alliance is in favor of competition. But the FCC must be extraordinarily careful in changing rules which have successfully provided the tools of democracy to our communities. We want to see competition add active new participants in PEG Access. Competition should not merely carve up an existing pool of video watchers. Competition should not be for the hope of saving a few dollars per year on a cable bill at the expense of priceless community involvement in expression, education or personal engagement in government.

Competition should not be used as an excuse to lower or escape existing and reasonable public obligations. PEG channel capacity should grow and change as the technology changes and community-need increases. PEG funding should be secured at reasonable levels over and above the 5% franchise fees.

We want competition which allows the community to retain communications capacity. We believe competition can flourish in a system which respects a community's right to determine how best to use that capacity. We believe that the people who own the PROW deserve to collect fair payment from companies gaining huge fortunes through their use.

I want to thank the Members of the Commission for inviting us and your staff for their kind help. I will be happy to answer your questions—or help to find the answers for you at any time.