

Gary C. Peters  
MEMBER OF CONGRESS  
9TH DISTRICT, MICHIGAN  
www.peters.house.gov

Congress of the United States  
House of Representatives  
Washington, DC 20515

COMMITTEE ON FINANCIAL SERVICES  
CAPITAL MARKETS, INSURANCE, AND  
GOVERNMENT-SPONSORED ENTERPRISES  
INTERNATIONAL MONETARY POLICY AND  
TRADE  
COMMITTEE ON SCIENCE AND  
TECHNOLOGY  
TECHNOLOGY AND INNOVATION

September 9, 2009

Honorable Julius Genachowski  
Honorable Michael Copps  
Honorable Robert McDowell  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

MB PEG  
PV  
JG  
1471

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,

I write to express my concerns with the extended period of time it has taken the Commission to address the challenges communities in my district, and all across the country, are facing with respect to the carriage of public, educational and governmental channels. A review of the record shows that the Commission has been aware of these issues since January 29<sup>th</sup>, 2008 when the first of two congressional hearings took place on the issue.

These concerns were first shared with the Commission by Chairman Dingell in a letter dated December 21, 2007 that was sent to Comcast and FCC Chairman Kevin Martin, among others. A second hearing was held on September 17, 2008 by the House Appropriations Subcommittee on Financial Services and General Government. In addition, there are the above referenced Petitions for Declaratory Orders, the first of which was prompted by an Order from the United States District Court for the Eastern District of Michigan. The petitions were filed on December 9, 2008, January 27, 2009 and January 30, 2009 respectively.

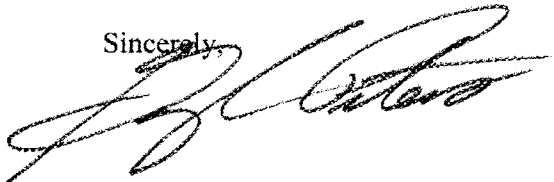
The Commission is by now aware of the concerns raised in these petitions. The petitions show that operators are exercising control over PEG channels to make them less accessible, and are claiming the right to provide PEG without the functionality, and at a lower quality or at an effectively higher price than, for example, broadcast channels carried on the basic service tier.

DISTRICT OFFICE  
500 KINGS BLVD  
SUITE 9105  
TROY, MI 48064  
(248) 273-4227  
FAX (248) 273-4704

WASHINGTON OFFICE  
1130 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-5802  
FAX (202) 226-2356

Delay in acting on these petitions is hurting the PEG community; operators are taking actions that relegate PEG to an inferior status. Except in a very few cases where a court has issued a restraining order, this delay is benefiting operators. Local communities do not have the resources and expertise of the Federal Communications Commission when it comes to prosecuting and resolving such claims. The non-profit organizations, educational institutions and local governments that program PEG channels have very limited resources, which are further strained by delay. I respectfully request that you give this matter your fullest attention, and do so in a timely manner.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary C. Peters", written in a cursive style.

Gary C. Peters  
Member of Congress

cc: Chairman Waxman  
Chairman Boucher  
Representative Barton  
Representative Stearns