



CITY OF GERMANTOWN TENNESSEE

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2012 SEP 18 PM 12:03

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T.R.A. DOCKET ROOM

September 12, 2012

Kenneth C. Hill, Chairman
Tennessee Regulatory Authority
460 James Robertson Pkwy
Nashville, TN 37243

Re: Complaint of Community Television of Knoxville
Docket No. 12-00082

Dear Mr. Hill:

The City of Germantown writes in support of the position taken by Community Television of Knoxville ("Knoxville") in its complaint against AT&T. Knoxville cites AT&T's failure to abide by this State's legislative directives regarding AT&T's obligations to support PEG access stations and the transmission of their signal to the consumer. As the holder of a state-issued certificate of franchise authority, AT&T has sole responsibility for the transmission of the PEG channels' signal and all necessary equipment to make that effective.

Specifically, T.C.A. § 7-59-309(f)(1) provides clear lines of responsibility, such that Germantown (like Knoxville) is to provide the **content** of the PEG channel programming, and AT&T has sole responsibility for its **transmission**. These lines of responsibility have been drawn quite cleanly and purposefully so by the Tennessee legislature. Now it is also true that the two subsections of section (f)(1) of the new Tennessee Cable Act provide alternatives from which AT&T may choose to ensure that the PEG channel is transmitted, but the obligation to do so is AT&T's and its alone. The relevant Tennessee legislation also makes clear that should AT&T choose to provide its own transmission, as opposed to providing the transmission through interconnection with another provider, then, at AT&T's expense, it must provide "**any necessary equipment for the holder to transmit the signal from PEG channels.**"

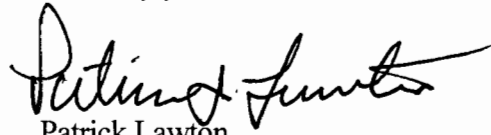
Like Knoxville, Germantown asserts that once the equipment is provided, AT&T continues to have the obligation of making sure the equipment is working, meaning that the PEG signal is still being transmitted. AT&T's position, that after 90 days the responsibility for the encoder equipment and thus the responsibility for the transmission of the PEG signal falls to Germantown, is incorrect and not supported by statute. The encoder provided by AT&T is part of its overall U-Verse system and is an essential piece of AT&T equipment designed to facilitate the transmission of the AT&T signal to the consumer. Certainly, if Germantown's content

needed some assistance, AT&T would not be obligated to support Germantown in its efforts. Likewise, when AT&T has trouble with the transmission of the signal for PEG programming, it should be AT&T's responsibility to ensure transmission and not the responsibility of Germantown or any other city or municipality.

AT&T and other cable providers were provided a great deal of freedom when Tennessee authorized state-issued franchises. At the very least, AT&T and other holders of cable franchise can ensure that transmission of the PEG signal is not interrupted.

The City of Germantown respectfully urges that the Tennessee Regulatory Authority find in favor of Knoxville in this matter. Please include this letter in your record for this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Patrick Lawton", with a stylized, flowing script.

Patrick Lawton
City Administrator
City of Germantown