

What Rule 8 Says About the First Three PEG Access Channels' Designation and Activation

1. The Cable Operator must *designate* 3 PEG channels, but only *activate* the first one*:

Rule 8.402: Provision of System Capacity for PEG Access

- (A) **Absent a waiver by the Board, a cable operator shall be prepared to *designate* and *activate* at least three forward viewable PEG channels.**

Rule 8.403: Activation of First Three PEG Channels

The operator of a cable television system shall *designate*:

- (A) **At least one full-time *activated* channel for public, educational and governmental access use**
- (B) **At least one additional full-time channel for public, educational or governmental access use, *to be activated at such time as is requested by the AMO and after the channel required by paragraph (A) is already in use.***
- (C) **One additional full-time channel for public, educational or governmental access use, *to be activated at such time as is requested by the AMO and after the channel required by paragraph (A) is already in use.***
- (F) **PEG channels may be activated at a headend or a hub site within the service territory.**
- (G) **Requests for *activation* of PEG channels shall be submitted and reviewed as provided in section 8.405.**

2. Section 8.403 requires a request from the AMO to *activate* the Second and Third Channels. We concede that (G) requires a section 8.405 application; however, we contend that so long as an AMO's previous channel or channels are already in use, then Comcast's latitude for refusing to activate a second or third channel should be narrow. Therefore, a Rule 8.405 request for a second or third channel should be a *pro forma* process that simply states why the AMO needs a second (or third) PEG channel and provide evidence that the expansion fits within its PEG access plan and its budget can support and sustain it properly.
3. We have no argument with a rigorous enforcement of the Rule 8.405 procedure for activation of a fourth PEG access channel, a procedure that was intended to protect the cable operator against frivolous demands for *additional* PEG channels or other applications:

Rule 8.404: Activation of *Additional PEG Channels* or Other PEG Applications

- (A) ***Additional* PEG access channels. Activation of *additional* PEG access channels may be requested at such time as the channels *required by section 8.403* are in use.**

• • •

- (D) **Requests for PEG channels[†] and other PEG applications shall be evaluated using the criteria and process provided in section 8.405 and implemented as negotiated between the operator and AMO or AMOs**

[†]It is implicit by Rule 8.404's title that (D) is intended to refer to "Additional" PEG channels.

*Italics in the quoted Rules added for emphasis.