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Before the: Federal Communications Commission
445 12th Street SW
Washington, DC 20554

TO: Whom it may concern
RE: FCC "NOI" request for comment and information for video competition report to Congress.
(FCC 01-191, CS Docket No. 01-129)

WBGT-LP (UPN affiliate) and David Grant, Molly Grant, respectfully submit the following comments and information for consideration in preparing the FCC report to Congress regarding video competition.

Our direct experience from many years of operating low power TV stations and one small market full service TV station is that there is still inadequate video competition in these cases. Specifically, cable TV still exisits as a dominant monopoly with many examples of abuses of the power represented by that market position.
In our current market, (Rochester, NY rank: #74), Time Warner has reached approximately a 99% monopoly of the cable TV market by acquiring all but one remaining small and independent cable systems. Cable TV penetration in the market is 73%.
DBS service is slowly growing but remains a small factor in the market. In fact, during a recent audit visit to Nielsen Media Research we found not even one example of "Dish Network" customer viewership of the UPN Network in the Rochester NY TV market during the November 2000 ratings period. We offer that fact as a reasonable example that DBS viewership in the market is so low as to be practically insignificant at this time.

WBGT-LP has attempted to obtain cable carriage on Time Warner systems in the market without success for over 3 years. WBGT-LP, ineligible for FCC must carry rules, has worked hard to create a popular and requested TV service in the market to serve the general public interest, but also to appeal to what should be a similar public interest responsibility on the part of cable operators. WBGT-LP remains excluded from the cable dial in spite of significant consumer demand (e-mail requests, telephone calls, letters and petitions sent to Time Warner) that WBGT-LP be added to Time Warner cable in Rochester. Time Warner has given false and deceptive information to those who request WBGT-LP and has engaged in false and deceptive advertising, both practices being evidence of an abusive monopoly. (See 15 USC 52, and a reference to 15 USC 45).

Cable TV (especially Time Warner) should still be carefully regulated due to ~~the inherent~~ likleyhood of controlling and abusive behavior by any entitiy that commands dominant market position as they do. Additional regulations to ensure diversity should be considered such as a special must carry provision for competitors who can show reasonable evidence as to their desirability or consumer demand. One method may be proof of "significant viewership" in a market similar to the old "significantly viewed" provision that required cable systems to continue to carry "non-must carry" signals because of their "popularity."

respectfully,