



September 5, 2014

Matthew M. Polka, President and CEO  
American Cable Association  
One Parkway Center  
Suite 212  
Pittsburgh, PA 15220

Dear Mr. Polka:

On behalf of TVFreedom.org, a broad coalition representing broadcast, consumer, Latino, rural and business interests, we seek clarification on your support for ‘Local Choice,’ a legislative proposal that will lead to massive disruption in the TV marketplace, higher cable rates, and a reduction in TV programming choice for viewers.

The American Cable Association (ACA) has surfaced as the biggest cheerleader for ‘Local Choice.’ With pom-poms waving, ACA soothingly claims that a broadcast-only à la carte option is somehow good for consumers. Moreover, you have been quoted saying it would be “the best thing that has happened to TV stations in decades.”

With all due respect, that claim is ludicrous.

ACA’s strident support for broadcast à la carte – *and only broadcast à la carte* – would perhaps have more credibility were it not for your organization’s staunch opposition to the all things à la carte idea in the past.

For example, in a previous [filing](#) with the FCC your organization wrote, “Current technology costs make à la carte a financial impossibility for ACA member systems, the business model is entirely unproven, and no lawful basis exists for imposing regulated à la carte. Moreover, ACA members report that many customers prefer a basic or expanded basic package with a variety of channels at a reasonable price.”

ACA’s flip flop on à la carte is worthy of an Olympic gymnastics medal. But which is it, Mr. Polka? Is ACA against full à la carte, or for it?

And speaking of ‘current technology costs’ that would be borne by ACA members implementing broadcast-only à la carte, would it still be a ‘financial impossibility’ for your member cable systems?

Our understanding is that hundreds of small cable systems across the U.S. have not fully upgraded to digital. Surprisingly, FCC [data](#) suggests that approximately 70 percent of small cable systems – those with 5,000 to 20,000 subscribers - continue to heavily rely on analog technology to deliver service.

Which raises a number of questions: Given the outdated technology of ACA-member companies, what assurances are there that à la carte broadcast channels could be seamlessly delivered to viewers? Will consumers be forced to foot the bill for the inevitable service disruptions that accompany a switch to à la carte broadcast TV? Would consumers also bear the cost for the thousands of cable “truck rolls” to analog homes to deal with the complicated logistics of broadcast only à la carte?

Would there be an 8 a.m. to 6 p.m. appointment window for switching to à la carte broadcast service? Would customers get rebates if cable technicians fail to show up for the scheduled appointment?

Broadcast viewers – and ACA customers – deserve specific answers to these questions and others before Congress contemplates the most radical restructuring of the local television market in 80 years.

For the record, we believe ‘Local Choice’ represents a frontal assault on free and local TV broadcasting. It would tilt television’s balance of power in favor of pay-TV providers at the expense of broadcasters invested in localism. It would cost consumers more on their monthly bills, and do nothing to address shoddy pay-TV service or the deceptive billing practices of cable and satellite TV providers.

For those reasons and others, we believe Congress should reject ‘Local Choice.’

We look forward to ACA’s responses to the questions we’ve raised here.

Sincerely,

*Robert C. Kenny*

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Director of Public Affairs  
**TVfreedom.org**