



## City of Powell, Ohio

RESOLUTION 2007-08

Adopted June 5, 2007

**A RESOLUTION OPPOSING OHIO SENATE BILL 117 AND ANY OTHER STATE LEGISLATION THAT WOULD PREEMPT OR USURP THE ABILITY OF LOCAL GOVERNMENTS TO REGULATE VIDEO SERVICE PROVIDERS AND CABLE SERVICE PROVIDERS THAT USE THE PUBLIC WAYS.**

**WHEREAS,** the regulatory authority to require a local franchise to provide video services stems from the City of Powell's constitutional home rule powers over its local rights-of-way; and

**WHEREAS,** the City of Powell welcomes competition of video service and broadband and encourages new providers of these services to invest in new communications and video programming infrastructure in the City and to provide competitive video and broadband service to all of the City's residents and businesses; and

**WHEREAS,** the City of Powell has a history of successfully negotiating and issuing competitive cable service agreements with new entrants to provide competitive cable services within the City and has already successfully negotiated and entered into a Video Services agreement with AT&T and Time Warner Cable; and

**WHEREAS,** Senate Bill ("SB") 117 has been introduced in the Ohio Legislature to enable telecommunications companies to enter the video service market with minimal regulation and accountability in order to compete with incumbent cable operators by providing competitive video service to Ohio residents of their choice; and

**WHEREAS,** current federal statutory law regulating the provision of video service maintains a fair and equitable balance between local government interests, powers and obligations, and the interest of incumbent cable operators as well as new providers of competitive video service, and provides a reasonable mechanism by which competitive video service providers can obtain local permission to provide video services; and

**WHEREAS,** SB 117 would eliminate local and state regulation of cable and other video service providers using the City's rights-of-way and replace it with minimal oversight and enforcement powers by the Ohio Director of Commerce; and

**WHEREAS,** SB 117 would permit cable operators and video service providers who already have standing agreements to unilaterally abrogate existing cable contracts with municipalities even if no new competitive video service is offered in those communities; and

**WHEREAS,** despite claims that SB 117 preserves important local government interests such as control over rights-of-way, franchise fee payments, I-Nets, customer service standards, and Public, Education and Governmental (PEG) access channels, the terms of SB 117 unreasonably restrict and severely impair these and other important local interests; and

**WHEREAS,** SB 117 would entirely eliminate other services currently provided, such as free cable service to City buildings and public schools; and

**WHEREAS,** SB 117 would severely impair the City's ability to require and enforce basic customer service standards in cable television and other video services.

**NOW THEREFORE BE IT RESOLVED BY THE CITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:**

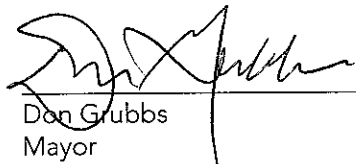
**Section 1:** That the Council of the City of Powell hereby opposes Ohio Senate Bill 117 and any state legislation that would: fail to require City approval for the use or occupancy of the public rights-of-way; preempt or usurp local government regulation of video service providers using the right-of-way in their jurisdiction; eliminate or otherwise severely limit franchise fee payments or customer service standards; make current cable and competitive video service agreements voidable; fail to require reasonable build-out requirements; or eliminate or otherwise severely limit I-Nets or PEG channel and access support, all as currently existing and allowed under federal law. Further the City of Powell urges members of the Ohio Legislature to oppose SB 117 and any other similar legislation that infringes upon the City's home rule authority.

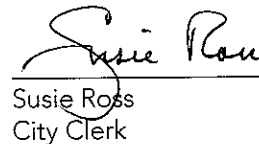
**Section 2:** That the City Clerk is hereby directed to forward certified copies of this resolution to Governor Strickland and to members of the Ohio legislature.

**Section 3:** That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of the Council and that all deliberations of the Council and any of the decision making bodies of the City of Powell which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

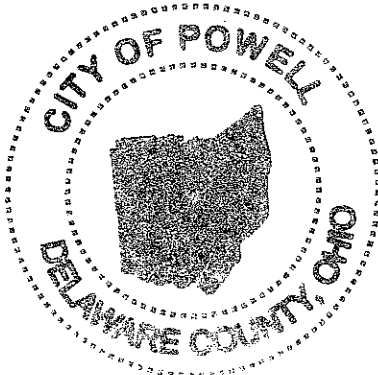
**Section 4:** This Resolution shall take effect immediately upon its adoption.

**VOTE ON RESOLUTION 2007-08:**    Y   6      N   0  

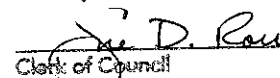
  
\_\_\_\_\_  
Don Grubbs                      6-17-07  
Mayor                                      Date

  
\_\_\_\_\_  
Susie Ross                      6/20/07  
City Clerk                                      Date

**Effective Date: June 6, 2007**



This legislation has been posted in accordance with the City Charter on this date   6/20/07  

  
\_\_\_\_\_  
Sue D. Ross  
Clerk of Council

**City Council**

Don Grubbs, Mayor

Richard Cline

Tom Counts

Elmer Meider

Bill Morton

Art Schultz

Dan Wiencek