

RESOLUTION NO. R2007-38**A RESOLUTION OPPOSING SB1933/HB1421 THE
"COMPETITIVE CABLE AND VIDEO SERVICES ACT" BY
THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE.**

WHEREAS, the U.S. Congress established procedures and standards in order to foster competition and encourage the growth and development of cable systems, assure that cable systems are responsive to the needs and interests of the local community, assure that cable companies provide and are encouraged to provide the widest possible diversity of services to all, and provide for the orderly renewal of cable television franchises; and

WHEREAS, the U.S. Congress, having determined that local governments are best suited to decide what is in the best interest of the citizens of their respective city, town or county, granted cable franchising authority to local governments; and

WHEREAS, municipalities across America have the legal right to enter into non-exclusive cable and video franchise agreements with cable and telephone companies; and

WHEREAS, municipalities welcome competition in the cable industry and stand ready to negotiate franchise agreements with cable and video operators in a timely fashion; and

WHEREAS, the "Competitive Cable and Video Service Act" is premised on the erroneous and unsubstantiated assertion that local governments and the local cable franchising process impedes competition among cable and video providers; and

WHEREAS, the existence of more than 600 cable franchise agreements that cable and telephone companies have entered into with local governments in Tennessee provides clear and convincing evidence that such assertions are baseless; and

WHEREAS, this legislation, under the guise of increased consumer access and choice, is simply an attempt by a corporate giant to bypass the local cable franchise process and unjustly gain advantages in its competitive fight with other cable and telephone companies that have duly and lawfully adhered to the congressionally authorized local cable and video franchising process and entered into more than 600 local cable franchise agreements with local governments in the state; and

WHEREAS, the local franchising process in Tennessee has benefited consumers and municipalities by ensuring that cable and video operators respond to local needs and interests; and

WHEREAS, these benefits include, but are not limited to, locally imposed and enforceable customer service standards; build out requirements that ensure cable operators serve the entire community; provision of public, educational and governmental ("PEG") access channels; complimentary cable and Internet service to public buildings and community facilities;

municipal management of the public rights-of-way; and franchise fee revenues for use of the public rights-of-way; and

WHEREAS, the Tennessee General Assembly is considering legislation that would effectively eliminate the process by which local governments establish and enforce requirements that protect its citizens and ensure that all residents are assured access to cable or video service; prohibit the state and local governments from enacting any consumer quality and service protection standards; greatly minimize local governments' enforcement of customer service standards; significantly reduce PEG channel obligations, including local control and PEG support; abolish the granting of complimentary services; and limit local authority over the public rights-of-way; and reduce franchise fees paid to local governments for use of the public rights-of-way; and

WHEREAS, such legislation would radically alter the regulatory framework for cable operators that has been in place for decades, allow cable and video providers to "cherry pick" the most profitable neighborhoods and customers, and impede local governments' ability to protect their citizens and provide for the needs and interests of their communities; and

WHEREAS, the affect of such legislation would undermine congressional intent regarding the provision of cable and video service; and

WHEREAS, the U.S. Congress considered and rejected similar legislation last year;

NOW THEREFORE BE IT RESOLVED, that the Town of Town of Signal Mountain, Tennessee hereby opposes the "Competitive Cable and Video Services Act" currently being considered by the Tennessee State Legislature and the United States Congress; and

BE IT FURTHER RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN that the Town of Signal Mountain, Tennessee will send this resolution to all the members of the 105th Tennessee General Assembly, the Tennessee Congressional delegation, and the two U.S. Senators from Tennessee.



 MAYOR

DATE

April 9, 2007



 RECORDER

DATE

04-09-2007