

RESOLUTION NO. 73161

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE OPPOSING THE PROPOSED FEDERAL COMMUNICATIONS PROMOTION AND ENHANCEMENT ACT OF 2006

WHEREAS, on April 27, 2006, the U.S. House of Representatives Energy and Commerce Committee conducted a markup of the Communications Promotion and Enhancement Act of 2006 (“COPE”), authored by Committee Chairman Joe Barton (R-Texas) and Bobby Rush (D-Ill), which would establish a national franchise for new telecommunications video providers, regulated by the Federal Communications Commission; and

WHEREAS, the Senate companion bill was released last week and is still under review; and

WHEREAS, the current markup of the legislation does not include provisions to ensure build-out requirements which would protect local governments and their residents; and

WHEREAS, in addition, the current legislation does not retain local governments’ control and oversight over their local streets and sidewalks; and

WHEREAS, the current legislation also proposes a level of support for Public Education and Government (“PEG”) programming or Institutional Network (“INET”) services that is far below the level of support necessary to meet the identified needs and interests of the City of San Jose (“City”); and

WHEREAS, the City desires to oppose COPE in its current form for the reasons specified above;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The City of San Jose hereby opposes the current markup of the Federal Communications Promotion and Enhancement Act of 2006 (COPE).

2. Absent provisions to protect local enforcement rights-of-way and ensuring build-out requirements, the City would not support proposed federal legislation which would allow for:
 - A. Subsidizing communication companies' use of local streets and rights-of-way at the expense of local government budgets;
 - B. Giving the Federal Communications Commission (FCC) enforcement control and oversight over how localities manage their local streets and rights-of-way
 - C. Allowing providers to define their franchise areas and avoid current requirements for service availability to all citizens within a reasonable period of time;
 - D. Taking away local authority to handle their residents' cable customer service complaints;
 - E. Limiting financial support for local community programming and emergency communications.

ADOPTED this 9th day of May, 2006, by the following vote:

AYES: CAMPOS, CHAVEZ, CHIRCO, LeZOTTE, NGUYEN,
PYLE, REED, WILLIAMS, YEAGER; GONZALES

NOES: NONE

ABSENT: CORTESE

DISQUALIFIED: NONE

RON GONZALES
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk