

RESOLUTION NO. 2006-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMOORE REGARDING TELECOMMUNICATIONS SERVICES AND VITAL CITY INTERESTS.

At a Regular Meeting of the City Council of the City of Lemoore duly called and held on June 6th, 2006 at 7:30 p.m. on said day, it was moved by Councilmember _____ and seconded by Councilmember _____ and carried that the following Resolution be adopted:

WHEREAS, technological advances in telecommunications services are outpacing the current state and federal regulatory framework for those services; and

WHEREAS, the new telecommunications services will be vital to the businesses, households and the public safety of local communities; and

WHEREAS, the California State Legislature is considering AB 2987 (Nunez/Levine); legislation that would establish a statewide franchise for new entrants into the telecommunications market; and

WHEREAS, fair, level playing-field competition among telecommunications providers is important to delivering telecommunications services at the best price for our citizens, the consumers; and

WHEREAS, telecommunications industry services to a local community such as Public Education and Government (PEG) channels, INET services to local schools and other agencies, and E911 and 911 public safety services to local citizens are important services to maintain; and

WHEREAS, financial resources that cities receive under the current regulatory framework for telecommunications services are vital to support local public services such as public safety and transportation; and

WHEREAS, the taxpayers have a financial interest to protect in the public's right-of-way; and

WHEREAS, the City of Lemoore is opposed to AB 2987 in its current form because, as currently written, it would fail to ensure that build out of telecommunications services would fairly and equitably provide service to all businesses and residents of Lemoore within a reasonable timeframe, it does not guarantee community access to PEG channels, INET services and E911/911 public safety services, it does not protect the city's financial resources and it does not protect the public's right-of-way.

THEREFORE, BE IT RESOLVED that the City Council of the City of Lemoore, on this 6th day of June, 2006 urges the Legislature to work for reform that guarantees fair competition in telecommunications services, and does hereby adopt the following principles for the State Legislature to consider in its debate over a new telecommunications regulatory framework:

Telecommunications Reform Principles (for adoption by Resolution 2006-25)

✍ Access

- ✍ All local community residents should be provided access to all available telecommunications services.
- ✍ Telecommunications providers should be required to specify a reasonable timeframe for deployment of telecommunications services that includes a clear plan for the sequencing of the build-out of these facilities within the entire franchise area.

✍ Public Education and Government (PEG) Support

- ✍ The resources required of new entrants should be used to meet PEG support requirements in a balanced manner in partnership with incumbent providers.
- ✍ For cities currently without PEG support revenues, a minimum percentage of required support needs to be determined.

✍ Institutional or Fiber Network (INET)

- ✍ The authority for interested communities to establish INET services and support for educational and local government facilities should remain at the local level.

✍ Public Safety Services

- ✍ The authority for E-911 and 911 services should remain with local government, including any compensation for the use of the right-of-way. All E-911 and 911 calls made by voice over internet protocol shall be routed to local public safety answering points (PSAPs); i.e., local dispatch centers.
- ✍ All video providers must provide local emergency notification services.

✍ Customer Service Protection

- ✍ State consumer protection laws should continue to apply as a minimum standard and should be enforced at the local level. Local governments should retain the authority to assess penalties to improve customer service.

✍ Rights-of-Way

- ✍ To protect the public's investment, the control of public rights-of-way must remain local.
- ✍ Local government must retain full control over the time, place and manner for the use of the public right-of-way in providing telecommunications services, including the appearance and aesthetics of equipment placed within it.

☞ Revenue Protections

- ☞ Protect the authority of local governments to collect revenues from telecommunications providers and ensure that any future changes are revenue neutral for local governments.
- ☞ Regulatory fees and/or taxes should apply equitably to all telecommunications service providers
- ☞ A guarantee that all existing and any new fees/taxes remain with local governments to support local public services and mitigate impacts on local rights-of-way.
- ☞ Oppose any state or federal legislation that would pre-empt or threaten local taxation authority.

☞ Other Issues

- ☞ Existing telecommunications providers and new entrants shall adhere to local city policies on public utility undergrounding.

BE IT FURTHER RESOLVED, that copies of this resolution be transmitted to the Congressional Representative and all state legislative representatives for the City of Lemoore as well as all appropriate local media outlets.

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Passed and adopted at a Regular Meeting of the City Council of the City of Lemoore held on

June 6, 2006 by the following vote:

Ayes:

Noes:

Absent:

Abstaining:

Approved:

Thomas E. Buford
Mayor

Attest:

Nanci C.O. Lima, City Clerk

CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF KINGS) ss.
CITY OF LEMOORE)

I, Nanci C.O. Lima, City Clerk of the City of Lemoore do hereby certify the foregoing Resolution of the City Council of the City of Lemoore was duly passed and adopted at a Regular Meeting of the City Council held on June 6, 2006.

Dated: _____

Nanci C.O. Lima, City Clerk