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July 8, 2019

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

Re: Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992, MB Docket No. 05-311

Dear Secretary Dortch:

On Monday, July 1, 2019, two hundred and twenty seven (227) Mayors – Democrats, Republicans, and Independents – attended the 87th Annual Meeting of the United States Conference of Mayors and unanimously adopted¹ the attached resolution entitled: “Supporting Local Cable Franchising Including Non-monetary Obligations.” A list of the 227 Mayors in attendance may be found [here](#), and a copy of all the adopted resolutions, the adoption process and list of any “No” votes may be found [here](#).

This resolution is submitted to the Commission on behalf of the U.S. Conference of Mayors and other local governments that I represent in this proceeding. Also, by copy of this letter, I will be sharing the resolution with Michelle Carey, Holly Saurer, Martha Heller and Raelynn Remy of the Media Bureau and the following Legal Advisors: Alexander Sanjenis (Chairman Pai), Joel Miller (Comm’r. O’Rielly), Evan Swarztrauber (Comm’r. Carr); Kate Black (Comm’r. Rosenworcel) and Michael Scurato (Comm’r. Starks).

¹ The Conference of Mayors has adopted a program by which any mayor may be listed as a “No” vote on a resolution. A review of the “No Votes” reveals that none were recorded against this resolution, setting it apart from dozens of other resolutions receiving “No” votes this year. (http://legacy.usmayors.org/resolutions/87th_Conference/novotes.asp)



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Please direct any questions to the undersigned.

Sincerely,

A handwritten signature in blue ink that reads "Gerard Lavery Lederer".

Gerard Lavery Lederer
of BEST BEST & KRIEGER LLP

cc: Michelle Carey
Holly Saurer
Martha Heller
Raelynn Remy
Alexander Sanjenis
Joel Miller
Evan Swarztrauber
Kate Black
Michael Scurato

Supporting Local Cable Franchising Including Non-monetary Obligations

1	<p>WHEREAS, city streets and highways are public property, obtained and maintained by municipalities at great expense; and</p>
2	<p>WHEREAS, cable companies may use city streets and highways for their lines which provide service to customers, but only after obtaining permission to use this property for their lines; and</p>
3	<p>WHEREAS, such permission is normally contained in a franchise agreement obtained from units of local government and include important provisions to protect the community and its residents such as:</p> <ul style="list-style-type: none"> ▪ Managing the lines in the streets so that there is minimal disruption, safety codes are followed, and all types of users (cars, pedestrians, utilities) can use the streets with the least interference from others; ▪ Requiring providers to repair the streets they harm and relocate lines at their expense, if streets are straightened, widened, or otherwise worked on; ▪ Prohibiting redlining either directly or by delays in serving minority areas, which is especially offensive when public property is being used to provide service; ▪ Ensuring nondiscriminatory service, such as by requiring lines to be extended to all areas with a certain population density; ▪ Setting customer service standards, protections, and enforcement mechanisms; and
4	<p>WHEREAS, such agreements call for providing rental payments in the form of franchise fees to the unit of local government in return for the providers' use of valuable public property for their lines; and</p>
5	<p>WHEREAS, such agreements often also call on the cable operator to meet the community needs and interests by including non-financial franchise obligations, protected by Congress in the Cable Act, for services that include:</p> <ul style="list-style-type: none"> ▪ Public Education and Government (“PEG”) channels, including HD format and in some cases Video on Demand; ▪ Financial support for the capital expenses associated with creating and running programming on PEG channels; ▪ Inclusion of PEG programming on Electronic Programming Guide Service ▪ Complimentary connections to city and school buildings and the provision of lines for municipal use (I-Net); ▪ Carriage of local emergency alerts, which because they relate to local emergencies are typically not carried on the federal emergency alert system; and
6	<p>WHEREAS, franchise provisions ensure cable service and use of the rights of way are tailored to the local needs of each municipality, having been Federal law and policy since 1984, and the policy of municipalities for 30 years before that; and</p>
7	<p>WHEREAS, the Federal Communications Commission is considering a proposal (05-311) that would allow cable companies to establish a market value for the non-financial franchise obligations and then allow the cable operators to deduct that amount from the franchise fees owed under the franchise agreements; and</p>
8	<p>WHEREAS, the FCC, in the same proceeding is suggesting that a cable operator</p>

	needs no additional permission nor comply with any additional requirements when it accesses city property to offer non-cable services; and
9	WHEREAS , these FCC proposals undermine local authority, turn public property over to private interests and remove longstanding community benefits, resulting in consumer harm and impact to basic municipal services
10	NOW, THEREFORE, BE IT RESOLVED that The United States Conference of Mayors affirms the importance of cable franchising in granting permission for cable companies to use valuable public property for their lines; in providing needed protections for municipalities, the public, and cable customers; and in tailoring franchise requirements and services to meet local needs; and
11	BE IT FURTHER RESOLVED , that The United States Conference of Mayors opposes any regulatory proceeding or legislation that seek to alter the terms of existing franchises, including any effort to require that non-financial obligations be subject to offset against franchise fees,
12	BE IT FURTHER RESOLVED , that The United States Conference of Mayors supports and will work to adopt any regulatory proceeding or legislative effort that expands access to affordable broadband services, by means of wire or wireless delivery, so long as such proposals respect the right of a local government to obtain market value for the use of public property employed in making such services available.

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