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The City of Bedford Heights

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MAYOR DEBORA A. MALLIN

WARD COUNCIL
BARBARA L. MacKENZIE - WARD 1
HARVEY L. BROWN - WARD 2
PAT J. SANTANGELO - WARD 3
JAMES R. CODY - WARD 4

PHILIP D. SAUNDERS - COUNCIL AT LARGE
COUNCIL PRESIDENT

COUNCIL AT LARGE
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WENDOLYN J. GRANT

PATRICIA F. STAHL
CLERK OF COUNCIL

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02-52

May 9, 2002

Enclosed please find a copy of legislation passed by the City of Bedford Heights for your information.

Sincerely,

Patricia F. Stahl
Clerk of Council

Enclosure

RESOLUTION NO.: 2002-067
INTRODUCED BY: Mayor Mallin and Council Members Saunders,
Berger, Brown, Cody, Grant, MacKenzie, Santangelo

A RESOLUTION URGING THE FCC TO REVERSE ITS DECLARATORY RULING (NO. FCC 02-77) FINDING THAT CABLE MODEM INTERNET ACCESS SERVICE OFFERED OVER A CABLE SYSTEM IS AN INTERSTATE INFORMATION SERVICE AND NOT A CABLE SERVICE.

WHEREAS, the FCC issued a Declaratory Ruling (No. FCC 02-77) on March 14, 2002 finding that cable modem internet access service offered over a cable system is an "interstate information service" and neither a "cable service" subject to local cable franchise requirements nor a "telecommunications service" subject to state and/or federal telecommunications regulations; and

WHEREAS, this Order included a tentative finding that cable operators should not have to pay franchise fees on cable modem revenues; and

WHEREAS, the FCC simultaneously issued a Notice of Proposed Rulemaking raising a series of questions about how this interstate information service should be treated for purposes of public rights-of-way access and other interactions with local communities and cable modem subscribers; and

WHEREAS, this decision has a great adverse impact on the City of Bedford Heights in that it is likely that the city will no longer receive a franchise fee through its cable franchise taken over by Adelphia Communications Company on cable modem services and will greatly affect its ability to control its public right-of-way access.

NOW, THEREFORE, Be It Resolved by the Council of the City of Bedford Heights, State of Ohio, that:

Section 1: The Mayor and Council of the City of Bedford Heights hereby strongly urge the FCC to reverse its Declaratory Ruling that cable modem internet access service is not a "cable service" upon which the city may continue to receive franchise fees per its franchise with Adelphia Communications Corporation and its rulemaking which will greatly affect the city's ability to control its public right-of-way access.

Section 2: The Clerk of Council be and she is hereby authorized and directed to forward a signed copy of this Resolution to the Federal Communications Commission, 445 12th St., SW, Washington, D.C. 20554.

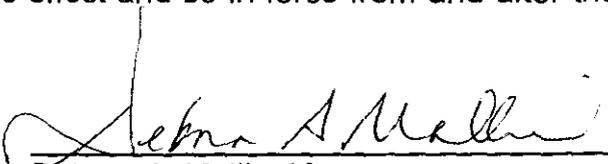
Section 3: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED: APRIL 16, 2002

APPROVED: APRIL 16, 2002

EFFECTIVE: MAY 16, 2002

PUBLISHED: APRIL 25, 2002



Debora A. Mallin, Mayor

ATTEST:



Patricia F. Stahl, Clerk of Council