

M I L L E R & V A N E A T O N
P. L. L. C.

MATTHEW C. AMES
KENNETH A. BRUNETTI*
FREDERICK E. ELLROD III
MARCI L. FRISCHKORN
GAIL A. KARISH*
WILLIAM L. LOWERY
NICHOLAS P. MILLER
MATTHEW K. SCHETTENHELM
JOSEPH VAN EATON

*Admitted to Practice in
California Only

1155 CONNECTICUT AVENUE, N.W.
SUITE 1000
WASHINGTON, D.C. 20036-4320
TELEPHONE (202) 785-0600
FAX (202) 785-1234

MILLER & VAN EATON, L.L.P.
400 MONTGOMERY STREET
SUITE 501
SAN FRANCISCO, CALIFORNIA 94104-1215
TELEPHONE (415) 477-3650
FAX (415) 477-3652

WWW.MILLERVANEATON.COM

OF COUNSEL:
JAMES R. HOBSON
GERARD L. LEDERER
WILLIAM R. MALONE
JOHN F. NOBLE
NANNETTE M. WINTER†

†Admitted to Practice in
New Mexico Only

December 21, 2006

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Washington, D.C. 20554

Re: Ex Parte Presentation in MB Docket No. 05-311.

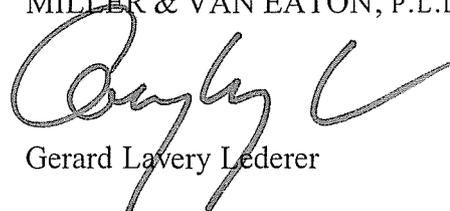
Dear Madame Secretary:

Enclosed is a resolution adopted by the Los Angeles City Council that outlines the City's opposition to the Commission's Actions in the above captioned matter. The enclosed resolution has been shared with the staffs of Chairman Martin and each of the other FCC Commissioners staffs by email.

Please contact the undersigned with any questions.

Very truly yours,
MILLER & VAN EATON, P.L.L.C.

By:



Gerard Lavery Lederer

Attachment

OFFICE OF THE MAYOR
Mayor's Time Stamp
RECEIVED

2006 DEC 15 PM 1:30

CITY OF LOS ANGELES

FORTHWITH

RECEIVED
CITY CLERK'S OFFICE
City Clerk's Time Stamp

2006 DEC 15 PM 1:26

CITY CLERK

BY _____
DEPUTY

SUBJECT TO MAYOR'S APPROVAL

COUNCIL FILE NO. 07-0002-S4

COUNCIL DISTRICT NO. _____

COUNCIL APPROVAL DATE DECEMBER 13, 2006

RE: CITY'S 2007-08 FEDERAL LEGISLATIVE PROGRAM OPPOSITION TO PENDING FEDERAL COMMUNICATIONS COMMISSION ACTIONS, AS WELL AS FEDERAL REGULATORY, ADMINISTRATIVE, AND LEGISLATIVE ACTIONS, THAT WILL FURTHER ERODE VIDEO FRANCHISE FEE REVENUES, REDUCE OR ELIMINATE PUBLIC EDUCATIONAL GOVERNMENT AND I-NET SUPPORT, FURTHER RESTRICT THE AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO REGULATE THE DEPLOYMENT OF VIDEO SERVICES IN THE PUBLIC RIGHT-OF-WAY AND, REMOVE PROTECTIONS AGAINST 'REDLINE' DEPLOYMENT OF ADVANCED VIDEO AND TELECOMMUNICATIONS SERVICES

DEC 26 2006

LAST DAY FOR MAYOR TO ACT _____
(10 Day Charter requirement as per Charter Section 231(h))

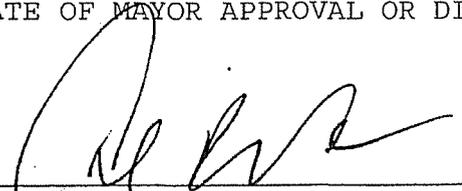
DO NOT WRITE BELOW THIS LINE - FOR MAYOR OFFICE USE ONLY

APPROVED

*DISAPPROVED

*Transmit objections in writing pursuant to Charter Section 231(h)

DATE OF MAYOR APPROVAL OR DISAPPROVAL DEC 19 2006



MAYOR

RESOLUTION

SPECIAL 1

WHEREAS, the National Association of Telecommunications Officers and Advisors (NATOA), the National League of Cities, the US Conference of Mayors, and the National Association of Counties recently alerted cities and counties that the Federal Communications Commission (FCC) may act on a draft Order on video franchising at its December 20, 2006 meeting (MB Docket No. 03-511), and that draft order, in its current form, contains provisions that could decimate Public, Educational, and Government (PEG) resources, and significantly reduce local government revenues from video franchise fees; and

WHEREAS, reports are that the draft FCC Order would also set unreasonable deadlines for the issuance of video franchises, limit total compensation to a 5% franchise fee effectively eliminating the 1% payment for PEG and for institutional networks established by State law, and reduce or eliminate local buildout requirements that protect against 'redline' deployment of video services; and

WHEREAS, the California State Legislature recently enacted AB 2987 (Chapter 700, Statutes of 2006) mandating wholesale changes in the issuance and regulation of video franchises by shifting the authority from local government to the state, and severely limiting local government's authority to ensure quality video services for its residents; and

WHEREAS, the California Public Utilities Commission is currently developing rules and regulations for implementing AB 2987 in 2007, and the FCC's enactment of its draft Order preempting state and local government without explicit Congressional approval of that action is not only premature, but will be subject to litigation which could further delay the entrance into the marketplace of new video service providers; and

WHEREAS, the City of Los Angeles has previously established a policy position on this matter (CF 05-0002-S180), and it would be prudent to reiterate that position to protect City residents and consumers from onerous regulations, administrative actions, or legislation related to this issue.

NOW, THEREFORE BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in the City's 2007-08 federal legislative program OPPOSITION to pending FCC actions, as well as federal regulatory, administrative, and legislative actions, that will further erode video franchise fee revenues, reduce or eliminate PEG and I-Net support, further restrict the authority of state and local governments to regulate the deployment of video services in the public right-of-way and, and remove protections against 'redline' deployment of advanced video and telecommunications services.

FINDINGS & RESOL.

ADOPTED

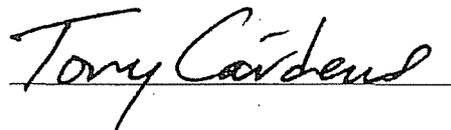
DEC 13 2006

LOS ANGELES CITY COUNCIL

PRESENTED BY:


Bernard C. Parks
Councilmember, 8th District

SECONDED BY:



TO THE MAYOR FORTHWITH

MAYOR WITH FILE

WJ