

1 [Opposing Federal Legislation That Unduly Restricts the Local Role in Telecommunications  
2 and Video Policy]

3 **Resolution urging the United States Congress to reject legislation that would unduly**  
4 **restrict the role of local governments in providing broadband Internet access,**  
5 **managing public rights of way, or awarding franchises to video providers and to**  
6 **approve legislation that would preserve the option for local governments to participate**  
7 **in the provision of communications services.**

8 WHEREAS, the City supports universal, affordable broadband Internet access; and,

9 WHEREAS, City participation in the provision of broadband communications services  
10 may be necessary to achieve universal, affordable broadband Internet access; and,

11 WHEREAS, the City supports competitive entry into the video market and has  
12 demonstrated this support by granting two competitive video franchises since 2000; and,

13 WHEREAS, the City supports vibrant community media through public, educational  
14 and government (PEG) access which uses capacity and equipment provided for through video  
15 franchises and which relies in part on financial support from video carriers; and,

16 WHEREAS, City management of the public rights of way and City zoning requirements  
17 for wireless facilities ensure that deployment of telecommunications and video equipment and  
18 facilities respects public safety, pedestrian and vehicular traffic mobility, and sensitive  
19 environmental, historical and cultural resources; and,

20 WHEREAS, no federal or state agency has the resources or detailed understanding of  
21 the local rights of way or zoning issues to properly manage such rights of way or to respect  
22 local zoning concerns; and,

1  
2 WHEREAS, the City should be fairly compensated for use of the public rights of way;  
3 and,

4 WHEREAS, the United States Congress is currently considering legislation that would  
5 drastically limit the important local role in the formulation and implementation of  
6 telecommunications and video policy; and,

7 WHEREAS, one bill, S. 1504 (Ensign-McCain), would: impose vague, cumbersome  
8 and unnecessary restrictions on municipal participation in the provision of broadband Internet  
9 access or any other communications services; replace local video franchising with a  
10 nationwide franchise; replace locally controlled PEG access with a minimal national standard  
11 with no provision for financial support; replace locally determined franchise fees with a uniform  
12 national fee structure which would likely reduce revenue to the City; preempt local zoning of  
13 wireless facilities; and severely restrict the City's successful right of way management  
14 policies; and,

15 WHEREAS, one bill, H.R. 2726 (Sessions), would prohibit local governments from  
16 providing broadband Internet access services or any other telecommunications, information or  
17 cable service in any locality in which a private entity is offering a similar service; and,

18 WHEREAS, two bills, H.R. 3146 (Blackburn-Wynn) and S. 1349 (Smith-Rockefeller)  
19 would preempt local franchising for telephone companies entering the video market and  
20 replace these with weaker national requirements; and,

21 WHEREAS, in contrast to the previously enumerated bills, one bill, S. 1294  
22 (Lautenberg-McCain), would preserve the ability of cities to participate in the provision of  
23 broadband Internet access and other communications services by barring states from  
24 restricting such activities by local governments; and,  
25

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1           WHEREAS, the legislation currently being considered by Congress may be a prelude  
2 to provisions that may appear in a comprehensive re-write of the Telecommunications Act of  
3 1996 in the coming months; and, now, therefore, be it

4           RESOLVED, That the San Francisco Board of Supervisors finds that preserving the  
5 option of municipal participation in the provision of broadband communications services is  
6 necessary to promote universal, affordable broadband Internet access; and be it

7           FURTHER RESOLVED, That the San Francisco Board of Supervisors affirms the  
8 important role of local government in encouraging competition among telecommunications  
9 and video providers, managing the public rights of way, implementing local zoning policies,  
10 and ensuring vibrant community media; and be it

11           FURTHER RESOLVED, That The San Francisco Board of Supervisors opposes  
12 S.1504, H.R. 3146, S. 1349 and any other legislation that would prevent local government  
13 from requiring video providers who use the public rights of way to obtain a local franchise, pay  
14 reasonable franchise fees, or provide reasonable support for PEG access; and be it

15           FURTHER RESOLVED, That the San Francisco Board of Supervisors opposes S.1504  
16 and H.R. 2726 and any other legislation that would prevent or unnecessarily restrict  
17 municipalities from participating in the provision of broadband Internet access or other  
18 communications services; and be it

19           FURTHER RESOLVED, That the San Francisco Board of Supervisors supports S.  
20 1294 and any other legislation that would preserve the ability of cities to participate in the  
21 provision of broadband Internet access or other communications services; and be it

22           FURTHER RESOLVED, That the Clerk of the Board of Supervisors shall cause a copy  
23 of this Resolution to be sent to all members of the San Francisco Congressional Delegation.  
24  
25

SUPERVISOR AMMIANO



City and County of San Francisco

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Tails  
Resolution

File Number: 051478

Date Passed:

Resolution urging the United States Congress to reject legislation that would unduly restrict the role of local governments in providing broadband Internet access, managing public rights of way, or awarding franchises to video providers and to approve legislation that would preserve the option for local governments to participate in the provision of communications services.

September 6, 2005 Board of Supervisors — ADOPTED

Ayes: 8 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval  
Excused: 3 - Alioto-Pier, Daly, McGoldrick

File No. 051478

I hereby certify that the foregoing Resolution was ADOPTED on September 6, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young  
Clerk of the Board

09/09/05

Date Approved

Mayor Gavin Newsom