

1 [Non-Discriminatory Access to High-Speed Broadband Networks]  
2 ESTABLISHING CITY POLICY SUPPORTING OPEN NON-DISCRIMINATORY  
3 ACCESS TO BROADBAND ACCESS SERVICES AND SUPPORTING NON-  
4 DISCRIMINATORY ACCESS BY CONSUMERS TO ALL CONTENT ON THE  
5 INTERNET; URGING THE SAN FRANCISCO CITY ATTORNEY, THE DEPARTMENT  
6 OF TELECOMMUNICATIONS AND INFORMATION SERVICES AND THE  
7 TELECOMMUNICATIONS COMMISSION TO TAKE ALL POSSIBLE ACTION TO  
8 IMPLEMENT THIS POLICY AT THE FEDERAL, STATE, AND LOCAL LEVEL BY: 1)  
9 MONITORING LEGISLATIVE, REGULATORY AND JUDICIAL DEVELOPMENTS IN  
10 THE CALIFORNIA LEGISLATURE, CONGRESS, THE FEDERAL COMMUNICATION  
11 COMMISSION AND FEDERAL COURTS ADDRESSING HIGH-SPEED INTERNET  
12 ACCESS; 2) MONITORING THE MARKET FOR BROADBAND ACCESS SERVICES  
13 IN ORDER TO GAUGE THE NECESSITY OR FEASIBILITY OF IMPOSING AN OPEN  
14 ACCESS REQUIREMENT; 3) REQUIRING CABLE COMPANIES AND OTHER  
15 PROVIDERS OF HIGH-SPEED INTERNET ACCESS SERVICES TO PERMIT  
16 UNRESTRICTED ACCESS TO ALL CONTENT ON THE INTERNET IN ADDITION TO  
17 ALLOWING SUBSCRIBERS A SINGLE "CLICK THROUGH" DIRECTLY TO SUCH  
18 CONTENT; 4) REQUIRING CABLE COMPANIES AND OTHER PROVIDERS OF  
19 HIGH-SPEED INTERNET ACCESS SERVICES TO PROVIDE UNIVERSAL ACCESS  
20 BY CONSUMERS TO ANY CABLE MODEM OR HIGH-SPEED INTERNET ACCESS  
21 SERVICE IN A SERVICE AREA IN WHICH CABLE MODEM OR HIGH-SPEED  
22 INTERNET ACCESS SERVICE IS OFFERED; 5) FILING AN *AMICUS BRIEF* IN  
23 SUPPORT OF THE CITY OF PORTLAND'S NON-DISCRIMINATORY ACCESS  
24 REQUIREMENT IN THE UNITED STATES COURT OF APPEALS FOR THE NINTH  
25 CIRCUIT AND; 6) URGING THE SAN FRANCISCO CITY ATTORNEY, THE  
26 DEPARTMENT OF TELECOMMUNICATIONS AND INFORMATION SERVICES, AND  
27 THE TELECOMMUNICATIONS COMMISSION TO REPORT BACK TO THE BOARD  
28 OF SUPERVISORS BY DECEMBER 15, 1999 ON FEDERAL, STATE AND LOCAL  
29 LEGISLATIVE, REGULATORY, JUDICIAL AND TECHNICAL DEVELOPMENTS AND  
30 RECOMMEND A COURSE OF ACTION FOR THE CITY.

SUPERVISOR KATZ, YAKI, BECKERIL, BIERMAN,  
AMMIANO, LENO, NEWSOM, BROWN Teng

1           WHEREAS, The Internet is an increasingly important method of communication  
2 in our society, and service provided over the Internet constitutes a rapidly growing  
3 sector of the economy; and,

4           WHEREAS, The continued growth of the Internet depends on the development  
5 of high-speed broadband networks; and,

6           WHEREAS, The use of cable modems operating over a cable operator's  
7 broadband network is one of the most promising methods of providing high speed  
8 access to the Internet for residential customers; and,

9           WHEREAS, The cable operator in San Francisco, AT&T/TCI, has stated that it  
10 plans to offer high-speed broadband Internet access service through cable modems to  
11 its subscribers in San Francisco after the San Francisco cable system is rebuilt; and

12           WHEREAS, The cable company's high-speed cable modem service currently  
13 requires that Internet access be provided by one affiliated server, Excite@Home  
14 Corporation, affiliated with AT&T/TCI through an exclusive agreement; and,

15           WHEREAS, AT&T has informed the FCC that where Excite@Home is offered,  
16 customers currently have the ability to access any and all content portals, aggregators  
17 and on-line service providers on the Internet with a single "click through" from  
18 Excite@Home; and,

19           WHEREAS, Cable companies and providers of high-speed Internet access  
20 services should permit unrestricted access to all content on the Internet in addition to  
21 allowing subscribers a single click-through directly to such content; and,

22           WHEREAS, Other providers of broadband Internet access services may also  
23 impose exclusive arrangements on their subscribers; and,

24           WHEREAS, Internet service providers (ISPs) and consumer advocates have  
25 protested that those requirements by the cable operator and other providers of high-  
26 speed broadband Internet access services may undermine consumer choice, and  
27 restrict competition and diversity on the Internet; and,

28           WHEREAS, On-line service providers have protested that this requirement by  
29 the cable operator would allow it to control availability of video transmission form the  
30 Internet; and,

**SUPERVISOR KATZ**

1 WHEREAS, Competition in high-speed broadband Internet access is in the initial  
2 stages of development and several technologies may successfully compete with high-  
3 speed Internet access offered over the cable system; and,

4 WHEREAS, The FCC has examined the deployment of broadband capability to  
5 specific segments of the population, including people in rural and low-income areas,  
6 and schools and classrooms, in order to ensure that broadband is being deployed  
7 universally to all Americans; and,

8 WHEREAS, The City and County of San Francisco is committed to ensuring that  
9 all communities, irrespective of income, disability, ethnicity, or geographic location,  
10 have access to telecommunications technology, including high-speed access to the  
11 Internet; and,

12 WHEREAS, The City of Portland is in litigation with AT&T over the City of  
13 Portland's requirement that AT&T provide non-discriminatory access to its cable  
14 modem platform to unaffiliated Internet service providers; and,

15 WHEREAS, The City and County of San Francisco wants to ensure the  
16 availability of competitive and diverse high-speed Internet access services and non-  
17 discriminatory access to information on the Internet while preserving high quality  
18 Internet access service and customer service and to encourage the development of  
19 local, on-line businesses, such as ISPs; and,

20 WHEREAS, The City and County of San Francisco wants to ensure the most  
21 competitive prices for service to consumers; and,

22 WHEREAS, Competition between different delivery systems provides the best  
23 options for consumers in terms of price and service; now, therefore, be it

24 RESOLVED, That the Board of Supervisors of the City and County of San  
25 Francisco establishes that it is the policy of the City and County of San Francisco to  
26 support open non-discriminatory access to broadband access services and support  
27 non-discriminatory access by consumers to all content on the Internet; and, be it

28 FURTHER RESOLVED, That the Board of Supervisors urges the San Francisco  
29 City Attorney, the Department of Telecommunications and Information Services and the  
30 Telecommunications Commission to take all possible action to implement this policy at

**SUPERVISOR KATZ**

1 the federal, state, and local level by 1) monitoring legislative, regulatory and judicial  
2 developments in the California Legislature, Congress, the Federal Communication  
3 Commission and Federal Courts addressing high-speed Internet access; 2) monitoring  
4 the market for broadband access services in order to gauge the necessity or feasibility  
5 of imposing an open access requirement; 3) requiring cable companies and any other  
6 providers of high-speed Internet access services to permit unrestricted access to all  
7 content on the Internet in addition to allowing customers a single "click through" directly  
8 to such content; 4) requiring cable companies and other providers of high-speed  
9 Internet access services to provide universal access by consumers to any cable modem  
10 or high-speed Internet access service in a service area in which cable modem or high-  
11 speed Internet access service is offered and; 5) filing an *amicus brief* in support of the  
12 city of Portland's non-discriminatory access requirement in the United States Court of  
13 Appeals for the Ninth Circuit; and, be it

14           FURTHER RESOLVED, That the Board of Supervisors urges the San Francisco  
15 City Attorney, the Department of Telecommunications and Information Services and the  
16 Telecommunications Commission to report back to the Board of Supervisors by  
17 December 15, 1999 on federal, state and local legislative, regulatory, judicial and  
18 technical developments and recommend a course of action for the City.



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails

### Resolution

**File Number:** 990455

**Date Passed:**

Resolution urging the City Attorney and the Department of Telecommunications and Information Services to monitor legislative, regulatory and judicial developments in the California Legislature, Congress, the Federal Communications Commission and Federal Courts addressing access to high-speed cable and other high-speed broadband networks; to take all possible action to ensure that Congress, the Legislature and/or the Federal Communications Commission adopt policies that protect consumers' access to a choice of Internet and other on-line service providers and to all forms of information over the Internet and over high-speed broadband networks; and to support the authority of cities to require cable companies to provide non-discriminatory access by unaffiliated Internet and other on-line providers to the broadband cable network by filing an amicus brief in support of the City of Portland's open access requirement in the United States Court of Appeals for the Ninth Circuit.

March 15, 1999 Board of Supervisors — SEVERED FROM FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA

March 15, 1999 Board of Supervisors — REFERRED: Public Utilities and Deregulation Committee

July 6, 1999 Board of Supervisors — CONTINUED

Ayes: 9 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Yaki

Absent: 2 - Teng, Yee

July 12, 1999 Board of Supervisors — CONTINUED

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

July 26, 1999 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

July 26, 1999 Board of Supervisors — ADOPTED AS AMENDED

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

File No. 990455

I hereby certify that the foregoing Resolution was ADOPTED AS AMENDED on July 26, 1999 by the Board of Supervisors of the City and County of San Francisco.



---

Gloria L. Young  
Clerk of the Board

AUG - 6 1999

---

Date Approved



---

Mayor Willie L. Brown Jr.