

# Charter Township of Bloomfield

## **RESOLUTION to oppose a national video franchising process and to oppose legislation removing cable franchising authority from local governments**

**WHEREAS**, current law requires cable television operators to obtain a local franchise agreement from a local government before they offer video services to its citizens; and

**WHEREAS**, the obligation to obtain a local franchise to provide video services stems both from inherent local government authority over the use of rights-of-way and from the federal 1992 Cable Act, Title VI; and

**WHEREAS**, the two largest telephone companies, SBC and Verizon, have announced their intent to offer video services; and

**WHEREAS**, these companies are seeking federal legislation, potentially as part of the rewrite of the federal Communications Act, that would restructure the local franchising process and instead create a national video franchise allowing telephone companies to offer video programming in municipalities without obtaining a local franchise agreement; and

**WHEREAS**, cities, villages and townships should have the authority to negotiate and enforce local franchise agreements to obtain needed services, including institutional networks and the provision of Public, Educational and Government (PEG) access channels, which communities can use to provide messages and important information to their citizens; and

**WHEREAS**, cities, villages and townships should have the authority to provide communications services, including internet, cable and telephone services, for the benefit of local citizenry and economic development purposes without undue interference from the federal or state governments; and

**WHEREAS**, the House Energy and Commerce Committee has drafted a Broadband Internet Transmission bill, backed by phone companies, that would harm municipal interests; and

**WHEREAS**, H.R. 3146 has been filed by U.S. Representatives Marsha Blackburn (Tennessee) and Albert Wynn (Maryland) and S. 1349 by U.S. Senators Gordon Smith (Oregon) and Jay Rockefeller (West Virginia) that would create a national cable/video franchise, thus bypassing the local franchising process; and

**WHEREAS**, U.S. Senators John Ensign (Nevada) and John McCain (Arizona) have filed a bill titled the "Broadband Investment and Consumer Choice Act" that would prohibit state and local governments from requiring a franchise for the provision of video services, extinguish existing cable franchises, and restrict the authority of local governments to provide communications services.

**NOW, THEREFORE, BE IT RESOLVED** that the Charter Township of Bloomfield opposes federal legislation that creates a national video franchising process preempting local governments from requiring a local franchise agreement from telephone companies that provide video services in their communities, that extinguishes existing cable franchises, and that restricts the authority of local governments to provide communications services.

**BE IT FURTHER RESOLVED** that the Charter Township of Bloomfield urges members of Michigan's Congressional Delegation and members of the House Committee on Energy and Commerce to oppose this legislation and protect municipalities' local franchising authority over video services and municipalities' ability to provide communications services and that copies of this Resolution be forwarded to Michigan's Congressional Delegation, the House Committee on Energy and Commerce, and the Michigan Township Association.

Adopted this 28th day of November, 2005

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