

RESOLUTION NO.: 33 -2007
INTRODUCED BY: Mayor Ursu and All of Council

A RESOLUTION IN OPPOSITION TO OHIO SENATE BILL NO. 117 DIVESTING LOCAL GOVERNMENTS OF THEIR CABLE/VIDEO FRANCHISING AUTHORITY AND INSTITUTING A STATE-WIDE CABLE/VIDEO FRANCHISE.

WHEREAS, Senate Bill (“SB”) 117 was introduced in the Ohio Senate on March 15, 2007 and whereas on March 27, 2007, the Senate held the Sponsor’s introduction hearing and is expected to commence further hearings in April 2007; and

WHEREAS, in its present form, SB 117 would eliminate local franchise authority over cable and other video service providers that must use the City’s rights-of-way to provide service and would replace that authority with only the most minimal oversight and enforcement powers by the Ohio Director of Commerce; and

WHEREAS, SB 117 would permit cable operators to unilaterally abrogate and abandon existing cable/video contracts with municipalities even if no new competitive video service is offered in those communities and would outlaw the extension of any current franchise agreement; and

WHEREAS, SB 117 would significantly reduce the franchise fees paid to the City by cable operators and/or other video service providers in exchange for using the City’s rights-of-way, and would severely impair the City’s ability to audit cable and competitive video service providers’ franchise fee payments; and

WHEREAS, SB 117 would substantially reduce, if not completely eliminate, the City’s ability to have dedicated Public, Educational and Governmental (PEG) access channels and would eliminate entirely all specific PEG funding as well as other services, such as free cable service to City buildings and public schools; and

WHEREAS, SB 117 would prohibit the City from requiring a cable/video service provider to build-out its system so as to provide universal service to all City residents, as has been traditionally required of cable television operators so as to ensure that all residents receive similar access to services; and

WHEREAS, SB 117 would prohibit the City from requiring that any cable/video service provider supply an Institutional Network for the provision of voice, video and data communications between and among City buildings, public and private school buildings, and library buildings in the City ; and

WHEREAS, SB 117 would prohibit the City from enforcing reasonable cable customer service standards determined by the community, as permitted by current Federal law; and

WHEREAS, to date, competitive video service from telephone companies has generally not brought lower prices to consumers; and

WHEREAS, this further encroachment on local authority to monitor and regulate video/cable service providers using the City's rights-of-way to provide video/cable service to the City's residents is not in the City's best interest and is strongly opposed by this Council; and

WHEREAS, this Council specifically objects to any diminishment of the revenue it receives from video/cable providers which use the City's rights-of-way as a part of their business activities; any erosion of the City's ability to require universal service for all residents and businesses within the a City; any erosion of the City's right to require traditional community enhancements such as dedicated public, educational and governmental (PEG) access facilities and Institutional Network (I-Net) capacity from video/cable providers using the City's rights-of-way; any erosion of the City's ability to ensure adequate customer service provided by video/cable operations; and any provision which diminishes the City's authority to manage its public rights-of-way or otherwise infringes upon its Home Rule authority under the Ohio Constitution.

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

Section 1. For the reasons set forth in the preamble of this Resolution, this Council opposes Ohio Senate Bill No. 117 which, if passed, would divest local governments, including this City, of their cable/video franchising authority and institute a state-wide cable/video franchise.

Section 2. The Clerk of Council be, and she is hereby, directed to forward a certified copy of this Resolution upon Governor Ted Strickland, and upon State Senator Lance T. Mason, and upon the members of the Ohio Senate's Energy and Public Utilities Committee.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____

Daniel J. Ursu, Mayor

APPROVED: _____

Betsy Traben
Clerk of Council

David H. Roche
President of Council

ATTEST: _____

April ___, 2007

Governor Ted Strickland
Riffe Center, 30th Floor
77 South High Street
Columbus, Ohio 43215-6108

Senator Lance T. Mason
Senate Building
Room #226, Second Floor
Columbus, Ohio 43215

**RE: The City of Richmond Heights Has Formally Objected To S.B. 117
Through Passage of Resolution No. _____.**

Dear Governor Strickland and Senator Lance T. Mason:

The City of Richmond Heights is strongly opposed to Ohio S.B. 117, now pending before the Energy and Public Utilities Committee, because it will divest local governments of their cable/video franchising authority and institute a state-wide franchising scheme. S.B.117 is a grave danger to the City of Richmond Heights' Home Rule authority, fiscal health, and local community growth.

**Therefore, the City of Richmond Heights has passed Resolution No. _____
formally objecting to the passage of S.B. 117 and supporting the local franchising process.**
Please find enclosed a copy of Resolution No. _____.

Sincerely,

The City of Richmond Heights on behalf of

cc: Members of the Ohio Senate's Energy and Public Utilities Committee

Senator Robert Schuler
Statehouse
Room #221, Second Floor
Columbus, Ohio 43215

Senator Steve Buehrer
Senate Building
Room #125, First Floor
Columbus, Ohio 43215

Senator Ray Miller
Senate Building
Room #223, Second Floor
Columbus, Ohio 43215

Senator Jeff Jacobson
Senate Building
Room #138, First Floor
Columbus, Ohio 43215

Senator Tom Niehaus
Senate Building
Room #038, Ground Floor
Columbus, Ohio 43215

Senator Robert F. Spada
Senate Building
Room #129, First Floor
Columbus, Ohio 43215

Senator Lance T. Mason
Senate Building
Room # 226, Second Floor
Columbus, Ohio 43215

Senator Jason H. Wilson
Senate Building
Room #052, Ground Floor
Columbus, Ohio 43215

Senator Kevin Coughlin
Senate Building
Room #137, First Floor
Columbus, Ohio 43215