

RESOLUTION NO.: 50-2007
OFFERED BY: Mayor Ursu and All of Council

**A RESOLUTION OPPOSING OHIO SUBSTITUTE SENATE BILL 117
AND SUPPORTING THE LOCAL CABLE FRANCHISING PROCESS;
AND DECLARING AN EMERGENCY**

WHEREAS, Substitute Senate Bill ("Sub. SB") 117 was passed in the Ohio Senate on May 9, 2007 and the bill was immediately forwarded to the Ohio House of Representatives where it is being reviewed by the House Public Utilities Committee in which Sponsor's introduction and proponents' hearing is expected to commence on May 23, 2007 with opponents' hearing to follow; and

WHEREAS, in its present form, Sub. SB 117 continues to provide for the elimination of 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, Sub. 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 thereby abrogating the City's current franchise agreement with Time Warner Cable which was negotiated in good faith; and

WHEREAS, Sub. SB 117 will continue to 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, Sub. SB 117 would eliminate all specific Public, Educational and Governmental (PEG) access funding as well as other services, such as free cable service to City buildings and schools; and

WHEREAS, Sub. 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 promote true competition and lower prices for all residents; and

WHEREAS, Sub. SB 117 would prohibit the City from requiring that any cable/video service provider continue to 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 even though such a Network is required by the current cable franchise in the City; and

WHEREAS, Sub. 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, 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 City; any erosion of the City's right to negotiate traditional community enhancements to further 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 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. It is hereby declared that this Council is opposed to Ohio Sub. SB 117, presently before the Public Utilities Committee of the Ohio House of Representatives, and urges the Ohio Legislature to oppose and defeat Sub. S.B. 117 and any other legislation which would further erode local government control and authority over video/cable service providers utilizing its public rights-of-way.

Section 2. The Clerk of Council is hereby directed to serve a certified copy of this Resolution upon the State Representative representing the City, Kenny Yuko; State Senator Lance Mason; House Speaker Jon Husted; Governor Ted Strickland; and the members of the Ohio House of Representative's 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 is hereby declared to be an emergency measure immediately necessary to preserve the public health, safety and general welfare of the citizens and employees of the City and for the further reasons set forth in the preamble to this Resolution; wherefore this

Resolution shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____

Daniel J. Ursu, Mayor

APPROVED: _____

ATTEST: _____

Betsy Traben
Clerk of Council

David H. Roche
President of Council

_____, 2007

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

House Speaker Jon Husted
77 S. High Street, 14th Floor
Columbus, OH 43215

Representative Kenny Yuko
77 S. High Street, 11th Floor
Columbus, OH 43215

**RE: City of Richmond Heights Has Formally Objected To Ohio Sub. SB 117
Through Passage of Resolution No. 50-2007**

Dear Governor Strickland, House Speaker Husted, and Representative Yuko:

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

Therefore, City of Richmond Heights has passed Resolution No. 50-2007 formally objecting to the passage of Sub. SB 117 and supporting the local franchising process. Please find enclosed a copy of Resolution No. 50-2007.

Sincerely,

on behalf of
City of Richmond Heights

cc: *Members of the Ohio House Public Utilities Committee*

[For ease of mailing, the addresses for the members of the Ohio House Public Utilities Committee are listed on the next page. Please delete this sentence before mailing.]

Ohio House Public Utilities Committee Members

John P. Hagan 77 S. High Street 11th Floor Columbus, OH 43215-6111	Kevin Bacon 77 S. High Street 13th Floor Columbus, OH 43215-6111	Louis W. Blessing, Jr. 77 S. High Street 13th Floor Columbus, OH 43215-6111	Jim Carmichael 77 S. High Street 12th Floor Columbus, OH 43215-6111	David T. Daniels 77 S. High Street 12th Floor Columbus, OH 43215-6111
Josh Mandel 77 S. High Street 12th Floor Columbus, OH 43215-6111	Jimmy Stewart 77 S. High Street 11th Floor Columbus, OH 43215-6111	Shannon Jones 77 S. High Street 11th Floor Columbus, OH 43215-6111	James T. Raussen 77 S. High Street 13th Floor Columbus, OH 43215-6111	Joseph W. Uecker 77 S. High Street 11th Floor Columbus, OH 43215-6111
Jay Hottinger 77 S. High Street 13th Floor Columbus, OH 43215-6111	L. George Distel 77 S. High Street 10th Floor Columbus, OH 43215-6111	Matthew H. Barrett 77 S. High Street 10th Floor Columbus, OH 43215-6111	Timothy J. DeGeeter 77 S. High Street 10th Floor Columbus, OH 43215-6111	Steven L. Driehaus 77 S. High Street 14th Floor Columbus, OH 43215-6111
Chris Widener 77 S. High Street 12th Floor Columbus, OH 43215-6111	Jennifer Garrison 77 S. High Street 10th Floor Columbus, OH 43215-6111	Jay P. Goyal 77 S. High Street 10th Floor Columbus, OH 43215-6111	Mark D. Okey 77 S. High Street 10th Floor Columbus, OH 43215-6111	Sandra Williams 77 S. High Street 10th Floor Columbus, OH 43215-6111
Mike Foley 77 S. High Street 10th Floor Columbus, OH 43215-6111	Fred Strahorn 77 S. High Street 14th Floor Columbus, OH 43215-6111	Allan R. Sayre 77 S. High Street 10th Floor Columbus, OH 43215-6111		