

RESOLUTION NO. 14-07
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Paul Hresham ON THE
16th DAY OF April, 2007.

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

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 of Centerville'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 of Centerville by cable operators and/or other video service providers in exchange for using the City of Centerville's rights-of-way, and would severely impair the City of Centerville'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 of Centerville'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 of Centerville's buildings and public schools; and

WHEREAS, SB 117 would prohibit the City of Centerville from requiring a cable/video service provider to build-out its system so as to provide universal

service to all City of Centerville 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 of Centerville 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 of Centerville buildings, public and private school buildings, and library buildings in the City of Centerville; and

WHEREAS, SB 117 would prohibit the City of Centerville 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 of Centerville's rights-of-way to provide video/cable service to the City of Centerville's residents is not in the City of Centerville'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 of Centerville's rights-of-way as a part of their business activities; any erosion of the City of Centerville's ability to require universal service for all residents and businesses within the City of Centerville; any erosion of the City of Centerville'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 of Centerville's rights-of-way; any erosion of the City of Centerville's ability to ensure adequate customer service provided by video/cable operations; and any provision which diminishes the City of Centerville's authority to manage its public rights-of-way or otherwise infringes upon its Home Rule authority under the Ohio Constitution.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE
HEREBY RESOLVES THAT:

Section 1. It is hereby declared that this Council is opposed to Ohio SB 117, presently before the Energy and Public Utilities Committee of the Ohio Senate, and urges the Ohio Legislature to oppose and defeat SB 117 and any other legislation which would further erode local government control and authority over the use of its rights-of-way in video/cable service providers utilizing its rights-of-way.

Section 2. The Clerk of Council is hereby directed to serve a certified copy of this Resolution upon Governor Ted Strickland; and upon State Senator Jeffrey Jacobson.

Section 3. This Resolution is hereby declared for the immediate preservation of the public health, safety and welfare.

PASSED this 16th day of April, 2007.

C. Mark Kerpel
Mayor of the City of Centerville, Ohio

ATTEST:

Debra A. James
Clerk of Council, City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies that the foregoing is a true and correct copy of Resolution Number 14-07, passed by the Council of the City of Centerville, Ohio, on the 16th day of April, 2007.

Debra A. James
Clerk of Council

Approved as to form, consistency
with the Charter and Constitutional Provisions.

Department of Law
Scott A. Liberman
Municipal Attorney