

## .RESOLUTION NO. R99-4 CMS

### A RESOLUTION OPPOSING HOUSE BILL 188 AND SENATE BILL 67 (ANTI-MUNICIPAL/ANTI-CONSUMER CABLE LEGISLATION)

WHEREAS, as citizens and businesses recognize the need to have better communication infrastructure and better access to information sources, local governments around Ohio and across the country are considering community-owned fibre-optic networks. Because of their future information and communications needs in a deregulated utility market, municipal electric systems have a vital interest in this service, but the entire community stands to benefit. The flow of information and data impacts residents' lives every day — in their schools, businesses, hospitals, safety services and utility services. *As roads provide the infrastructure necessary to physically travel from one location to another, fiber optic networks provide an essential infrastructure to move data and message, improving existing municipal functions, supporting a community's economic welfare and protecting its residents' standard of living.*

WHEREAS, as part of their examination of a fibre-optic network, community leaders may consider the incremental cost associated with responding to constituent-driven requests for providing a measure of competition with incumbent cable providers.

WHEREAS, not unexpectedly, as communities consider their options, incumbent monopoly private cable companies are stepping up their efforts to discourage the competition — in Ohio, this has taken the form of legislation the cable association says will "level the playing field."

WHEREAS, nearly identical companion bills — H.B. 188 and S.B. 67 — have been introduced in the Ohio General Assembly and are before the House Public Utilities and Senate Ways and Means committees. Ohio municipalities are concerned with these bills which purport "fairness and parity" yet, in a deregulated environment for private cable companies, seek to enact deliberate impediments for municipalities attempting to respond to the needs of their constituents and businesses by initiating a competitive public communications system in preparation for the new millennium.

WHEREAS, the legislation negatively impacts on the ability of a municipality to build a fibre-optic network — an option cities and villages must have to meet the information and data needs of the 21<sup>st</sup> century; and

WHEREAS, the legislation places community-owned cable systems under the jurisdiction of the Public Utilities Commission of Ohio, while the private cable industry

enjoys virtual deregulation and isn't subject to such state-directed monitoring and regulation; and

WHEREAS, the legislation proposes taxing a public provider in the same manner as a private company without any recognition of the differences between providers; and

WHEREAS, local public officials will be unable to respond to the needs expressed by their constituents to improve economic viability and their quality of life with the passage of this legislation; and

WHEREAS, these two bills do not seek to place the same responsibilities incurred by public entities (open records, sunshine law, prevailing wage, etc.) on their private counterparts — nor do the bills seek to eliminate the competitive advantages of private cable companies over their public counterparts to create a truly "competitive" environment.

NOW, THEREFORE, be it ordained by the Council of the City of Oberlin County of Lorain, State of Ohio, and hereinafter the "Municipality:

SECTION 1. That the Municipality opposes House Bill 188 and Senate Bill 67 and any legislation that seeks to prohibit or effectively prohibit municipalities from establishing community-owned fibre-optic networks and cable systems.

SECTION 2. That a copy of this resolution be sent by the Clerk of Council to the Governor of the State of Ohio, Speaker of the Ohio House of Representatives, the President of the Ohio Senate, the chairman of the House Public Utilities Committee and the chairman of the Senate Ways and Means Committee.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of 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. That this Resolution shall take effect at the earliest date allowed by law.

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PASSED: 1<sup>ST</sup> Reading - May 3, 1999 (E)  
2<sup>nd</sup> Reading -  
3<sup>rd</sup> Reading -

ATTEST:

  
\_\_\_\_\_  
CLERK OF COUNCIL

  
\_\_\_\_\_  
CHAIR OF COUNCIL

POSTED: May 5, 1999

EFFECTIVE DATE: May 4, 1999

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**BOB TAFT  
GOVERNOR  
STATE OF OHIO**

July 15, 1999

Members of the Council  
City of Oberlin  
85 South Main St.  
Oberlin, OH 44074

07-20- 7 929 6-ARNV

Dear Council Members:

This will confirm receipt by the Governor's Office of Resolution # R99-4 CMS passed by the Council of the City of Oberlin on May 3, 1999 regarding House Bill 188 and Senate Bill 67.

Expression of your views on this important matter are appreciated and duly noted.

Sincerely,

A handwritten signature in cursive script that reads "Kelly Davids".

Kelly Davids  
Director of Public Inquiries

KD/jr