

MIDDLEBURY TOWNSHIP RESOLUTION 2006-2
RETAINING LOCAL CONTROL OF CABLE FRANCHISING

WHEREAS, it is the mission of Middlebury Township, Shiawassee County, Michigan to preserve and protect the rights of all its citizens;

WHEREAS, the existing federal and local cable franchising rules have resulted in \$100 billion investment in advanced telecommunications services nationwide and formed the basis for a national policy of broadband (high-speed internet);

WHEREAS, Middlebury township strongly supports the provisions contained within the federal 1984 Cable Act including the anti-discrimination sections that have ensured against a 19th century world of digital “haves and have-nots” and ensured that Americans of all incomes, races and backgrounds can have equal access to television and broadband service as the information and communication that it provides becomes more essential in our daily lives;

WHEREAS, the current federal cable law has been effective in ensuring robust build-out of broadband networks and in protecting against cherry-picking of communities, and should be applied to both existing cable providers and new entrants into the cable marketplace;

WHEREAS, some telecommunications companies that now seek to enter the cable marketplace are attempting to gain a competitive advantage through federal and state preemption of local authority and are seeking to undermine the anti-discrimination and build-out requirements that have been a bipartisan cornerstone of our telecommunications laws for decades;

WHEREAS, these telecommunications companies are attempting to label their service as “video service” to bypass traditional cable laws and regulations, and have encouraged the introduction of legislation in Congress and in various states to attempt to circumvent federal and local regulations;

WHEREAS, in Michigan, legislation has been introduced in the House of Representatives, **HB 5895**, and in the Senate **SB 1157**, that would strip away local cable franchising authority and hand control over to the State of Michigan (secretary of state);

WHEREAS, Middlebury Township strongly supports competition for telephone, broadband and video services, and recognizes that competition for such services is growing rapidly and encourages that these new competitive services are available to all its citizens;

WHEREAS, new entrants into the video marketplace face no unreasonable barriers to entry as federal law expressly provides that cable franchises not be exclusive and that local governments have franchised numerous second cable providers throughout the country;

WHEREAS, excluding local elected officials from the franchise process as some telecommunications carriers and **HB 5895** and **SB 1157** suggests would be harmful to the citizens of Middlebury Township who use local franchise rules to ensure that cable services are provided to everyone, that service territory appropriately covers key areas for economic development and public safety and other community needs are met;

WHEREAS, **HB 5895** and **SB 1157** does not permit a built-out requirement which will allow companies entering the cable market to cherry-pick high value residents only, leaving low-value residents without service;

WHEREAS, Middlebury Township agrees that government policies should not determine winners and losers in the marketplace and thus the rules governing local franchises, including rules regarding build-out of networks, should apply to all cable providers equally;

WHEREAS, **HB 5895** and **SB 1157** would drastically limit or abolish the important role of local government franchising and weaken the non-discrimination provisions of the 1984 Cable Act that protects the interests of all citizens and promotes competition.

NOW, THEREFOR, BE IT RESOLVED that Middlebury Township, Shiawassee County, Michigan, strongly urges the Michigan Legislature to reject legislative proposals such as **HB 5895** and **SB 1157** that abolish the role of local government franchising and the ability of local governments to protect all citizens, that do not allow for build-out requirements, and that ensure that non-discrimination provisions of the 1984 Cable Act are met and promote competition for all its citizens;

BE IT RESOLVED, Middlebury Township, Shiawassee County, Michigan supports legislation which promotes competition in broadband and cable services for everyone, recognizes and preserves local community needs, preserves local control over franchising, prohibits redlining and other discriminatory practices, and ensures that any new entrants into the cable market abide by the same standards that current cable, broadband or multi-channel video providers live by.

The foregoing resolution offered by Board Member _____

And supported by Board Member _____.

Upon roll call vote, the following voted "Aye" _____

"Nay" _____

The Supervisor declared the resolution adopted. _____

(Clerk)

I, Audrey Sovis, the duly elected and acting Clerk Middlebury Township, hereby certify that the foregoing resolution was adopted by the Township Board of said Township at the regular meeting of said Board held on April 13, 2006 at which meeting a quorum was present, by a roll call vote of said members as hereinbefore set forth; that said resolution was ordered to take immediate effect.

Clerk:
