

**RESOLUTION NO. 20060406-030**

**WHEREAS**, the Congress of the United States is considering new or amended Federal legislation regulating the telecommunications industry, including the Telecommunications Act of 1996; and

**WHEREAS**, since the passage of the 1996 federal Telecommunications Act, there have been significant changes and advances in communications technology and the marketplace; and

**WHEREAS**, reform to federal telecommunications law is likely to have a profound impact on the manner in which local governments regulate the industry in their communities;

**WHEREAS**, the City of Austin is committed to promoting a competitive and technologically advanced telecommunications environment for its residents, businesses, and visitors; and

**WHEREAS**, it is the goal of the City of Austin to encourage cable and broadband service providers to offer universal service so that all its residents can benefit from competition and available technologies; **NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

1. The City of Austin urges the United States Congress to consider the following principles as vital to the successful reform of Federal Telecommunications legislation, including the 1996 Telecommunications Act:

- a. Maintain Local Authority: Local governments know best how to protect their citizens with regard to infrastructure, competition, universal service, and management of public rights-of-way.
- b. Preserve Control over Public Rights of Way and Zoning: Maintaining local authority over rights-of-way and zoning is essential for local governments, which protect taxpayer investment in the community's valuable infrastructure.
- c. Encourage True Competition and Competitive Neutrality: Local governments must encourage competition and investment from the industry in order to be more attractive to new businesses and residents. Robust competition improves choice, pricing, and access to new technologies. Regulation should be the same for all video providers, regardless of the technology employed.

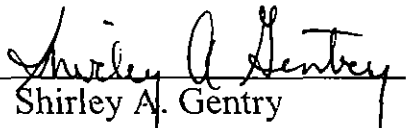
- d. Continue Local Franchising: Local franchise agreements are essential to (i) ensuring universal service, (ii) meeting public, educational, and community needs, and (iii) managing local rights-of-way properly.
  
- e. Authorize Municipal Provision of Broadband Services: Local governments should be able to provide broadband for the purpose of economic development, and to give all citizens access. In many cases, municipalities would be the only provider available, or the only source of competition. Open access is essential; communication providers should not discriminate between content providers or applications.
  
- f. Enhance Public Safety: New voice technologies such as Voice over Internet Protocol (VoIP) should not be exempt from paying for E-911 services. Local governments should maintain authority to require and initiate an alert using an all-channel override in cases of local emergencies.
  
- g. Support Reasonable Municipal Fees and Revenues: Local governments should be fairly compensated for use of public rights-of-way. They rely on revenue from businesses in order to provide services to those businesses and to residents. Telecommunications businesses should not be exempt from local taxation; this would simply shift the revenue burden to others.

h. Recognize State Reforms: In 2005, the State of Texas reformed its telecommunications laws. New provisions include a state-wide franchise for cable operators, while preserving many essential elements of local authority. Congress should allow the states their own regulatory framework, tailored to their own citizens, and not preempt state regulation.

2. The Mayor and City Manager are authorized to present this Resolution to the appropriate members of the United States Congress and other responsible officials of the United States Government, and to take such other action as is reasonable, necessary and proper to communicate the interests and concerns of the City in this matter.

**ADOPTED:** April 6, 2006

**ATTEST:**

  
Shirley A. Gentry  
City Clerk