

2006 JUN 15 PM 6:18

Approved as to Form and Legality

  
Oakland City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION No. 78993 C.M.S.

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**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLAND  
OPPOSING ASSEMBLY BILL 2987, KNOWN AS "THE DIGITAL  
INFRASTRUCTURE AND VIDEO COMPETITION ACT OF 2006"**

**WHEREAS**, on May 31, 2006, the California Assembly passed Assembly Bill 2987, sponsored by Assembly Speaker Nunez and Assembly Member Levine ("AB 2987"), the "Digital Infrastructure and Video Competition Act of 2006; and

**WHEREAS**, AB 2987 has now been referred to the Senate, where it will initially be considered by the Energy, Utilities, and Communications Committee; and

**WHEREAS**, AB 2987 would establish a new regulatory framework for cable operators and telephone operators seeking to provide cable, video, data, and telecommunications services in California by replacing local government franchising with a state franchising scheme; and

**WHEREAS**, AB 2987, in its current form, does not contain build-out or universal service requirement which would ensure that holders of such a state franchise will make cable or video services and other advanced service equally available to the entire community;

**WHEREAS**, AB 2987, in its current form, preempts local government authority to require cable and video service providers to build-out and serve the entire community; and

**WHEREAS**, AB 2987, in its current form, does not ensure that local communities will be "kept whole" in regard to franchise fee revenues, support for Public, Educational, and Government ("PEG") programming, Institutional Networks connecting local schools and municipal buildings for the purpose of transmitting video, data, and voice communications; and other services traditionally provided to municipalities by cable operators via the franchise process in exchange for the use of the public rights-of-way;

**WHEREAS**, AB 2987, in its current form, would eliminate or severely restrict the authority of local governments to require that cable and video systems provide local control of emergency alert systems in the event of disasters and emergencies; and

**WHEREAS**, AB 2987, in its current form, would eliminate local government's authority to determine its needs and interests with respect to cable and video systems and to negotiate and issue franchises which ensure those needs and interests are adequately met; and

**WHEREAS**, AB 2987, in its current form, would eliminate local authority to ensure that cable and video system operators comply with federal, state, and local regulations, including customer service and consumer protection standards, and would eliminate most local compliance enforcement mechanisms; and

**WHEREAS**, AB 2987, in its current form, replaces local enforcement and regulatory authority with a scheme that does not establish adequate mechanisms for enforcement and regulation at the state level;

**RESOLVED**, that the City Council of the City of Oakland hereby opposes the passage of AB 2987 and directs the City Administrator to send this resolution to the state legislators representing the City, Assembly Speaker Nunez, Assembly Member Levine, members of the Senate Energy, Utilities, and Communications Committee, the League of California Cities, and the National Association of Telecommunications Officers and Advisers.

**FURTHER RESOLVED**: that the Office of the City Attorney has approved this resolution as to form and legality, and a copy will be on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 20 2006, 20\_\_.


**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID and PRESIDENT DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:   
LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California