

# Proposed Resolution Stating Opposition of the Methuen City Council to the Repeal of Chapter 166A of the General Laws

- Whereas . . .** Legislation has been filed in the State Legislature which would eliminate M.G.L. c. 166A, and replace it with a state franchise system bypassing municipal authorization and approval, and
- Whereas . . .** Under current law, the Commonwealth provides a primary role for local governments to negotiate the terms and conditions under which a wireline cable television company may provide cable television to its residents pursuant to a municipal consent ordinance, and this requirement of laws is consistent with long-standing principle of ascertaining and addressing community cable-related needs at the local level, and
- Whereas . . .** The Commonwealth's wireline cable television companies constructed and now operate cable television systems under municipal consents that address the needs of local communities with specific agreed upon terms including provisions for customer service; requirements for performance bond; street restoration; removal of abandoned plant; maintenance of some local offices, and
- Whereas . . .** Federal law explicitly prohibits cable companies and municipalities from entering into exclusive franchises and telephone companies are free to enter the video market today as common carriers, as open video service providers, or under the same local franchising framework as cable companies, and
- Whereas . . .** The Methuen City Council supports competition in the provision of cable television service because of the potential for producing consumer benefits through increased choice, and
- Whereas . . .** In order to ensure nondiscriminatory and equal access to competitive services consistent with federal and state law, the City of Methuen has an obligation to ensure that all its residents will have access to competitive services by a date certain, and
- Whereas . . .** The proposed legislation requires only 2 access channels for new entrants in communities with populations under 50,000 and that cable operator could reclaim community channels used for non-repeat programming less than 8 hours per day, threatening the ability of the city to keep its citizenry informed through the public, educational and government channels as they currently operate, and
- Whereas . . .** The process for an award of such a state-issued franchise will have the effect of eliminating any meaningful opportunity for the City of Methuen to address the specific cable-related needs that otherwise might be fulfilled by a competitor and prevent the City of Methuen the ability to ensure competition is offered on equal terms,
- Be It Resolved. . .** That the Methuen City Council does hereby urge the Massachusetts Legislature, in the strongest possible manner, to oppose any effort to eliminate the municipal consent process for competitive providers of cable television service, until, at a minimum, a thorough evaluation is completed of the current system, and the effect of any proposed changes on local governments, residents, competitors and incumbents is analyzed, now therefore
- Be It Further Resolved. . .** That the Massachusetts Legislature request from the Department of Telecommunications and Energy a report on the status of Petition by Verizon New England Inc. designated as *CTV 06-1 Competitive Franchise Rulemaking* and all public comment made on this petition, now therefore
- Be It Further Resolved. . .** That a copy of this resolution shall be forwarded to Governor Patrick, Lt. Governor Murray, Senate President Travaglini, House Speaker DiMasi and Attorney General Martha Coakley, members of the Telecommunications Committee and the Methuen delegation.

***Respectfully submitted:***