



EXECUTIVE DEPARTMENT

Information Technology Division

Memorandum

To: Mayor Laurel Lunt Prussing
Urbana City Council

CC: Champaign-Urbana Cable & Telecommunications Commission
Mark Toalson, Champaign IT Director

From: Sanford Hess, Urbana IT Director
Jake Schumacher, UPTV Station Manager

Regarding: A Proposed Ordinance to Repeal Urbana City Code Chapter 24, Article IV, Section 24-100 (Authorizing the formation of the Champaign-Urbana Cable and Telecommunications Commission)

Date: October 7, 2015

The Champaign-Urbana Cable & Telecommunications Commission was established jointly by Urbana and Champaign ordinances adopted in 1994. Its stated purpose is to “act as an advisory body to the City Councils of the City of Champaign and the City of Urbana for the purpose of overseeing the construction, development and operation of the Cable system, and the administration of the Cable franchise, and to monitor and inform the public of telecommunications legislation and policy.” At the time the establishing ordinances were adopted, neither the state nor the federal government had adopted detailed legislation and frameworks to regulate cable and telecommunications companies on behalf of citizens.

The proposal to repeal the Chapter 24, Article IV, Section 24-100 originates from these considerations:

The work of the Cable Commission has been made obsolete by stronger and more detailed state and federal regulatory schemes that were put in place since the Urbana’s adoption of UCC Sec. 24-100. The state and federal schemes contain “level playing field” provisions so that all cable and telecommunication franchisees are accorded the same rights in order to maintain competitiveness. Urbana has entered into two local cable franchises pursuant to state and federal law, rules and regulations to date – i.e., with Comcast and iTV-3. Thus, federal and state statutes, rules and regulations, and the terms of the respective franchise agreements (including the “level playing field” provisions contained therein) provide the means for regulating cable and telecommunications companies locally. Thus, there is no need to maintain the Commission.

The Commission requires City of Urbana staff resources. Preparation for Cable Commission regular meetings, printing packets, noticing, minutes, camera operator time, post-production, webpage maintenance, research requested by the Commission, and other ancillary duties add up to at least 25 hours per quarter. The Information Technology Division believes those resources could be better utilized and deployed for other projects of significant importance to the City.

Time spent by Urbana staff would further increase because the Commission recently changed its name. Time would be required in amending any and all City ordinances in which the Commissions prior name was used. Likewise, when doing so, it would be prudent for City staff to research current state and federal

statutes, rules and regulations to assure that UCC Sec. 24-100 is consistent therewith.

Repealing UCC 24-100 is supported by other key stakeholders:

It is worth noting that the City of Champaign has essentially ceased its involvement in the Commission since it is no longer providing an alderperson to sit on the Commissioner and since the City of Champaign is no longer forwarding complaint calls from its residents to the Commission.

It is also noteworthy that former Commission Chair Rick Atterberry recommended that the Commission be dissolved when he resigned in 2013 (his statement at resignation is attached). His concluding comments were:

While the commission serves as a potentially valuable bully pulpit for the public in dealing with Comcast and AT&T, most of the other regulatory power the commission once had has been taken away by changes to federal and state law and FCC policy, most of which benefit the cable television and telecommunications corporations at the expense of community oversight. While, at one time, I argued the commission ought to be continued as that interface mentioned above, I now, somewhat regretfully, have come to the conclusion that the commission may have outlived its usefulness. If asked, and this is somewhat presumptuous on my part since I have not been asked, my recommendation would be that the commission, as have other commissions, be dissolved.

It must be noted that the City's UPTV staff will forward citizen complaints about cable and telecommunication franchisees to the respective franchisees as a valued service to Urbana citizens.

In conclusion:

The Information Technology Division recommends adoption of the ordinance to repeal the section of code Chapter 24, Article IV, authorizing Commission, including the provision of staff for the Commission and performance of functions for the Commission. (Because Urbana's ordinance was issued jointly with Champaign's ordinance, Urbana cannot simply disband the Commission.)

Attachment - E-mail from Rick Atterberry on his resignation:

Sent: Friday, August 23, 2013 10:08 AM

To: 'Peter Folk (peter@volo.net)'; 'kwalker2@comcast.net' (kwalker2@comcast.net); 'Lukeman, John Christopher'; 'Chris Foster'; 'Sinder, Dale R'; 'grosales@ad.uiuc.edu' (grosales@ad.uiuc.edu) (grosales@ad.uiuc.edu)'

Cc: 'Atterberry, Richard L'; Liggett, Jason; 'Hamilton, Jeff (jeff.hamilton@ci.champaign.il.us)'

Subject: FW: Final Message to Colleagues

Colleagues,

I did not include the following in my original message because I was waiting for my resignation letter to be acknowledged by the appropriate people at the city. That happened last night.

So here is the complete text of my resignation letter...

Mayor Gerard and City Manager David;

By this notice I hereby tender my resignation as member and chair of the Champaign-Urbana Cable Television and Telecommunications Commission. For the next two years I will be chair of the National Extension Disaster Education Network which will require frequent travel and, along with the increasing demands of another volunteer activity, being the Public Information Officer of the Champaign County Emergency Management Agency, I feel that my ability to give the Cable Commission the attention it deserves has been compromised. I continue to be committed to service to the city and, indeed, have agreed to serve on the Strategic Planning Committee for the Champaign Police Department pending a review of the meeting schedule.

It has been my pleasure to serve on the Cable Commission for these many years and participate in the most recent franchise renewal process. I must mention that the support given the commission by Champaign staff, especially Jeff Hamilton, has certainly made a major impact on whatever success the commission has had as an interface between the cities, the public and the franchisee. I also feel over the years we have educated the populace on issues such as telephone choice and cell phones, both now taken for granted, but at one time new and confusing concepts.

I should add that in recent years it has been increasingly difficult to achieve a quorum, sometimes due to vacant positions and sometimes due to the busy schedules of members. In any event, the commission has been unable to keep its desired quarterly meeting schedule. In fact, we have had difficulty achieving the required attendance of seven members to even change the rules to make it easier to conduct business.

While the commission serves as a potentially valuable bully pulpit for the public in dealing with Comcast and AT&T, most of the other regulatory power the commission once had has been taken away by changes to federal and state law and FCC policy, most of which benefit the cable television and telecommunications corporations at the expense of community oversight. While, at one time, I argued the commission ought to be continued as that interface mentioned above, I now, somewhat regretfully, have come to the conclusion that the commission may have outlived its usefulness. If asked, and this is somewhat presumptuous on my part since I have not been asked, my recommendation would be that the commission, as have other commissions, be dissolved.

Sincerely,

Rick Atterberry

Please understand that this is my opinion only, but it was developed over many, many years as a commissioner and chair. I don't expect that you will all agree with this, although some of you may. I believe that there is nothing except our fairly toothless role as that "bully pulpit" that cannot be handled in other ways. We once had actual power to hold the franchisees accountable. Let's face it, we no longer do. A new body is being appointed to run Big Broadband. I just don't see any emerging telecom issues where we could make a difference. Knowing of the conversations that took place between the cities several years ago now, I felt it was proper to state my personal opinion. So, in the interest of full transparency, there it is.

As I said yesterday, serving with you has been a distinct pleasure and I wish you all the best.

Rick