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MEMORANDUM

DATE: October 14, 2009
TO: MTA Board of Directors
FROM: Suki Sennett, MTA Staff
SUBJECT: AGENDA ITEM F: REPORT ON NATOA'S ANNUAL CONFERENCE HELD
SEPTEMBER 30 - OCTOBER 2, 2009

This year's conference theme –“America's Communications Future: Communities Leading Change” emphasized the important role local government will play in shaping the future communications environment. General sessions addressed such topics as Broadband and the Stimulus Recovery Act, How to Prepare Your Community for the Launch of Gov 3.0, Communications and Change in the Obama Era under the new FCC Chairman, Julius Genachowski. Workshops covered topics ranging from key developments at Congress, the Courts and FCC to using broadband technology in programming, and to making the most out of the Stimulus Recovery Act, and digital inclusion. This was the lowest attended annual conference in NATOA history, a result of local government financial constraints on education and travel. With the exception of Comcast's Kathie Noe, now based in Denver, major providers, such as AT&T, Time-Warner, Cox, Charter et al were not in evidence.

Notably in attendance & participating in sessions were:

Tom Power, Chief of Staff, National Telecommunications & Information Administration
Jamie Barnett, Bureau Chief, Federal Communications Commission
Kathleen Novak, President, National League of Cities
John Marks, President, US Conference of Mayors
Tom Robinson, President, CBG Communications, Inc.

Messages to carry back home:

- Local government is being heard and the future is ours if we want to take it; the climate is ripe.
- FCC is now data driven, rather than ideology driven & is more responsive to consumers and the needs of local governments.
- Reform of PEG operating and capital funding under 1988 Cable Act is expected to come up in Congress this year. *Note; On October 8, Rep. Tammie Baldwin (D-WI) introduced the Community Access Preservation (CAP) Act of 2009 (HR 3745) to address immediate issues facing PEG channels.*

- FCC Petition for Declaratory Ruling that was filed in response to unequal treatment of PEG channel actions taken by AT&T and Comcast is on the fast track.
- Supreme Court is considering rights-way; state courts are addressing cases on local government involvement in community networks and local authority over communications facilities. As local governments are the biggest landlords we should be concerned.
- National Broadband (BB) Plan, part of the American Recovery and Reinvestment Act of 2009 (ARRA) is due to Congress by February 17, 2010. It goes to FCC in November. Scary because it is time poor, funding poor, resource poor. Big guys going after our public rights of way. Neither local governments or the FCC are getting enough information from providers on where and how BB service is being deployed, so the number of people not getting BB is underestimated.
- Minimum BB speed: as FCC increases the speed in its definition, the number of “unserved” subscribers also increases and so does the cost. About 3-6 million people are estimated as unserved by basic BB, defined as a speed of 768 Kilobits per second or less. How BB is defined has big cost implications. NTIA has used faster definition in its grant rules. Incumbent provider’s actual speed, rather than advertised speed is an issue.
- Awarding of Stimulus Grants Round 1: National Telecommunication & Information Administration (NTIA) & Rural Utility Service (RUS) will officially make awards on Monday, November 9 and others in December 2009.
- Broadband Mapping: Stimulus Funding allocated \$350 million to determine US access & BB speeds, it won’t be enough money & probably won’t be completed in time to impact spending the \$7.2 billion Stimulus Funding available to expand BB availability. This mapping information will shape FCC decisions & will be tough to change if adverse to local government.
- BB Clearinghouse: just prior to the conference NATOA received notice that the FCC is seeking comments from all levels of governments regarding BB deployment & community benefits. Comments due: November 16, 2009. NATOA is going to go forward on this Notice.
- FCC Public Notice was issued September 25 seeking comment from federal, state, tribal and local governments on the deployment and adoption of broadband. NATOA plans to send comments on behalf of local governments. Comments date: November 6, 2009.

Notes from General Sessions and Workshops

- **Communications and Change in the Obama Era-General Session**
FCC reforms: re-booting FCC to make accessible to local governments and public, re-doing website to be user friendly, sending their people out beyond the Beltway. Data driven and transparent. New era in Washington, DC.

- **Round 2 of Obama Broadband Stimulus -Lessons Learned So Far-Workshop**

Tom Powers, NTIA Chief said they received 2,200 applications, 7 times the available funding. Round 2 would focus on speed, unserved and underserved, anchor institutions. They want specifics on quality and how many last miles users. NTIA wants long term, sustainable projects, except literacy. David Honig, ED Minority Media Council: long odds for winning in Round Two as Round One bidders would be bidding in Round Two. It's a jobs program basically. Need to contract with small, women and minority businesses. Partner with community groups, education, libraries, hospitals, clinics. Partner up regionally. Go for innovative, unique, different ideas. Gerry Lederer (Miller-Van Eaton) said definition of BB a problem. Areas close to large urban areas were locked out so many local governments were shut out from the beginning. Jim Baller (Baller Herbst) said the stimulus was both a jobs bill and a BB bill. Incumbent providers were withholding information. How to verify speeds was discussed.

- **Preparing for Gov 3.0 Next Generation Internet Environment-General Session**

The "Next Big Thing" is the "Semantic Web" which involves how to assign meaning to web content. Involves new technologies and applications such as intelligent search, cloud computing and "ubiquitous connectivity" that will "dramatically" impact the way local governments conduct business. This new media would create and enable collaboration among local government agencies and citizens. Models for a government preparing for all this are Arvada, CO & the City of San Francisco, where then Mayor Willie Brown supplied the necessary vision. SF utilizes social networking technologies such as Facebook, Twitter, U-Tube platforms on City web site.

- **Meeting the Challenge of Digital Inclusion - Workshop**

Focus was on finding ways to address the lack of computers in the home, libraries, etc. and the lack of understanding of the benefits of the internet without stimulus funds. We heard from San Francisco and Seattle on how they leverage funding without using stimulus funds. Seattle leverages general fund by using 4.2 % of their Comcast franchise (170,000 subs!). SF uses CDBG money, partnerships with community groups, CDCs, volunteers and leverage of existing resources for bringing fiber into their public housing. There was discussion regarding the rural disconnect, especially medical applications and connections to health providers. Also received advice about creating programs that increase use among non-users by raising public awareness, offering digital literacy, creating culturally relevant on-line content, low cost access and partnering with non-profits.

- **Communities Leading Change: NATOA, NLC, US Conference of Mayors – General Session**

Because elected officials don't understand technology it is our job to help educate them. Average age of city/town councils is 50 plus. BB illiterate. Next generation understands. ACO/NLC/Conference of Mayors has obligation to educate electeds about BB policy. Goes both ways. Have to start talking about partnerships with private industries.

- **Programming: Using Broadband technology - Workshop**

How community and PEG channels can enhance their presence on social media and networking sites and how to navigate legal issues that accompany social media. You-Tube, My Space, Facebook, Twitter users are under 35. Legal/Liability implications: when implementing a social network plan: legal issues for PEG channels – case law untested. Free Speech, content control of misstatements, mistakes, false rumors, how fits in with Open Meeting laws and Open Records laws, privacy issues, ADA, terms of service agreements. Issues as Employers/Managers- first Amendments, confidentiality, harassment & objectionable content, employee productivity, scope of employment issues.

Caveat: when you need control choose good administrators. Watch out with elected officials.

- **Programming-Leg/Reg/State of the Industry, Update on PEG -Workshop**

City of Dearborn MI vs. Comcast of Michigan: sparked interest in Congress and FCC.

Regarding unequal treatment of PEG channels (moved PEG to Digital tier. Media Alliance Matt Schuster: AT&T, on move to channel 99 says it not a cable service.

Joe Van Eaton: AT&T, Comcast serve commercial interest first, public benefit second. Localism in media losing. PEG important resource for localism. Four short term fixes at federal level: removal of limits on use of PEG funding, non-discriminatory treatment towards PEG channels, loss of in-kind support, obligations of new entrants like AT&T.

Bill being introduced in a few weeks to amend 1998 Cable Act. 60 PEG operations closed in California (Time-Warner, So.Cal.) Need to forward on all fronts. Contact legislators. Collect data on DIVCA. Localism is disappearing.

Closing Note: the future of NATOA is at stake.

NATOA is facing unprecedented financial challenges this year, similar to those of us in our town/cities and County. For the past 28 years NATOA has become the premier unified source of public telecommunications information, policy guidance, local public affairs video programming and networking for government officials on behalf of citizens and consumers. For MTA, NATOA provides the vitally important advocacy for which we lack the money and resources to pursue on our own. On behalf of local governments, NATOA advocates for broadband planning and implementation, effective consumer protection, adequate funding for PEG, net neutrality and diversity in media. Coupled with the untimely passing of NATOA Executive Director Libby Beaty, NATOA is placed at a crucial crossroads. This year, NATOA experienced deep reduction in membership dues and conference registrations, compounded by restrictions on local government education and travel budgets that has resulted in a steep reduction in revenues. I respectfully urge the MTA Board to consider making a contribution to NATOA. We can't afford to lose this vital resource.