

Ham b.a.

LEGISLATIVE AND REGULATORY UPDATE  
OFFICE OF TELECOMMUNICATIONS & REGULATORY AFFAIRS  
AUGUST OF 2010

**FEDERAL:**

Network Neutrality – FCC calls off closed door talks with major telecom, broadband, and cable TV providers in a failed effort to reach a compromise that would prevent phone and cable companies from discriminating against Internet traffic carried over their broadband network.

News reports indicate that the parallel talks between Google and Verizon to give Google preferred access to Verizon's wireless and cable TV networks were a key cause of the breakdown in the FCC negotiations.

It is unclear what steps the FCC will take next since Internet traffic has traditionally not been subject to the same FCC authority and regulations as have phone and cable. The heated debate will no doubt spill over into Congress and will continue for months if not years before it is resolved.

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Community Access Preservation Act of 2009

Supporters of the CAP Act were unsuccessful getting it added to a bill supporting the Americans with Disabilities Act, but the attention received during the committee mark up lead sponsors to believe that it may move forward in 2011. Republican co-sponsors are still lacking.

The current co-sponsors are:

COSPONSORS (15), BY DATE [order is left to right ]

|  |   |
|--|---|
| <u>Rep Thompson, Mike</u> [CA-1] - 10/8/2009       | <u>Rep Honda, Michael M.</u> [CA-15] - 10/21/2009   |
| <u>Rep Larson, John B.</u> [CT-1] - 10/21/2009     | <u>Rep Davis, Danny K.</u> [IL-7] - 11/3/2009       |
| <u>Rep Stark, Fortney Pete</u> [CA-13] - 11/3/2009 | <u>Rep Schakowsky, Janice D.</u> [IL-9] - 11/4/2009 |
| <u>Rep Gutierrez, Luis V.</u> [IL-4] - 11/19/2009  | <u>Rep Doggett, Lloyd</u> [TX-25] - 12/1/2009       |
| <u>Rep Hinchey, Maurice D.</u> [NY-22] - 12/1/2009 | <u>Rep Abercrombie, Neil</u> [HI-1] - 12/1/2009     |
| <u>Rep Woolsey, Lynn C.</u> [CA-6] - 12/2/2009     | <u>Rep Driehaus, Steve</u> [OH-1] - 12/7/2009       |
| <u>Rep Farr, Sam</u> [CA-17] - 12/8/2009           | <u>Rep Ellison, Keith</u> [MN-5] - 2/3/2010         |
| <u>Rep Serrano, Jose E.</u> [NY-16] - 2/4/2010     |   |

The Alliance for Community Media (ACM) has hired Gerry Lederer with Miller & Van Eaton to help move CAP forward and the FCC PEG petitions forward. Miller & Van Eaton is a DC law firm offering specialized services in communications law and was established back in 1985 and is well respected by Congress and the FCC. They have long been very active in NATOA, TATO, and the ACM.

**STATE:**

**Public Utility Commission of Texas Rulemaking Workshop on Telephone Access Line Fees:**

Clarence West, Attorney at Law, will represent Austin and a coalition of cities at the August 13<sup>th</sup> PUC workshop to evaluate current telephone access line rates. His presentation will clearly demonstrate how city revenues from access line fees have steadily declined since the State took charge of all access line regulation, previously under the control of individual cities along with proposals to reverse the trend.

The testimony will also call on the PUC to include "over the top" VoIP telephone services as being subject to ROW access line fees paid to cities.

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PUC staff recommendations to the PUC following a review of access line fees earlier this year called for inclusion of "over the top" VoIP lines, clarifying what constitutes the 10-to-1 line counting ration for PBX-type services, and changing the way high-count data lines are counted for access line fees were not adopted. The Commissions failed to adopt any of the staff recommendations.