

Quad Cities Cable Communications Commission
Anoka City Hall – Council Chambers

April 20, 2017, 11:00 AM

Agenda

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Agenda**
- 4. Administrative Reports**
 - 4.1. Secretary
 - 4.1.1. Approval of the January 19, 2017, commission minutes.
 - 4.2. Treasurer
 - 4.2.1. December, January, February Financial Reports
 - 4.3. Executive Director
- 5. General Business**
 - 5.1. AED Purchase and Training
 - 5.2. City Council Chambers HD Upgrade report
- 6. Adjourn**

MINUTES OF THE REGULAR MEETING OF JANUARY 19, 2017

CALL TO ORDER – 1

Acting Chair Ulrich called the meeting to order at 11:00 a.m. at the Anoka City Hall.

ROLL CALL– 2

Commissioners present were: Carl Anderson, Anoka; Greg Lee, Anoka; John LeTourneau, Ramsey; Kurt Ulrich, Ramsey; Jim Dickinson, Andover; and Jim Goodrich, Andover.

Commissioners absent and excused: Bret Heitkamp, Champlin; and Eric Johnson, Champlin.

Others present included Karen George, Executive Director.

APPROVAL OF AGENDA – 3

Motion was made by LeTourneau and seconded by Anderson to approve the agenda as presented.

6 ayes – 0 nays. Motion carried.

ADMINISTRATIVE REPORTS – 4

4.1 Secretary

4.1.1. Approval of meeting minutes from November 17, 2016

Motion was made by Dickinson and seconded by LeTourneau to approve the November 17, 2016 minutes as presented.

6 ayes – 0 nays. Motion carried.

4.2 Treasurer

4.2.1. October and November Financial Reports

Commissioner Dickinson stated that the October and November financial reports were included in the packet and provided a summary of the highlights.

Motion was made by Anderson and seconded by Goodrich to accept the October and November Financial Reports.

6 ayes – 0 nays. Motion carried.

4.3 Executive Director

Ms. George stated that the CenturyLink Franchise Agreements have been executed. She stated that she has been working with the attorney to ensure that the administrative items are completed as CenturyLink enters the market. She stated that a CenturyLink store has been located in the north metro in the Riverdale shopping center. She stated that QCTV has received some national awards that will come before the Commission in February or March. She stated that City Matters is a new show that derived from the discussions the Commission held during the previous year and will be revisited at the March work session.

4.4 Commission Organization

Ms. George stated that this is the organizational meeting following city elections. She noted that newly appointed Andover Councilmember Jim Goodrich has replaced Julie Trude. She noted that the only changes have been to reflect that change.

Motion was made by Dickinson and seconded by LeTourneau to approve the meeting dates and time, per diem rates, slate of officers and Committee appointments as indicated.

6 ayes – 0 nays. Motion carried.

Ms. George noted that the June meeting regularly conflicts with the League of Minnesota Cities conference and therefore would need to be rescheduled or canceled when that time comes.

GENERAL BUSINESS – 5

5.1 Designate Depository

Commissioner Dickinson reviewed the different depositories that the Commission uses for QCTV.

Motion was made by Dickinson and seconded by Goodrich to designate US Bank as the official depository for 2017; that the PMA Financial Network, Inc. (Minnesota Municipal Money Market Fund) be designated as additional depository for 2017 for investment and cash management purposes only; and, that the Commission Board of Directors is hereby designated as the approval authority for the release and acceptance of all collateral to be held by the organization in conjunction with Commission funds on deposit with authorized institutions.

6 ayes – 0 nays. Motion carried.

5.2 Surplus Studio Set

Ms. George stated that QCTV made a purchase to update the studio set and now has a bulky wood desk. She stated that the Anoka Hennepin School District is interested in repurposing the desk and therefore she is asking for authorization to do so.

Motion was made by Goodrich and seconded by Lee to authorize staff to surplus the studio desk and send to Anoka-Hennepin School District.

6 ayes – 0 nays. Motion carried.

ADJOURN – 6

Time of adjournment 11:13 a.m.

Respectfully submitted,

Amanda Staple
Recording Secretary
TimeSaver Off Site Secretarial, Inc.

Reviewed for approval,

Karen George
Executive Director

Quad Cities Communications Commission
Balance Sheet Summary

As of December 31, 2016

	<u>Total</u>
ASSETS	
Current Assets	
Bank Accounts - QCTV	2,015,278.71
- PayPay acct	283.40
- US Bank Reserve	5,000.00
- Petty Cash	250.00
Accounts Receivable	57,246.01
Other current assets	7,751.00
Total Current Assets	<u>\$ 2,085,809.12</u>
 Fixed Assets	 <u>0.00</u>
 TOTAL ASSETS	 <u><u>\$ 2,085,809.12</u></u>
 LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	28,291.20
Other Current Liabilities	31.34
Total Current Liabilities	<u>\$ 28,322.54</u>
 Equity	 <u>2,057,486.58</u>
TOTAL LIABILITIES AND EQUITY	<u><u>\$ 2,085,809.12</u></u>

Quad Cities Communications Commission
Budget vs. Actuals: Budget 2016 - FY16 P&L
January - December 2016

	Dec 2016				2016 YTD - as of 01/23/17			
	Actual	Budget	over Budget	% of Budget	Actual	Budget	over Budget	% of Budget
Income								
Duplication Revenue	\$ 90.00	\$ 212.00	\$ (122.00)	42.45%	\$ 1,820.93	\$ 2,500.00	\$ (679.07)	72.84%
Equipment Grant	56,428.75	-	56,428.75		112,299.60	-	112,299.60	
Franchise Fees		72,854.00	(72,854.00)	0.00%	783,435.68	874,248.00	(90,812.32)	89.61%
Interest Income	455.75	12.00	443.75	3797.92%	2,710.01	100.00	2,610.01	2710.01%
Miscellaneous Income	6,952.26		6,952.26		33,057.66	-	33,057.66	
PEG Fee		36,428.00	(36,428.00)	0.00%	391,718.23	437,125.00	(45,406.77)	89.61%
Total Income	63,926.76	109,506.00	(45,579.24)	58.38%	1,325,042.11	1,313,973.00	11,069.11	100.84%
Expenses								
Accounting / HR Services	2,720.37	1,174.00	1,546.37	231.72%	12,697.26	14,000.00	(1,302.74)	90.69%
Ads/Promos/Sponsorships	1,030.00	580.00	450.00	177.59%	6,674.50	6,850.00	(175.50)	97.44%
Andover Capital Equipment		500.00	(500.00)	0.00%	78.98	6,000.00	(5,921.02)	1.32%
Announcers Fees	967.00	837.00	130.00	115.53%	7,972.00	10,000.00	(2,028.00)	79.72%
Anoka Capital Equipment		500.00	(500.00)	0.00%	1,739.83	6,000.00	(4,260.17)	29.00%
Audit		1,125.00	(1,125.00)	0.00%	13,075.00	13,500.00	(425.00)	96.85%
Bank Fees / CC Fees		49.00	(49.00)	0.00%	-	500.00	(500.00)	0.00%
Brand Apparel		174.00	(174.00)	0.00%	1,878.00	2,000.00	(122.00)	93.90%
Building - Cleaning	535.63	525.00	10.63	102.02%	7,748.04	6,300.00	1,448.04	122.98%
Building - Insurance		212.00	(212.00)	0.00%	2,114.00	2,500.00	(386.00)	84.56%
Building - Maintenance	2,990.49	587.00	2,403.49	509.45%	6,739.29	7,000.00	(260.71)	96.28%
Building - Supplies	111.19	174.00	(62.81)	63.90%	1,646.27	2,000.00	(353.73)	82.31%
Car Allowance	250.00	250.00	-	100.00%	3,000.00	3,000.00	-	100.00%
Cell Phone - Allowance	515.00	555.00	(40.00)	92.79%	5,860.00	6,660.00	(800.00)	87.99%
Champlin Capital Equipment		500.00	(500.00)	0.00%	1,072.51	6,000.00	(4,927.49)	17.88%
City Sewer & Water	307.79	224.00	83.79	137.41%	2,576.12	2,600.00	(23.88)	99.08%
Commission Expense	518.79	600.00	(81.21)	86.47%	1,929.26	7,200.00	(5,270.74)	26.80%
Consulting Services	6,220.16	3,174.00	3,046.16	195.97%	27,899.09	38,000.00	(10,100.91)	73.42%
Contingency Fund		2,063.00	(2,063.00)	0.00%	-	24,690.00	(24,690.00)	0.00%
Duplication Expenses		87.00	(87.00)	0.00%	136.94	1,000.00	(863.06)	13.69%

Quad Cities Communications Commission
Budget vs. Actuals: Budget 2016 - FY16 P&L
January - December 2016

	Dec 2016				2016 YTD - as of 01/23/17			
	Actual	Budget	over Budget	% of Budget	Actual	Budget	over Budget	% of Budget
Electric Service	1,218.88	1,596.00	(377.12)	76.37%	14,578.16	19,152.00	(4,573.84)	76.12%
Emp / Comm Appreciation	1,558.16	212.00	1,346.16	734.98%	1,568.94	2,500.00	(931.06)	62.76%
Equip/Repair/Supply/Software	4,451.39	3,825.00	626.39	116.38%	37,014.61	45,812.00	(8,797.39)	80.80%
Federal Unempl Expense	56.48	68.00	(11.52)	83.06%	704.01	750.00	(45.99)	93.87%
Health Insurance	5,665.53	5,814.00	(148.47)	97.45%	60,759.82	69,768.00	(9,008.18)	87.09%
Insurance - Deductibles		49.00	(49.00)	0.00%	-	500.00	(500.00)	0.00%
Insurance - Liability / Bonds		500.00	(500.00)	0.00%	5,581.00	6,000.00	(419.00)	93.02%
Lawn Service		375.00	(375.00)	0.00%	4,801.01	4,500.00	301.01	106.69%
Leg Lobbying - Do NOT Use		169.00	(169.00)	0.00%	-	1,940.00	(1,940.00)	0.00%
Legal Fees	298.50	2,500.00	(2,201.50)	11.94%	17,189.71	30,000.00	(12,810.29)	57.30%
Licenses and Permits		87.00	(87.00)	0.00%	-	1,000.00	(1,000.00)	0.00%
Meals	25.64	87.00	(61.36)	29.47%	137.70	1,000.00	(862.30)	13.77%
Memberships - NATOA / Others		460.00	(460.00)	0.00%	9,018.60	5,520.00	3,498.60	163.38%
Mileage	377.62	600.00	(222.38)	62.94%	6,116.98	7,200.00	(1,083.02)	84.96%
Miscellaneous Expenses		87.00	(87.00)	0.00%	9.00	1,000.00	(991.00)	0.90%
Natural Gas	924.79	324.00	600.79	285.43%	2,711.70	3,800.00	(1,088.30)	71.36%
Office Supplies / Equipment		424.00	(424.00)	0.00%	5,368.67	5,000.00	368.67	107.37%
Parking Lot Maintenance		274.00	(274.00)	0.00%	-	3,200.00	(3,200.00)	0.00%
Payroll Expenses (ADP/HSA)	380.92	499.00	(118.08)	76.34%	5,029.65	5,900.00	(870.35)	85.25%
PERA	2,302.43	3,254.00	(951.57)	70.76%	33,540.60	38,982.00	(5,441.40)	86.04%
Postage	53.46	112.00	(58.54)	47.73%	798.70	1,300.00	(501.30)	61.44%
Printing / Copy Services	64.17	87.00	(22.83)	73.76%	721.93	1,000.00	(278.07)	72.19%
Professional Development	2,066.20	1,424.00	642.20	145.10%	14,309.57	17,000.00	(2,690.43)	84.17%
Publications		49.00	(49.00)	0.00%	38.00	500.00	(462.00)	7.60%
Ramsey Capital Equipment		500.00	(500.00)	0.00%	1,645.48	6,000.00	(4,354.52)	27.42%
Sales Tax		49.00	(49.00)	0.00%	216.26	500.00	(283.74)	43.25%
Secretary Services		253.00	(253.00)	0.00%	1,262.35	2,992.00	(1,729.65)	42.19%
Snow Plowing Service	1,048.75	375.00	673.75	279.67%	2,065.00	4,500.00	(2,435.00)	45.89%
SS/Medicare Expense	3,247.55	3,739.00	(491.45)	86.86%	37,082.53	44,747.00	(7,664.47)	82.87%
State Unemploy Exp		212.00	(212.00)	0.00%	1,220.49	2,500.00	(1,279.51)	48.82%

Quad Cities Communications Commission
Budget vs. Actuals: Budget 2016 - FY16 P&L
January - December 2016

	Dec 2016				2016 YTD - as of 01/23/17			
	Actual	Budget	over Budget	% of Budget	Actual	Budget	over Budget	% of Budget
STD / LTD / Life Insurance	608.88	634.00	(25.12)	96.04%	5,509.29	7,520.00	(2,010.71)	73.26%
Studio Sets		587.00	(587.00)	0.00%	9,496.31	7,000.00	2,496.31	135.66%
Subscription Services	199.85	1,343.00	(1,143.15)	14.88%	13,147.61	16,017.00	(2,869.39)	82.09%
Temp Staff Services		212.00	(212.00)	0.00%	-	2,500.00	(2,500.00)	0.00%
Vehicle - Equipment / Repair	3,324.34	837.00	2,487.34	397.17%	37,053.94	10,000.00	27,053.94	370.54%
Vehicle - Insurance		299.00	(299.00)	0.00%	3,027.00	3,500.00	(473.00)	86.49%
Vehicle - Maintenance / Gas	168.77	674.00	(505.23)	25.04%	4,070.26	8,000.00	(3,929.74)	50.88%
Wages - Full-time	36,781.21	38,749.00	(1,967.79)	94.92%	432,312.55	464,977.00	(32,664.45)	92.98%
Wages - Part-time	5,446.09	9,999.00	(4,552.91)	54.47%	54,732.86	119,922.00	(65,189.14)	45.64%
Waste Removal	92.41	100.00	(7.59)	92.41%	1,038.08	1,200.00	(161.92)	86.51%
Web / VOD / Int / CaTV / Phone	1,740.09	1,658.00	82.09	104.95%	15,290.33	19,830.00	(4,539.67)	77.11%
Work Comp Insurance		199.00	(199.00)	0.00%	1,475.00	2,300.00	(825.00)	64.13%
Total Expenses	88,268.53	97,185.00	(8,916.47)	90.83%	945,480.79	1,163,129.00	(217,648.21)	81.29%
Net Income	\$ (24,341.77)	\$ 12,321.00	\$ (36,662.77)	-197.56%	\$ 379,561.32	\$ 150,844.00	\$ 228,717.32	251.63%

ZCIP - Cargo Van

\$ 28,896.14

ZCIP - Landscaping

13,489.83

ZCIP - Network Servers

10,369.11

ZCIP - Truck

10,213.27

\$ 62,968.35

QCTV Bank Reconciliation

December 2016

Beginning Balance - 4M Statement	2,097,763.49
Less: Cleared Checks/Withdrawals	(80,513.57)
Plus: 4M Fund Interest	455.75
Plus: Bank Deposits/Credits	7,160.97
Bank Balance	\$2,024,866.64
Book Balance	2,024,866.64
Adjusted Book Balance	2,024,866.64
Difference:	\$0.00

Completed by: MK

Quad Cities Communications Commission

Reconciliation Report

Quad Cities Commission, Period Ending 12/31/2016

Reconciled on: 01/20/2017 (any changes to transactions after this date aren't reflected on this report)

Reconciled by: Lee Brezinka

Summary

Statement Beginning Balance	2,097,763.49
Checks and Payments cleared	-80,513.57
Deposits and Other Credits cleared	+7,616.72
Statement Ending Balance	2,024,866.64
Uncleared transactions as of 12/31/2016	-9,587.93
Register Balance as of 12/31/2016	2,015,278.71
Uncleared transactions after 12/31/2016	47,887.03
Register Balance as of 01/20/2017	2,063,165.74

Details

Checks and Payments cleared

<u>Date</u>	<u>Type</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
10/10/2016	Bill Payment	11472	Pete C. Andersen	-120.00
11/08/2016	Bill Payment	11504	Pete C. Andersen	-180.00
11/21/2016	Bill Payment	11529	Maza Technologies, LLC	-4,567.35
11/21/2016	Bill Payment	11528	LiveU Inc.	-536.40
11/21/2016	Bill Payment	11526	Joan Gutenberg	-127.90
11/21/2016	Bill Payment	11525	HealthEquity Inc.	-3.95
11/21/2016	Bill Payment	11524	Greenery Enterprises, Inc.	-7,509.25
11/21/2016	Bill Payment	11523	David Steinberg	-60.00
11/21/2016	Bill Payment	11515	ACE Solid Waste, Inc.	-85.97
11/23/2016	Journal	11B - 2016MK		-186.65
12/05/2016	Bill Payment	11542	Xcel Energy	-1,052.34
12/05/2016	Bill Payment	11541	Way-Cool Cooking School, Inc.	-935.00
12/05/2016	Bill Payment	11540	The Lincoln National Life Ins. Co.	-416.29
12/05/2016	Bill Payment	11539	Preferred One Insurance Co.	-5,149.16
12/05/2016	Bill Payment	11538	League of MN Cities Insurance Trust	-243.00
12/05/2016	Bill Payment	11537	Huebsch	-33.07
12/05/2016	Bill Payment	11536	Holiday Station	-236.84
12/05/2016	Bill Payment	11535	Comcast Cable	-390.43
12/05/2016	Bill Payment	11534	Bert Nijssen	-9.00
12/05/2016	Bill Payment	11533	ARCC, Professional & Workforce	-1,100.00
12/09/2016	Bill Payment	W/D	Minnesota State Retirement System	-2,301.60
12/09/2016	Bill Payment	W/D	PERA	-2,534.83
12/09/2016	Journal	12C - 2016MK		-191.85
12/09/2016	Journal	12C - 2016MK		-15,056.28
12/09/2016	Journal	12C - 2016MK		-5,806.48
12/15/2016	Bill Payment	11564	Way-Cool Cooking School, Inc.	-569.60
12/15/2016	Bill Payment	11563	U.S. Bank Corporate	-2,074.34
12/15/2016	Bill Payment	11562	Timesavers	-136.00
12/15/2016	Bill Payment	11561	Sectional Hockey Tournaments	-280.00
12/15/2016	Bill Payment	11559	LiveU Inc.	-536.40
12/15/2016	Bill Payment	11557	Kennedy & Graven, Chartered	-1,774.50
12/15/2016	Bill Payment	11556	Julie Trude	-80.00
12/15/2016	Bill Payment	11555	John Letourneau	-80.00
12/15/2016	Bill Payment	11554	James Dickinson	-80.00
12/15/2016	Bill Payment	11553	Greenery Enterprises, Inc.	-382.50
12/15/2016	Bill Payment	11551	Creative Forms & Concepts	-75.15

<u>Date</u>	<u>Type</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
12/15/2016	Bill Payment	11550	Comcast Cable	-165.94
12/15/2016	Bill Payment	11549	Comcast 2	-474.57
12/15/2016	Bill Payment	11548	CenterPoint Energy	-273.67
12/15/2016	Bill Payment	11547	Carl E. Anderson	-40.00
12/15/2016	Bill Payment	11546	Bret Heitkamp	-80.00
12/15/2016	Bill Payment	11545	Barna, Guzy & Steffen, LTD	-585.00
12/15/2016	Bill Payment	11544	Alpha Video & Audio Inc.	-225.00
12/15/2016	Bill Payment	11543	ACE Solid Waste, Inc.	-92.41
12/23/2016	Bill Payment	W/D	PERA	-2,551.69
12/23/2016	Bill Payment	W/D	Minnesota State Retirement System	-570.00
12/23/2016	Journal	12D - 2016MK		-5,796.91
12/23/2016	Journal	12D - 2016MK		-14,567.00
12/23/2016	Journal	12D - 2016MK		-189.25
Total				-80,513.57

Deposits and Other Credits cleared

<u>Date</u>	<u>Type</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
12/08/2016	Deposit		John Freeburg	30.00
12/08/2016	Deposit		Miscellaneous Customer	15.00
12/08/2016	Deposit		Brian Larson	15.00
12/14/2016	Deposit		Wayne Bancroft	15.00
12/14/2016	Deposit		League of MN Cities	6,135.00
12/21/2016	Deposit		PayPal	513.29
12/21/2016	Deposit		Jim Vanek	15.00
12/27/2016	Deposit		State of Minnesota	422.50
12/31/2016	Journal	12E - 2016MK		455.75
12/31/2016	Journal	12F - 2016MK		0.18
Total				7,616.72

Additional Information

Uncleared Checks and Payments as of 12/31/2016

<u>Date</u>	<u>Type</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
07/16/2013	Bill Payment	10010	City of Anoka	-125.00
07/18/2016	Bill Payment	11367	Andrew Zachariason	-36.57
12/15/2016	Bill Payment	11560	Pete C. Andersen	-180.00
12/15/2016	Bill Payment	11558	Kurtis G. Ulrich	-80.00
12/15/2016	Bill Payment	11552	Eric Johnson	-40.00
12/30/2016	Bill Payment	11565	Anoka Area Chamber of Commerce	-15.00
12/30/2016	Bill Payment	11566	BizzyWeb, LLC	-498.75
12/30/2016	Bill Payment	11567	Broadcast Technical Services	-2,595.45
12/30/2016	Bill Payment	11569	City of Anoka	-86.00
12/30/2016	Bill Payment	11568	City of Andover	-1,162.84
12/30/2016	Bill Payment	11570	City of Champlin	-94.79
12/30/2016	Bill Payment	11571	Design Information Solutions for Computer	-300.00
12/30/2016	Bill Payment	11572	Greenery Enterprises, Inc.	-666.25
12/30/2016	Bill Payment	11573	HealthEquity Inc.	-3.95
12/30/2016	Bill Payment	11574	Holiday Station	-89.68
12/30/2016	Bill Payment	11575	Huebsch	-33.07
12/30/2016	Bill Payment	11576	Kennedy & Graven, Chartered	-212.50
12/30/2016	Bill Payment	11577	Maza Technologies, LLC	-3,303.91
12/30/2016	Bill Payment	11578	Presto Graphics	-64.17
Total				-9,587.93

Uncleared Deposits and Other Credits as of 12/31/2016

<u>Date</u>	<u>Type</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
08/21/2015	Bill Payment	10962	Anoka Area Chamber of Commerce	0.00
09/14/2016	Bill Payment	11442	U.S. Bank Corporate	0.00
Total				0.00

Uncleared Checks and Payments after 12/31/2016

<u>Date</u>	<u>Type</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
01/03/2017	Bill Payment	11579	Alliance for Community Media	-2,375.00
01/03/2017	Bill Payment	11580	Preferred One Insurance Co.	-5,903.42
01/03/2017	Bill Payment	11581	The Lincoln National Life Ins. Co.	-608.88
01/03/2017	Bill Payment	11582	Vividly Clean Inc.	-535.63
Total				-9,422.93

Uncleared Deposits and Other Credits after 12/31/2016

<u>Date</u>	<u>Type</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
01/05/2017	Deposit		Comcast	56,428.75
01/05/2017	Deposit		Chris Goodman	15.00
01/05/2017	Deposit		David Russow	15.00
01/17/2017	Deposit		League of MN Cities Insurance Trust	817.26
01/17/2017	Deposit		Patrick Surma	15.00
01/17/2017	Deposit		Keyestrategies, LLC	18.95
Total				57,309.96

Quad Cities Communications Commission
Balance Sheet Summary

As of January 31, 2017

	<u>Total</u>
ASSETS	
Current Assets	
Bank Accounts - QCTV	1,923,324.23
- PayPay acct	455.05
- US Bank Reserve	5,000.00
- Petty Cash	250.00
Accounts Receivable	0.00
Other current assets	0.00
Total Current Assets	<u>\$ 1,929,029.28</u>
Fixed Assets	<u>0.00</u>
TOTAL ASSETS	<u><u>\$ 1,929,029.28</u></u>
LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	24,614.62
Other Current Liabilities	0.00
Total Current Liabilities	<u>\$ 24,614.62</u>
Equity	<u>1,904,414.66</u>
TOTAL LIABILITIES AND EQUITY	<u><u>\$ 1,929,029.28</u></u>

Quad Cities Communications Commission
Budget vs. Actuals: Budget 2017 - FY17 P&L
January - December 2017

	Jan 2017				Nov 2017	YTD			
	Actual	Budget	over Budget	% of Budget	Actual	Actual	Budget	over Budget	% of Budget
Income									
Duplication Revenue	\$ 106.73	\$ 125.00	\$ (18.27)	85.38%		\$ 106.73	\$ 1,500.00	\$ (1,393.27)	7.12%
Equipment Grant	-	4,748.00	(4,748.00)	0.00%		-	56,980.00	(56,980.00)	0.00%
Franchise Fees		72,854.00	(72,854.00)	0.00%		-	874,248.00	(874,248.00)	0.00%
Interest Income	621.93	8.00	613.93	7774.13%		621.93	100.00	521.93	621.93%
PEG Fee		36,427.00	(36,427.00)	0.00%		-	437,125.00	(437,125.00)	0.00%
Total Income	728.66	114,162.00	(113,433.34)	0.64%	\$ 0.00	728.66	1,369,953.00	(1,369,224.34)	0.05%
Expenses									
Accounting / HR Services	113.15	1,275.00	(1,161.85)	8.87%		113.15	15,300.00	(15,186.85)	0.74%
Ads/Promos/Sponsorships	500.00	916.00	(416.00)	54.59%		500.00	11,000.00	(10,500.00)	4.55%
Andover Capital Equipment		416.00	(416.00)	0.00%		-	5,000.00	(5,000.00)	0.00%
Announcers Fees	480.00	1,250.00	(770.00)	38.40%		480.00	15,000.00	(14,520.00)	3.20%
Anoka Capital Equipment	321.38	416.00	(94.62)	77.25%		321.38	5,000.00	(4,678.62)	6.43%
Audit		1,166.00	(1,166.00)	0.00%		-	14,000.00	(14,000.00)	0.00%
Bank Fees / CC Fees		41.00	(41.00)	0.00%		-	500.00	(500.00)	0.00%
Brand Apparel		208.00	(208.00)	0.00%		-	2,500.00	(2,500.00)	0.00%
Building - Cleaning	535.63	583.00	(47.37)	91.87%		535.63	7,000.00	(6,464.37)	7.65%
Building - Insurance	1,488.00	208.00	1,280.00	715.38%		1,488.00	2,500.00	(1,012.00)	59.52%
Building - Maintenance	547.64	833.00	(285.36)	65.74%		547.64	10,000.00	(9,452.36)	5.48%
Building - Supplies	16.60	208.00	(191.40)	7.98%		16.60	2,500.00	(2,483.40)	0.66%
Car Allowance	250.00	250.00	-	100.00%		250.00	3,000.00	(2,750.00)	8.33%
Cell Phone - Allowance	625.00	578.00	47.00	108.13%		625.00	6,940.00	(6,315.00)	9.01%
Champlin Capital Equipment	169.80	416.00	(246.20)	40.82%		169.80	5,000.00	(4,830.20)	3.40%
City Sewer & Water		216.00	(216.00)	0.00%		-	2,600.00	(2,600.00)	0.00%
Commission Expense	54.63	600.00	(545.37)	9.11%		54.63	7,200.00	(7,145.37)	0.76%
Consulting Services		6,250.00	(6,250.00)	0.00%		-	75,000.00	(75,000.00)	0.00%
Contingency Fund		2,551.00	(2,551.00)	0.00%		-	30,622.00	(30,622.00)	0.00%
Duplication Expenses		83.00	(83.00)	0.00%		-	1,000.00	(1,000.00)	0.00%
Electric Service	1,180.81	1,596.00	(415.19)	73.99%		1,180.81	19,152.00	(17,971.19)	6.17%
Emp / Comm Appreciation		208.00	(208.00)	0.00%		-	2,500.00	(2,500.00)	0.00%
Equip/Repair/Supply/Software	143.21	3,817.00	(3,673.79)	3.75%		143.21	45,812.00	(45,668.79)	0.31%
Federal Unempl Expense	235.85	70.00	165.85	336.93%		235.85	850.00	(614.15)	27.75%
Health Insurance	5,574.45	6,221.00	(646.55)	89.61%		5,574.45	74,652.00	(69,077.55)	7.47%

Quad Cities Communications Commission
Budget vs. Actuals: Budget 2017 - FY17 P&L
January - December 2017

	Jan 2017				Nov 2017	YTD			
	Actual	Budget	over Budget	% of Budget	Actual	Actual	Budget	over Budget	% of Budget
Insurance - Deductibles		41.00	(41.00)	0.00%		-	500.00	(500.00)	0.00%
Insurance - Liability / Bonds	3,728.00	541.00	3,187.00	689.09%		3,728.00	6,500.00	(2,772.00)	57.35%
Lawn Service		458.00	(458.00)	0.00%		-	5,500.00	(5,500.00)	0.00%
Legal Fees		1,250.00	(1,250.00)	0.00%		-	15,000.00	(15,000.00)	0.00%
Licenses and Permits		83.00	(83.00)	0.00%		-	1,000.00	(1,000.00)	0.00%
Meals		83.00	(83.00)	0.00%		-	1,000.00	(1,000.00)	0.00%
Memberships - NATOA / Others	4,855.00	666.00	4,189.00	728.98%		4,855.00	8,000.00	(3,145.00)	60.69%
Mileage	504.30	600.00	(95.70)	84.05%		504.30	7,200.00	(6,695.70)	7.00%
Miscellaneous Expenses		83.00	(83.00)	0.00%		-	1,000.00	(1,000.00)	0.00%
Natural Gas		333.00	(333.00)	0.00%		-	4,000.00	(4,000.00)	0.00%
Office Supplies / Equipment	107.61	500.00	(392.39)	21.52%		107.61	6,000.00	(5,892.39)	1.79%
Parking Lot Maintenance		266.00	(266.00)	0.00%		-	3,200.00	(3,200.00)	0.00%
Payroll Expenses	176.25		176.25			176.25	-	176.25	
Payroll Expenses (ADP/HSA)	178.85	491.00	(312.15)	36.43%		178.85	5,900.00	(5,721.15)	3.03%
PERA	2,718.15	3,443.00	(724.85)	78.95%		2,718.15	41,320.00	(38,601.85)	6.58%
Postage	12.80	83.00	(70.20)	15.42%		12.80	1,000.00	(987.20)	1.28%
Printing / Copy Services		83.00	(83.00)	0.00%		-	1,000.00	(1,000.00)	0.00%
Professional Development		1,500.00	(1,500.00)	0.00%		-	18,000.00	(18,000.00)	0.00%
Publications		41.00	(41.00)	0.00%		-	500.00	(500.00)	0.00%
Ramsey Capital Equipment	258.36	416.00	(157.64)	62.11%		258.36	5,000.00	(4,741.64)	5.17%
Sales Tax		41.00	(41.00)	0.00%		-	500.00	(500.00)	0.00%
Secretary Services	139.00	249.00	(110.00)	55.82%		139.00	2,992.00	(2,853.00)	4.65%
Snow Plowing Service	1,055.00	375.00	680.00	281.33%		1,055.00	4,500.00	(3,445.00)	23.44%
SS/Medicare Expense	1,544.08	3,952.00	(2,407.92)	39.07%		1,544.08	47,432.00	(45,887.92)	3.26%
State Unemploy Exp		208.00	(208.00)	0.00%		-	2,500.00	(2,500.00)	0.00%
STD / LTD / Life Insurance	519.48	666.00	(146.52)	78.00%		519.48	8,000.00	(7,480.52)	6.49%
Studio Sets		833.00	(833.00)	0.00%		-	10,000.00	(10,000.00)	0.00%
Subscription Services	124.68	1,666.00	(1,541.32)	7.48%		124.68	20,000.00	(19,875.32)	0.62%
Temp Staff Services		208.00	(208.00)	0.00%		-	2,500.00	(2,500.00)	0.00%
Vehicle - Equipment / Repair	180.54	1,041.00	(860.46)	17.34%		180.54	12,500.00	(12,319.46)	1.44%
Vehicle - Insurance	2,536.00	333.00	2,203.00	761.56%		2,536.00	4,000.00	(1,464.00)	63.40%
Vehicle - Maintenance / Gas	256.40	500.00	(243.60)	51.28%		256.40	6,000.00	(5,743.60)	4.27%
Wages - Full-time	17,992.60	41,075.00	(23,082.40)	43.80%		17,992.60	492,900.00	(474,907.40)	3.65%
Wages - Part-time	2,638.56	9,993.00	(7,354.44)	26.40%		2,638.56	119,922.00	(117,283.44)	2.20%

Quad Cities Communications Commission
Budget vs. Actuals: Budget 2017 - FY17 P&L
January - December 2017

	Jan 2017				Nov 2017	YTD			
	Actual	Budget	over Budget	% of Budget	Actual	Actual	Budget	over Budget	% of Budget
Waste Removal	91.12	100.00	(8.88)	91.12%		91.12	1,200.00	(1,108.88)	7.59%
Web / VOD / Int / CaTV / Phone	1,392.86	1,833.00	(440.14)	75.99%		1,392.86	22,000.00	(20,607.14)	6.33%
Work Comp Insurance		191.00	(191.00)	0.00%		-	2,300.00	(2,300.00)	0.00%
Total Expenses	53,245.79	104,601.00	(51,355.21)	50.90%	\$ 0.00	53,245.79	1,255,494.00	(1,202,248.21)	4.24%
Net Income	\$ (52,517.13)	\$ 9,561.00	\$ (62,078.13)	-549.28%	\$ 0.00	\$ (52,517.13)	\$ 114,459.00	\$ (166,976.13)	-45.88%
ZCIP - Andover	\$ 20,000.00					\$ 20,000.00			
ZCIP - Anoka	20,000.00					20,000.00			
ZCIP - Ramsey	20,000.00					20,000.00			
	<u>\$ 60,000.00</u>					<u>\$ 60,000.00</u>			

Thursday, Feb 23, 2017 11:22:40 AM GMT-8 - Accrual Basis

Quad Cities Communications Commission

BILL PAYMENT LIST

January 2017

DATE	NUM	VENDOR	AMOUNT
Quad Cities Commission			
01/03/2017	11579	Alliance for Community Media	-2,375.00
01/03/2017	11580	Preferred One Insurance Co.	-5,903.42
01/03/2017	11581	The Lincoln National Life Ins. Co.	-608.88
01/03/2017	11582	Vividly Clean Inc.	-535.63
01/23/2017	11583	City of Andover	-1,557.59
01/23/2017	11584	ACE Electrical Contractors, Inc.	-2,874.00
01/23/2017	11585	ACE Solid Waste, Inc.	-91.12
01/23/2017	11586	Alliance for Community Media	-1,000.00
01/23/2017	11587	Amazon	-362.36
01/23/2017	11588	Anoka Area Chamber of Commerce	-500.00
01/23/2017	11589	Calvin P. Portner	-240.00
01/23/2017	11590	CDW Direct	-3,374.17
01/23/2017	11591	CenterPoint Energy	-651.12
01/23/2017	11592	City of Andover	-20,000.00
01/23/2017	11593	City of Anoka	-20,000.00
01/23/2017	11594	City of Champlin	-213.00
01/23/2017	11595	City of Ramsey	-20,000.00
01/23/2017	11596	Comcast 2	-474.26
01/23/2017	11597	Comcast Cable	-556.37
01/23/2017	11598	DVS Renewal	-159.00
01/23/2017	11599	Foam Industries, Inc.	-180.54
01/23/2017	11600	G & B Environmental, Inc.	-116.49
01/23/2017	11601	Greenery Enterprises, Inc.	-790.00
01/23/2017	11602	HealthEquity Inc.	-3.95
01/23/2017	11603	Huebsch	-33.07
01/23/2017	11604	Joe G. Ruhland	-247.00
01/23/2017	11605	LiveU Inc.	-536.40
01/23/2017	11606	Maza Technologies, LLC	-2,616.25
01/23/2017	11607	Minnesota Assoc. of Community Telecommunications	-1,840.00
01/23/2017	11608	NATOA	-2,015.00
01/23/2017	11609	Pete C. Andersen	-240.00
01/23/2017	11610	Preferred One Insurance Co.	-5,903.42
01/23/2017	11611	Ross Johnson	-60.00
01/23/2017	11612	Sterling Trophy	-54.63
01/23/2017	11613	Summit Information Resources	-1,060.01
01/23/2017	11614	The Lincoln National Life Ins. Co.	-519.48
01/23/2017	11615	U.S. Bank Corporate	-3,041.00
01/23/2017	11616	Vividly Clean Inc.	-535.63
01/23/2017	11617	Xcel Energy	-1,218.88
01/23/2017	11618	Alpha Video & Audio Inc.	-460.00
01/06/2017	W/D	Minnesota State Retirement System	-570.00
01/06/2017	W/D	PERA	-2,554.86
01/20/2017	W/D	Minnesota State Retirement System	-570.00

DATE	NUM	VENDOR	AMOUNT
01/20/2017	W/D	PERA	-2,518.99
Total for Quad Cities Commission			\$ -109,161.52

Quad Cities Communications Commission
Balance Sheet Summary

As of February 28, 2017

	<u>Total</u>
ASSETS	
Current Assets	
Bank Accounts - QCTV	1,002,828.28
- PayPay acct	624.66
- US Bank Reserve	5,000.00
- Petty Cash	250.00
- Investments	1,240,815.99
Accounts Receivable	0.00
Other current assets	0.00
Total Current Assets	\$ 2,249,518.93
 Fixed Assets	 0.00
 TOTAL ASSETS	 \$ 2,249,518.93
 LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	6,338.76
Other Current Liabilities	0.01
Total Current Liabilities	\$ 6,338.77
 Equity	 2,243,180.16
TOTAL LIABILITIES AND EQUITY	\$ 2,249,518.93

Quad Cities Communications Commission
Budget vs. Actuals: Budget 2017 - FY17 P&L
January - December 2017

	Feb 2017				YTD			
	Actual	Budget	over Budget	% of Budget	Actual	Budget	over Budget	% of Budget
Income								
Duplication Revenue	199.61	125.00	74.61	159.69%	306.34	1,500.00	-1,193.66	20.42%
Equipment Grant		4,748.00	-4,748.00	0.00%	0.00	56,980.00	-56,980.00	0.00%
Franchise Fees	279,884.75	72,854.00	207,030.75	384.17%	279,884.75	874,248.00	-594,363.25	32.01%
Interest Income	473.37	8.00	465.37	5917.13%	1,095.30	100.00	995.30	1095.30%
PEG Fee	139,942.53	36,427.00	103,515.53	384.17%	139,942.53	437,125.00	-297,182.47	32.01%
Total Income	\$ 420,500.26	\$ 114,162.00	\$ 306,338.26	368.34%	\$ 421,228.92	\$ 1,369,953.00	-\$ 948,724.08	30.75%
Expenses								
A-PERA Expense	2,962.41	3,443.00	-480.59	86.04%	5,680.56	41,320.00	-35,639.44	13.75%
A-SS/Medicare Expense	3,228.23	3,952.00	-723.77	81.69%	4,772.31	47,432.00	-42,659.69	10.06%
A-Wages - Full-time	35,985.61	41,075.00	-5,089.39	87.61%	53,978.21	492,900.00	-438,921.79	10.95%
A-Wages - Part-time	6,506.18	9,993.00	-3,486.82	65.11%	9,144.74	119,922.00	-110,777.26	7.63%
Accounting / HR Services	1,629.78	1,275.00	354.78	127.83%	1,742.93	15,300.00	-13,557.07	11.39%
Ads/Promos/Sponsorships	625.20	916.00	-290.80	68.25%	1,125.20	11,000.00	-9,874.80	10.23%
Andover Capital Equipment		416.00	-416.00	0.00%	0.00	5,000.00	-5,000.00	0.00%
Announcers Fees	1,080.00	1,250.00	-170.00	86.40%	1,560.00	15,000.00	-13,440.00	10.40%
Anoka Capital Equipment	154.85	416.00	-261.15	37.22%	476.23	5,000.00	-4,523.77	9.52%
Audit		1,166.00	-1,166.00	0.00%	0.00	14,000.00	-14,000.00	0.00%
Bank Fees / CC Fees		41.00	-41.00	0.00%	0.00	500.00	-500.00	0.00%
Brand Apparel		208.00	-208.00	0.00%	0.00	2,500.00	-2,500.00	0.00%
Building - Cleaning		583.00	-583.00	0.00%	535.63	7,000.00	-6,464.37	7.65%
Building - Insurance		208.00	-208.00	0.00%	1,488.00	2,500.00	-1,012.00	59.52%
Building - Maintenance	403.26	833.00	-429.74	48.41%	1,697.90	10,000.00	-8,302.10	16.98%
Building - Supplies	87.08	208.00	-120.92	41.87%	103.68	2,500.00	-2,396.32	4.15%
Car Allowance	250.00	250.00	0.00	100.00%	500.00	3,000.00	-2,500.00	16.67%
Cell Phone - Allowance	625.00	578.00	47.00	108.13%	1,250.00	6,940.00	-5,690.00	18.01%
Champlin Capital Equipment	84.90	416.00	-331.10	20.41%	254.70	5,000.00	-4,745.30	5.09%
City Sewer & Water	7.70	216.00	-208.30	3.56%	7.70	2,600.00	-2,592.30	0.30%
Commission Expense	66.00	600.00	-534.00	11.00%	120.63	7,200.00	-7,079.37	1.68%
Consulting Services		6,250.00	-6,250.00	0.00%	1,840.00	75,000.00	-73,160.00	2.45%
Contingency Fund		2,551.00	-2,551.00	0.00%	0.00	30,622.00	-30,622.00	0.00%

Quad Cities Communications Commission
Budget vs. Actuals: Budget 2017 - FY17 P&L
January - December 2017

	Feb 2017				YTD			
	Actual	Budget	over Budget	% of Budget	Actual	Budget	over Budget	% of Budget
Duplication Expenses		83.00	-83.00	0.00%	0.00	1,000.00	-1,000.00	0.00%
Electric Service		1,596.00	-1,596.00	0.00%	1,180.81	19,152.00	-17,971.19	6.17%
Emp / Comm Appreciation		208.00	-208.00	0.00%	0.00	2,500.00	-2,500.00	0.00%
Equip/Repair/Supply/Software	664.94	3,817.00	-3,152.06	17.42%	3,945.76	45,812.00	-41,866.24	8.61%
Federal Unempl Expense	106.01	70.00	36.01	151.44%	341.86	850.00	-508.14	40.22%
Health Insurance	5,582.35	6,221.00	-638.65	89.73%	11,156.80	74,652.00	-63,495.20	14.95%
Insurance - Deductibles		41.00	-41.00	0.00%	0.00	500.00	-500.00	0.00%
Insurance - Liability / Bonds		541.00	-541.00	0.00%	3,727.00	6,500.00	-2,773.00	57.34%
Lawn Service		458.00	-458.00	0.00%	0.00	5,500.00	-5,500.00	0.00%
Legal Fees	275.00	1,250.00	-975.00	22.00%	275.00	15,000.00	-14,725.00	1.83%
Licenses and Permits		83.00	-83.00	0.00%	0.00	1,000.00	-1,000.00	0.00%
Meals		83.00	-83.00	0.00%	0.00	1,000.00	-1,000.00	0.00%
Memberships - NATOA / Others		666.00	-666.00	0.00%	4,855.00	8,000.00	-3,145.00	60.69%
Mileage	226.63	600.00	-373.37	37.77%	730.93	7,200.00	-6,469.07	10.15%
Miscellaneous Expenses		83.00	-83.00	0.00%	0.00	1,000.00	-1,000.00	0.00%
Natural Gas	862.82	333.00	529.82	259.11%	862.82	4,000.00	-3,137.18	21.57%
Office Supplies / Equipment	248.96	500.00	-251.04	49.79%	356.57	6,000.00	-5,643.43	5.94%
Parking Lot Maintenance		266.00	-266.00	0.00%	0.00	3,200.00	-3,200.00	0.00%
Payroll Expenses			0.00		176.25	0.00	176.25	
Payroll Expenses (ADP/HSA)	204.05	491.00	-286.95	41.56%	382.90	5,900.00	-5,517.10	6.49%
Postage	53.89	83.00	-29.11	64.93%	66.69	1,000.00	-933.31	6.67%
Printing / Copy Services		83.00	-83.00	0.00%	0.00	1,000.00	-1,000.00	0.00%
Professional Development	40.00	1,500.00	-1,460.00	2.67%	40.00	18,000.00	-17,960.00	0.22%
Publications		41.00	-41.00	0.00%	0.00	500.00	-500.00	0.00%
Ramsey Capital Equipment	127.76	416.00	-288.24	30.71%	386.12	5,000.00	-4,613.88	7.72%
Repairs	23.18		23.18		23.18	0.00	23.18	
Sales Tax	125.00	41.00	84.00	304.88%	125.00	500.00	-375.00	25.00%
Secretary Services		249.00	-249.00	0.00%	139.00	2,992.00	-2,853.00	4.65%
Snow Plowing Service	190.00	375.00	-185.00	50.67%	1,245.00	4,500.00	-3,255.00	27.67%
State Unemploy Exp		208.00	-208.00	0.00%	0.00	2,500.00	-2,500.00	0.00%
STD / LTD / Life Insurance	594.18	666.00	-71.82	89.22%	1,113.66	8,000.00	-6,886.34	13.92%
Studio Sets	587.50	833.00	-245.50	70.53%	587.50	10,000.00	-9,412.50	5.88%

Quad Cities Communications Commission

Budget vs. Actuals: Budget 2017 - FY17 P&L

January - December 2017

	Feb 2017				YTD			
	Actual	Budget	over Budget	% of Budget	Actual	Budget	over Budget	% of Budget
Subscription Services	9,767.92	1,666.00	8,101.92	586.31%	9,892.60	20,000.00	-10,107.40	49.46%
Temp Staff Services		208.00	-208.00	0.00%	0.00	2,500.00	-2,500.00	0.00%
Vehicle - Equipment / Repair	372.32	1,041.00	-668.68	35.77%	552.86	12,500.00	-11,947.14	4.42%
Vehicle - Insurance		333.00	-333.00	0.00%	2,536.00	4,000.00	-1,464.00	63.40%
Vehicle - Maintenance / Gas	6.96	500.00	-493.04	1.39%	263.36	6,000.00	-5,736.64	4.39%
Waste Removal	91.12	100.00	-8.88	91.12%	182.24	1,200.00	-1,017.76	15.19%
Web / VOD / Int / CaTV / Phone	1,306.61	1,833.00	-526.39	71.28%	2,699.47	22,000.00	-19,300.53	12.27%
Work Comp Insurance		191.00	-191.00	0.00%	0.00	2,300.00	-2,300.00	0.00%
Total Expenses	\$ 75,153.40	\$ 104,601.00	-\$ 29,447.60	71.85%	\$ 134,122.80	\$ 1,255,494.00	-\$ 1,121,371.20	10.68%
Net Income	\$ 345,346.86	\$ 9,561.00	\$ 335,785.86	3612.04%	\$ 287,106.12	\$ 114,459.00	\$ 172,647.12	250.84%
 ZCIP - Andover					20,000.00			
ZCIP - Anoka					20,000.00			
ZCIP - Champlin					20,000.00			
ZCIP - Network Servers					6,030.47			
ZCIP - Ramsey					20,000.00			
					<u>86,030.47</u>			

Thursday, Mar 23, 2017 06:21:17 AM GMT-7 - Accrual Basis

Quad Cities Communications Commission

BILL PAYMENT LIST

February 2017

DATE	NUM	VENDOR	AMOUNT
Quad Cities Commission			
02/03/2017	W/D	Minnesota State Retirement System	-570.00
02/03/2017	W/D	PERA	-2,809.89
02/10/2017	11619	ACE Solid Waste, Inc.	-91.12
02/10/2017	11620	CenterPoint Energy	-862.82
02/10/2017	11621	City of Andover	-1,531.26
02/10/2017	11622	Comcast Cable	-381.70
02/10/2017	11623	David Steinbring	-120.00
02/10/2017	11624	Gerald S. Thomson	-480.00
02/10/2017	11625	Greenery Enterprises, Inc.	-265.00
02/10/2017	11626	HealthEquity Inc.	-128.00
02/10/2017	11627	Holiday Station	-97.40
02/10/2017	11628	Joe G. Ruhland	-360.00
02/10/2017	11629	LiveU Inc.	-536.40
02/10/2017	11630	Timesavers	-139.00
02/10/2017	11631	Xcel Energy	-1,180.81
02/17/2017	11632	Anoka Area Chamber of Commerce	-600.00
02/17/2017	11633	CDW Direct	-9,456.24
02/17/2017	11634	City of Champlin	-7.70
02/17/2017	11635	Comcast 2	-474.26
02/17/2017	11636	Comcast Cable	-193.67
02/17/2017	11638	Terry Overacker Plumbing	-514.57
02/17/2017	11637	U.S. Bank Corporate	-518.05
02/21/2017	11639	Karen George	-1,863.30
02/17/2017	W/D	Minnesota State Retirement System	-570.00
02/17/2017	W/D	PERA	-2,719.96
02/23/2017	11640	Zachary Maron	-96.13
02/24/2017	11641	City of Champlin	-20,000.00
02/24/2017	11642	Greenery Enterprises, Inc.	-190.00
02/24/2017	11643	HealthEquity Inc.	-11.85
02/24/2017	11644	Huebsch	-31.08
02/24/2017	11645	Pete C. Andersen	-240.00
02/24/2017	11646	Peters Billiards	-587.50
02/24/2017	11647	Trans-Alarm	-396.27
02/27/2017	11648	Anoka Area Chamber of Commerce	-15.00
02/27/2017	11649	Associated Bank N.A.	-50.00
02/27/2017	11650	Crescent Moon Productions	-370.36
02/27/2017	11651	HealthEquity Inc.	-255.00
02/27/2017	11652	Kennedy & Graven, Chartered	-275.00
02/27/2017	11653	Maza Technologies, LLC	-3,443.75
02/27/2017	11654	Office Depot	-76.99
02/27/2017	11655	Preferred One Insurance Co.	-5,903.42
02/27/2017	11656	Sterling Trophy	-51.00
02/27/2017	11657	The Lincoln National Life Ins. Co.	-594.18

DATE	NUM	VENDOR	AMOUNT
02/09/2017	W/D	MN Department of Revenue	-125.00
Total for Quad Cities Commission			\$ -59,183.68

QCCCC Agenda Item

4.3 Executive Director's Report

April 12, 2017

To: Commissioners

From: Karen George, Executive Director

Subject: Executive Director's Report (January/February/March)

Welcome new commissioners

Councilmember Jim Goodrich is the new appointee from the City of Andover.
Councilmember Jessica Tesdall is the new appointee from the City of Champlin.

Thank you to former commissioners

Andover Mayor Julie Trude was recognized for her tenure on the commission at an Andover city council meeting and presented with a commendation plaque. Champlin city council member Eric Johnson was recognized at a Champlin city council meeting. We thank them for their contributions.

CenturyLink Agreement Action

The CenturyLink franchise agreements have been executed and signed copies sent to each city clerk. CenturyLink has provided the required insurance document, letter of credit, and performance bond.

Presentation of NATOA Awards Received

Category Live Sports Event

Third Place "Champlin Park Boys Basketball Section 5AAAA Semi Final" QCTV

Category Municipal Channel Promotion

First Place "Pocket Pals" QCTV, MN

Category Programming Excellence (Operating Budget \$500,000 - \$1,000,000)

Honorable Mention "Best of QCTV" QCTV, MN

June Commission meeting cancelled

The regular monthly commission meeting schedule for June 15 has been cancelled due to the League of Minnesota Cities annual conference.

City Matters – new city information show debut in April

In response to commissioner and city requests, City Matters will be produced as requested by each member city, rather than a set schedule. This provides maximum flexibility to city officials in determining the topics and schedule for sharing information. A City Matters show for Anoka has been completed and a show for Ramsey has been scheduled. The updated show proposal is attached to this report and will be reviewed and discussed at the annual programming work session rescheduled for April 20, 9:30 am.

2016 Audit

Staff has been in contact with Redpath & Company providing materials and responding to requests for information. Audit on-site work was completed April 6. A budget committee meeting will be scheduled to review the audit prior to commission action.

Investment Account Set-up

The PM4 Fund investment account has been set up and investments secured based on board direction. \$301,000 has been invested in three Certificates of Deposit with varying maturity dates in 2018 and 2019.

Tax Exempt Status

The tax-exempt status for joint powers government organizations has been reinstated as of January 1, 2017. Staff has been instructed on how to process the ST-3 form for tax exempt purchases.

New Payroll Vendor

QCTV has transitioned from ADP payroll processing to QuickBooks payroll processing. The new system will integrate with the QuickBooks financial system. Thanks to Brenda Fildes, Dana Makinen, and Melissa Knutson, Andover city staff members, for coordinating the transition.

Building WiFi Upgraded

QCTV now has a building-wide wifi for staff (secured) and guests (no access to internal data, no password required).

Comcast Fee Increases

Comcast has increased, for the second year, the regional sports fee and the broadcast fee. Although the commission does not process regulatory control over rates, we are notified on these increases and take customer inquiries regarding fees and service.

Chamber of Commerce Gala

QCTV attended the annual chamber event and sponsored the Live Auction. This was a great tie to our Live Sport Coverage and provided an opportunity to promote from the stage with the live auctioneer.

Champlin 169 Construction

Please note that there is a major road construction project planned for the Highway 169 corridor through Champlin. This will affect travel time to attend shoots at the QCTV Studios.

MACTA Day at the Capitol

Staff attended this legislative kick-off meeting at the League of Minnesota Cities. Speakers highlighted potential action in three areas: cable television franchising, broadband initiatives, local right of way management. Production staff took cameras to the capitol and completed a video tour of the recently completed renovations.

Local ROW Management/Small Cell DAS legislation

There has been much activity concerning small cell wireless access to public ROW and legislation that would severely restrict local authority to manage the public right of way. As of early April, this legislation is not included in either the House or Senate bills. However, it could resurface later in the 2017 session.

VoIP legislation

This is a recurring legislative proposal that would exempt from state and local regulation any voice, data, or video that is transmitted via internet protocol. The 2017 bill contains the exemption to video authored by MACTA.

Franchise fee revenue prohibition

This is a recurring legislative proposal that would prohibit cities from using gas/electric franchise fees to raise revenue. The legislation has passed out of committee in both the House and the Senate. It does not impact cable television franchise fees.

FCC Petition Regarding ROW and Small Cell Deployment

Mobilitie, a company seeking regulatory approval for siting small cell infrastructure nationwide, filed a petition with the FCC for exemption/relief from local ROW management. NATOA and its national partners filed comments with the FCC arguing that further federal regulatory intervention in local rights-of-way practices is not needed and that there is simply no factual basis justifying any further action by the Commission. Hundreds of comments were filed with the FCC opposing the Commission's proposals to weaken local control of the public rights-of-way – and to decrease revenues localities receive from companies making private use of the public's assets. Enclosed are both the initial comments filing March 7, 2017 and the the reply comments in FCC WT Docket No. 16-421 filed April 7, 2017.

NLC Initiates Working Group in Response to Mobilitie FCC Petition

The National League of Cities has assembled a local government working group that will put together a Municipal Siting Guide that will provide local officials and staff with information about the deployment of small cell facilities in their communities. The group includes representatives from NLC, NATOA, NACo, WIA,

CTIA, and others. The group's first meeting will be April 19th. NATOA will provide updated information as the work of the group progresses.

Summer Hours

QCTV will be on summer hours starting the week of April 24 and ends September 4. The office will also be open 8-4:30 M-Th and Friday 8-12 noon. The office would be closed every Friday from 12 noon to 4:30 and for holidays on Monday, May 29; Tuesday, July 4; and, Monday, September 4.

QCTV Video Earns #1 Spot on ESPN's SportsCenter Top 10

Champlin Park High School made it to the 4A boys state basketball tournament last month, and Quad Cities Community Television (QCTV) was there to cover their games. In the quarterfinal game against Chaska, Champlin Park made a 3-point buzzer beater for a 53-50 win. QCTV's coverage of this incredible play earned the #1 spot on ESPN's SportsCenter Top 10 Plays of the Night on March 22!

Watch the buzzer beater.

<http://www.espn.com/video/clip?id=18981278&sf65267547=1>

Action Requested: None.

February 15, 2016

To: Bret Heitkamp, Quad Cities Cable Communications Commission

From: Karen George, Executive Director

Subject: Launch of new series for member cities (UPDATED)

QCTV staff is committed to fulfilling our mission and being responsive to community needs. In the March 2016 Programming work session, the commission discussed new opportunities for in-depth city coverage and highlighting local officials. The below show treatment is to launch this new program in January 2017.

Title

- Andover Matters
- Anoka Matters
- Champlin Matters
- Ramsey Matters

Objective

The objective of this show is to fulfill QCTV's core mission of connecting communities through local programming valued by residents and to showcase an in depth look at each member city three times per year.

Synopsis

This show will be a monthly program covering city topics, community events, projects, and general updates by the city. The program will rotate through our member cities with one city featured per month. The city administrator or city contact will determine the content of the show. He or she may host it or they may delegate it to a council person, mayor, or staff person. The program will take place in council chambers and can have as many guests as there are microphones on the dais. The show will be live-to-tape and unedited and the length of the show may vary. The participants can use Power Point presentations or photos that can be put on the doc camera. QCTV will initiate an email reminder to the city contact the first of the month to schedule a specific date and time for the show to be produced the last week of the month. (see enclosed schedule)

Example Shows

- City staff person assembles a panel of experts to discuss one topic in depth.
- General staff update discussing budget with staff members.
- Mayor hosts show featuring personal profile of a community leader or showcase of political opinions or community residents.
- Host discusses business climate and economic development outlook.

An example of this show is a recent program produced in Ramsey on the future of the COR.

http://qctv.org/meeting_category/ramsey/special-meetings/

2017 Production Calendar

~~Andover: Production to be taped the week of 1/30~~

~~Anoka: Production to be taped the week of 2/27~~

~~Champlin: Production to be taped the week of 3/27~~

~~Ramsey: Production to be taped the week of 4/24~~

~~Andover: Production to be taped the week of 5/29~~

~~Anoka: Production to be taped the week of 6/26~~

~~Champlin: Production to be taped the week of 7/31~~

~~Ramsey: Production to be taped the week of 8/28~~

~~Andover: Production to be taped the week of 9/25~~

~~Anoka: Production to be taped the week of 10/30~~

~~Champlin: Production to be taped the week of 11/20 (due to holiday)~~

~~Ramsey: Production to be taped the week of 12/18 (due to holiday)~~

~~The program will air for three months on the city's government channel 16 as well as be available on the QCTV website (video on demand). Upon request, the show will be added to the Razuna for further distribution by the city.~~

UPDATE

QCTV will complete programs as requested by the city in order to facilitate schedules for topic readiness and city official availability. City contacts to work with Katherine regarding scheduling for shows.

Update: Status of Bills the League Asked Cities to Take Action On

The League thanks city officials for responding to “action alerts” and voicing support or opposition to bills that would impact cities.

(Published Apr 10, 2017)

The League has sent several “action alerts” this session to city members, asking them to contact legislators in support or opposition to specific proposed legislation affecting some or all cities. Here is an update on legislation the League has asked members to take action on.

Interim ordinances

The League requested cities to voice opposition to a bill that would require cities to give a 10-day notice, as well as obtain a two-thirds majority vote to pass an interim ordinance.

The most concerning issue was the broad application to “activities related to housing.” The authors have addressed all of these issues, and the League is now neutral on the language of the bill. ([Read a related Bulletin article.](#))

Reverse referendum requirements

The League sent out an action alert for a bill that would require a reverse referendum option when cities increase their levy. Cities were asked to voice concerns about this bill, as it would add a significant financial and time burden in how cities conduct tax levying.

Currently, three provisions requiring reverse referenda are in the [House omnibus tax bill](#). There were no reverse referendum provisions included in the Senate tax bill. ([Read a related Bulletin article.](#))

Annexation

The League sent an action alert concerning legislation ([SF 1749/HF 1995](#)) that would give disproportionate authority to townships in the annexation process with cities. Thanks to the timely response from cities, the bill was pulled from the hearing agenda in the Senate Local Government Committee.

Business notification

The League requested that cities voice concerns over legislation ([HF 1242/SF 1224](#)) that would require cities to send notification by first class mail to all businesses potentially affected by proposed interim ordinances.

Thanks to your responses, the bill was amended so that businesses must request notice as well as be subscribed to a listserv to receive notice by email, effectively making it much easier for cities to manage. The bill is awaiting action on the House and Senate floors.

Special service districts

The League sent several action alerts to encourage cities to voice concerns over legislation that would repeal city authority to establish special service districts. The House version, [HF 2412](#), was not included in the House Property Tax Division report. There is no Senate version of the bill.

Email correspondence

The League asked cities to voice concerns over legislation that would require cities to retain email correspondence for three years, and would remove discretion on what is considered “official records.”

The bill has been heard in two House committees and referred to the Committee on State Government Finance. In the Senate, it has been referred to the Judiciary and Public Safety Finance and Policy Committee, but has not received a hearing—missing the applicable deadline. ([Access the League’s Email Retention Advocacy Toolkit.](#))

City street funding

The League requested that cities voice support for legislation ([HF 934/SF 933](#)) that would add a \$10 surcharge on license tab fees and on motor vehicle title transfers to be dedicated to city-owned streets statewide. The bill was laid over for possible inclusion in the transportation finance bill.

Unfortunately, it was not included in either the Senate or House versions of the omnibus bill. ([Read a related Bulletin article.](#))

Small cell wireless

The League has sent several action alerts and updates concerning small cell wireless deployment legislation that would severely restrict local authority to manage the public right of way.

Thanks to the overwhelming response, currently this legislation is not included in either the House or Senate omnibus bills. However, it is important to note that negotiations are ongoing and it could resurface later in the 2017 session. ([Read a related Bulletin article.](#))

City authority over private well drilling

The League sent an action alert last week requesting cities to contact their representatives over an [amendment to the health and human services finance bill](#) that

would pre-empt longstanding city authority to adopt land use ordinances that limit private well drilling. Thanks to the very timely response of cities in less than 24 hours of the amendment being drafted, the amendment was pulled from being presented on the floor.

http://www.lmc.org/page/1/actionalerts.jsp?utm_source=Bulletin+4-10+Cities&utm_campaign=Bulletin+4%2F10%2F17&utm_medium=email

Capitol Update Report

To: Minnesota Association of Community Telecommunication Administrators (MACTA)

From: Joseph Bagnoli

Date: April 11, 2017

Introduced Bills

Bills Introduced last week are highlighted

<i>Bill Introductions</i>	<i>House File</i>	<i>House Author</i>	<i>Senate File</i>	<i>Senate Author</i>	<i>Notes</i>
<p><i>Small Cell Bill</i></p> <p><i>** This bill, and the language of the bill, are not included in any omnibus bill that is currently alive.</i></p>	<u>739</u>	Hoppe	<u>561</u>	Osmek	<p>2/28 Passed Hs. Commerce. Sent to Hs. Gov. Ops. Policy.</p> <p>3/7/17 Passed Hs. Gov. Ops Policy. Sent to Hs. Jobs.</p> <p>3/15/17 Heard in Hs. Jobs. Laid over for possible inclusion in Hs. Jobs Fin. Bill.</p> <p>3/26/17 Included in Hs. Jobs Fin. Bill. Passed Hs. Jobs Fin. Sent to Hs. Ways & Means.</p> <p>4/3/17 – Small Cell language amended out of Hs. Jobs Fin. Bill.</p> <p>4/6/17 – Hs. Jobs Fin. Bill passed Hs. Floor</p> <hr/> <p>3/6/17 Passed Senate Utilities Committee. Sent to Senate Local Govt. Committee.</p> <p>Not included in Senate Utilities Omnibus Bill.</p>

<p><i>Prohibiting cities from using gas/electric franchise fees to raise revenue –</i></p> <p><i>**Does not impact cable franchise.</i></p> <p><i>*** included in House Omnibus Tax bill – HF 4, Art. 12, Sec. 4. – lines 266.27-268.3</i></p> <p><u>House Tax Bill</u></p>	<u>1146</u>	Vogel	<u>2092</u>	Draheim	<p>3/9/17 Passed Hs. Gov. Ops. Policy. Sent to Hs. Tax Committee.</p> <p>3/13/17 Heard in Hs. Prop. Tax Division. Laid over.</p> <p>3/27/17 Included in Hs. Tax bill. Passed. Sent to Hs. Ways & Means.</p> <p>3/28 Passed Hs. Ways & Means. Sent to Floor</p> <p>3/30/17 Passed Hs. Floor.</p> <hr/> <p>3/20/17 Passed Sn. Local Committee. Sent to Sn. Taxes. Not heard.</p>
<p><i>Expands sales tax exemption for telecom Equipment to include wire, cable, fiber, poles, or conduit</i></p> <p><i>*** included in House Omnibus Tax bill – HF 4, Art. 4, Sec. 11. – lines 152.18</i></p> <p><u>House Tax Bill</u></p>	<u>1250</u>	Bliss	<u>955</u>	Senjem	<p>2/23 – Heard in Sn. Tax. Laid over for possible inclusion in the Tax bill. Not included.</p> <p>2/27/17 – Heard in Hs. Tax. Laid over for possible inclusion.</p> <p>3/27/17 Included in Hs. Tax bill. Passed. Sent to Hs. Ways & Means.</p> <p>3/28 Passed Hs. Ways & Means. Sent to Floor</p> <p>3/30/17 Passed Hs. Floor.</p> <hr/> <p>3/20/17 Passed Sn. Local Committee. Sent to Sn. Taxes. Not heard.</p>
<p><i>Appropriating Money to pay the State-Level Funding Match for the Federal E-rate Program</i></p>	<u>2449</u>	Swedzinski	<u>2237</u>	Weber	
<p><i>K-12 Broadband Equity Aid – Appropriating \$18 million</i></p>	<u>881</u>	Baker	<u>936</u>	Weber	
<p><i>Construction materials purchased by Cities exempted from Sales Tax</i></p>	<u>299</u>	Swedzinski	<u>283</u>	Rest	

Broadband Grant Program- \$100 Million *** Broadband funding is in the Omnibus House and Senate Finance Bills –HF 2209 / SF 1937	841	Sandstede	234	Simonson	2/27/17 Heard in Sn. Jobs Committee. Laid over for possible inclusion in Sn. Jobs Omnibus bill.
Broadband Grant Program – \$35 million. Other changes to Program.	None		980	Westrom	2/27/17 Heard in Sn. Jobs Committee. Laid over for possible inclusion in Sn. Jobs Omnibus bill.
Broadband Grant Program - \$35 million	1618	Baker	None		3/15/17 Heard in House Jobs Committee. Laid over for possible inclusion in Hs. Jobs Omnibus bill.
Modifying the Priorities for Awarding Broadband Grants	2504	Sandstede	None		
Prohibiting Regulation of Voice-Over-Internet Protocol Language is now included in: House Jobs Omnibus bill, HF 2209, Art. 9, sec. 1 – line 152. House Jobs Bill Link Senate Jobs Omnibus bill, SF 1937, Art. 2, sec. 17 – line 152 Senate Jobs Bill Link	1665	Kresha	1742	Ruud	2/28 Passed House Commerce Committee. Sent to House Jobs Committee. 3/15/17 Heard in House Jobs Committee. Laid over for possible inclusion in House Jobs Finance bill. 3/26/17 Included in Hs. Jobs Fin. Bill. Passed Hs. Jobs Fin. Sent to Hs. Ways & Means. 4/3/17 – Passed Ways & Means. Sent to Floor. 4/6/17 – Passed Hs. Floor. <hr/> 2/23/17 Amended into Sn. Jobs Finance Bill. Passed. Sent to Floor. 3/29/17 Passed Senate Floor.

Telecommunications News

Small Cell

Currently, no language is still alive in any bill that is specific to siting small cells in the municipal right-of-way.

When the House Omnibus Jobs Finance bill was brought up on the House floor there was an amendment that was offered and withdrawn that, if adopted, would have resurrected the subject. Attached is a clip of the debate. The relevant portion is at 1:25:05 of the clip. The comments are only about two minutes long.

[Small Cell Floor Comments - Link](#)

Continuing conversations are occurring between the League of Cities, the Minnesota Municipal Utilities Association, the wireless providers, and the Minnesota Cable Association. It is unclear if there is any path forward, especially because a significant number of Ohio municipalities recently filed suit in response to small cell legislation that had recently passed in Ohio.

Broadband Funding/ Office of Broadband

The language involving the Office of Broadband and the Grants are in the Omnibus House and Senate Jobs Finance bills, which are attached below.

[Senate Jobs Bill Link](#) – line 11.3 of the bill. Art. 1, sec. 3, subd. 3 for specific language.

[House Jobs Bill Link](#) – line 29.4 of the bill. Art. 1, sec. 2, subd. 9 for specific language.

Office of Broadband: In both the House and Senate Jobs Finance Omnibus bills, the Office of Broadband is funded at the amount the Governor recommended: \$250,000 per year.

Broadband Grants: The Broadband Grant funds are outlined below:

	<u>FY 2018</u>	<u>FY 2019</u>
Governor	\$30 million	\$30 million
Senate	\$10 million	\$10 million
House	\$7 million	

Senate proposed changes to local match requirements: The Senate Omnibus Jobs Finance bill changes the local match requirements for projects in underserved areas. Grants for projects in underserved areas may fund no more than 50 percent of a project cost. Grants for projects in unserved areas to have a 35 percent match. Current law allows only up to 50 percent of the project cost for all projects. Finally, the legislation lowers the maximum grant allowed from \$5 million to \$3 million.

[Senate Jobs Bill Link](#) – line 60.30 of the bill. Art. 4, sec. 1 for specific language.

VOIP Bill

This legislation exempts from state and local regulation any voice, data, or video that is transmitted using internet protocol. The legislation contains an exemption that MACTA had amended into the bill several years ago.

This exemption states:

Subd. 4. **Exemption.** The following services delivered by IP-enabled service are not regulated under this chapter:

- (1) video services provided by a cable communications system, as defined in section 238.02, subdivision 3;
- (2) cable service, as defined in United States Code, title 47, section 522, clause (6);
or
- (3) any other IP-enabled video service

[Senate Jobs Bill Link](#) – line 29.7 of the bill. Art. 2, sec. 17 for specific language.

[House Jobs Bill Link](#) – line 152.28 of the bill. Art. 9, sec. 1 for specific language.

Sales Tax Exemption for Telecommunications equipment

The House Omnibus Tax bill expands the sales tax exemption on equipment purchases for the telecommunications and pay television industries to include the purchase of wire, cable fiber, poles and conduit. For obvious reasons, this provision has the strong backing of the telcos and the cable providers.

The biennial cost of this tax relief is \$29.4 million. This is a big number.

[House Omnibus Tax Bill Link](#) – lines 152.18 of the bill. Art. 4, sec. 11.

The Senate Omnibus Tax bill does not contain this provision.

General Legislative Update

Where we are at...

After Friday, April 7, all omnibus budget and tax bills had passed off both the House and Senate floors. This is one of the earliest dates that anyone can remember the legislature being at this point. Typically, this occurs around the last week of April.

Currently, the legislature is on a ten-day break for the Passover and Easter holidays. When they return on Tuesday, April 18, budget conference committees will have six weeks to reconcile the House and Senate bills and negotiate final agreements with the Dayton administration before the legislature must adjourn on May 22. Conferees are expected to be named as soon as the legislature reconvenes and public meetings will begin soon after.

Six weeks is a long time in the legislative world, but Republicans and Governor Dayton's budget priorities are significantly different and it will take a lot of work to reach a compromise. At this point even the numbers themselves are a point of contention, with the Commissioner of Management and Budget saying the legislature used "alternative math" to craft their budget and the Speaker of the House accusing the administration of using "fuzzy math." At least both sides agree there is math involved.

Attached is a terrific article from MinnPost that outlines the degree of difference that exist between the Governor and the legislature.

[Budget Positions](#)

The Governor is facing a Republican legislature; however, he has announced he is not running and has repeatedly indicated that he will not stand by and watch the destruction of what he believes has been progress.

Speaker Daudt is strongly rumored to be running for Governor and likely will want to contrast a new Republican outlook against Dayton's six years of policies. At the top of the list is likely a tax cut proposal at or above \$1 billion, which when contrasted with Governor Dayton's tax cut proposal of \$250 million doesn't seem destined for a positive response from the Governor.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Streamlining Deployment of Small Cell)	WT Docket No. 16-421
Infrastructure by Improving Wireless Facilities)	
Siting Policies)	
)	
Mobilitie, LLC Petition for Declaratory Ruling)	

**COMMENTS OF THE NATIONAL LEAGUE OF CITIES, THE NATIONAL
ASSOCIATION OF TELECOMMUNICATIONS OFFICERS AND ADVISORS, THE
NATIONAL ASSOCIATION OF TOWNS AND TOWNSHIPS, THE NATIONAL
ASSOCIATION OF COUNTIES, THE NATIONAL ASSOCIATION OF REGIONAL
COUNCILS, AND THE GOVERNMENT FINANCE OFFICERS ASSOCIATION**

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SUMMARY

Local governments want more advanced communications services in their communities because they appreciate the many benefits these services bring to their residents, schools, and businesses. But they also realize that the smart deployment of the infrastructure needed to support new technologies must carefully balance the needs of industry with the public health and safety concerns of their communities. As such, it is impossible that a one-size-fits-all regulatory scheme can adequately take into account the various needs and interests of all communities across the nation.

To date, no factual basis has been established that would justify any further federal interference in what is unquestionably a local government concern – the control and management of the public rights-of-way. Further, nothing but unsubstantiated assertions have been presented - and certainly no legal basis has been established - necessitating any action by the Bureau on the issue of applications fees and rights-of-way access charges.

Rather than impose additional federal regulatory burdens on America's local communities, the Bureau should heed the advice of the FCC's Intergovernmental Advisory Committee and permit "industry and local government representatives to meet to address specific instances of alleged delay and work to resolve issues that may hinder the continued deployment of wireless infrastructure."

TABLE OF CONTENTS

SUMMARY	2
TABLE OF CONTENTS.....	3
<u>I.</u> INTRODUCTION	5
<u>II.</u> LOCAL GOVERNMENT SITING PRACTICES DO NOT HINDER THE PROVISION OF WIRELESS SERVICE	6
<u>III.</u> LOCAL GOVERNMENTS ARE WORKING TO DEPLOY WIRELESS INFRASTRUCTURE	8
<u>IV.</u> LOCAL GOVERNMENTS HAVE A DUTY TO MANAGE THE PUBLIC RIGHTS-OF- WAY	9
<u>V.</u> SMALL WIRELESS FACILITIES	10
<u>VI.</u> INDUSTRY SHOULD DO MORE VOLUNTARILY TO IMPROVE WIRELESS SITING	12
<u>VII.</u> TERMS OR PHRASES IN SECTION 253 (c) NEED NO CLARIFICATION	16
<u>VIII.</u> SUPREME COURT PRECEDENT HOLDS THAT LOCAL GOVERNMENTS MAY CHARGE RENT FOR THE USE OF THEIR PROPERTY IF THEY SO CHOOSE	17
<u>IX.</u> RENT IS “FAIR AND REASONABLE COMPENSATION” AND ITS EVALUATION IS NECESSARILY FACT-BOUND	21
<u>X.</u> CONGRESSIONAL INTENT IS AN IMPORTANT TOUCHSTONE IN EVALUATING THE MEANING OF COMPENSATION IN SECTION 253 (c)	22
<u>XI.</u> THE MEANING OF “COMPETITIVELY NEUTRAL AND NONDISCRIMINATORY” IS CLEAR	25
<u>XII.</u> LOCAL GOVERNMENTS AGREES THAT THE ACT REQUIRES THE PUBLIC DISCLOSURE OF COMPENSATION FOR OCCUPYING THE RIGHTS-OF-WAY. 26	
<u>XIII.</u> CONCLUSION.....	27

These Comments are filed by the National League of Cities (NLC), the National Association of Telecommunications Officers and Advisors (NATOA), the National Association of Towns and Townships (NATaT), the National Association of Counties (NACo), the National Association of Regional Councils, and the Government Finance Officers Association (GFOA) in response to the Public Notice,¹ released December 22, 2016, and the Petition for Declaratory Ruling filed by Mobilitie, LLC, on November 15, 2016,² in the above-entitled matter. NLC is a national organization representing the nation's more than 19,000 cities, towns and villages, representing more than 218 million Americans and dedicated to helping city leaders build better communities. NATOA is a national trade association that promotes local government interests in communications, and serves as a resource for local officials as they seek to promote the efficient deployment of wireless infrastructure in the public rights-of-way ("ROW"). NATaT is a national organization that gives a voice to the more than 10,000 towns and townships across the country seeking to enhance the ability of smaller communities to deliver public services, economic vitality, and good government to their citizens. NACo is a national association that represents each of the nation's 3,069 counties, and promotes county government interest in matters related to legislative and regulatory actions taken by the Federal Government that directly impact the role of county government to provide voluntary and mandated services to county residents. For

¹ Federal Communications Commission, *Comment Sought on Streamlining Deployment of Small Cell Infrastructure by Improving Wireless Facilities Siting Policies; Mobilitie, LLC Petition for Declaratory Ruling*, WT Docket No. 16-421, December 22, 2016 (Public Notice).

² See Mobilitie, LLC Petition for Declaratory Ruling, *Promoting Broadband for All Americans by Prohibiting Excessive Charges for Access to Public Rights of Way* (filed Nov. 15, 2016) (Mobilitie Petition).

over 50 years, NARC has been the voice for collaborative approaches to regional economic prosperity, efficient use of local resources and ensuring a high quality of life for their member communities. NARC members work with their member cities, counties and towns to address citizen needs and promote a regional approach to planning for the future. Founded in 1906, GFOA represents nearly 19,000 federal, state and local finance officials who are deeply involved in planning, financing, and implementing thousands of governmental operations in each of their jurisdictions. GFOA's mission is to promote excellence in state and local government financial management.

I. INTRODUCTION

We appreciate the opportunity to provide comment on this proceeding, and thank the Commission for its interest in the work that local governments do to keep their communities safe, presentable, and connected. Local governments of all sizes welcome the deployment of advanced communications infrastructure in their communities because of the many benefits that 5G wireless technologies may bring to their residents, schools, and businesses. With speeds of up to 10 gigabits per second, 5G networks “can start to completely reshape entire industries, and rethink how we run and manage critical national infrastructures.”³ Indeed, as the Bureau correctly points out, local governments, eager for these new services, have updated ordinances to expedite the approval of new deployments. And some cities, including Boston, San Francisco, and San Antonio, have, in consultation with industry, developed master agreements for the

³ Hossein Moiin, “The Promise of 5G,” *TechCrunch*, August 15, 2015, <https://techcrunch.com/2015/08/15/the-promise-of-5g/>

placement of this equipment in the public rights-of-way.

Yet, like with any new technological advance, there remain unanswered questions regarding the deployment of these new facilities. We urge the Commission to exercise caution as it works to enable the widespread deployment of small cell infrastructure throughout the nation. We oppose further federal guidelines and interpretations which result in preemption of local siting authority, and ask the Commission to consider carefully the many differences between communities that necessitate local decisions: variations in state statutes, geographic challenges, climate variations, size, budgetary and staff resources, aesthetic character, the type and amount of existing infrastructure, and more. We ask the Commission to avoid placing any further restrictions on local governments as they collaborate with their local wireless carriers and infrastructure providers to integrate this very new technology, and very new approach to infrastructure development, into their planning and zoning processes in a way that preserves and protects the finite rights-of-way belonging to their residents.

II. LOCAL GOVERNMENT SITING PRACTICES DO NOT HINDER THE PROVISION OF WIRELESS SERVICE

The Commission requests information about whether local government wireless facility siting practices hinder the provision of wireless service in their communities. They do not. Local government priorities around wireless services continue to ensure coverage for all communities.

As noted by the FCC Intergovernmental Advisory Committee (IAC) in its 2016 “Report on Siting Wireless Communications Facilities,” when the FCC adopted its 2009 shot clock order and its 2014 rules on collocation, “many local governments did not believe that federal shot

clock rules were necessary or helpful to create faster, more efficient deployment.”⁴ Despite our request to the Commission in 2014 that it avoid further regulation around Section 6409 and allow “industry and local government representatives to meet to address specific instances of alleged delay and work to resolve issues that may hinder the continued deployment of wireless infrastructure,”⁵ the Commission chose to impose further restrictions on that process. We continue to believe that the existing interpretation of statute is sufficient for the deployment of wireless infrastructure, and ask the Commission not to place any further one-size-fits-all restrictions on communities working to deploy infrastructure safely and efficiently.

The coverage data provided by the wireless industry does not seem to indicate that local government practices hinder the provision of wireless service to the residents or business across the country. Instead, the greatest barrier to the provision of service is the population density of a given local community (urban versus rural), and the relative profitability of the market in that location.

We are encouraged that the FCC is following recommendations of the IAC, in its report, to gather additional data on provider coverage to supplement the anecdotes provided by both industry and local governments,⁶ and we repeat that encouragement. Uniform, granular data on wireless coverage would help to settle disputes about the actual need for additional

⁴ FCC Intergovernmental Advisory Committee, “Report on Siting Wireless Communications Facilities,” page 3, July 12, 2016, <https://transition.fcc.gov/statelocal/IAC-Report-Wireless-Tower-siting.pdf>

⁵ See, Comments of the National Association of Telecommunications Officers and Advisors, *et al.*, *In the Matter of Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Practices*, WT Docket No. 13-238 (filed February 3, 2014), at 11.

⁶ FCC Intergovernmental Advisory Committee, 16.

infrastructure, and identify real coverage gaps facing residents.

III. LOCAL GOVERNMENTS ARE WORKING TO DEPLOY WIRELESS INFRASTRUCTURE

Local governments are greatly motivated to provide their residents, schools, businesses, and health care providers with access to quality connectivity. They know that broadband access and adoption help promote economic development in the community, while enhancing public health, public safety, and educational opportunities. And as the IAC noted, “most local governments and industry applicants work well together to process applications in a manner that satisfies both industry and community concerns....The vast majority of these communities and industry members work well together to complete the wireless siting process and locate wireless facilities in an efficient and timely manner.”⁷

They have also been supported by their municipal associations in this work. In 2014, the National League of Cities, the National Association of Counties, and National Association of Telecommunications Officers and Advisors made available a model ordinance for local governments to comply with the 2014 shot clock order. More recently, the Illinois Municipal League has developed for its members an Illinois-specific model ordinance that takes into account that state’s laws, to assist Illinois municipalities with the deployment of small-cell infrastructure.⁸ The Georgia Municipal Association has worked with its membership and industry to create a model agreement, as a negotiating tool and framework for cities and

⁷ *Id.* 2-3.

⁸ Illinois Municipal League, “Small Cell Antenna/Tower Right-of-Way Siting Ordinance,” <http://iml.org/page.cfm?key=2191>

members of industry to work together on smaller infrastructure sites.⁹

At the city level, those local governments not preempted by state law in this area have found some success in agreements made at the start of a process with their local providers. For example, the City of San Antonio, which was profiled in a workshop on small-cell deployment held at the FCC last year, has entered a master license agreement with Verizon to allow the company access to city rights-of-way and to attach to certain city structures for an agreed-upon fee schedule. The city found that this proactive agreement allowed Verizon to increase its coverage and reliability, benefiting both the company and resident customers, and allowed the city to retain its land-use authority and unique historical aesthetic.

These agreements, ordinance changes, pre-application consultations, and other actions are voluntary, proactive efforts by local governments and their partners in industry to work through a still-developing situation. Those that have been most successful are those that respect both the needs of specific municipalities, and the business efforts of industry partners.

IV. LOCAL GOVERNMENTS HAVE A DUTY TO MANAGE THE PUBLIC RIGHTS-OF-WAY

Local governments have a duty to their residents to protect and manage the public rights-of-way – a finite resource belonging to residents and serving a variety of needs. Public rights-of-way are properties owned by the citizens of a municipality that are managed by local governments for the benefit of those citizens. Proper management is essential for the

⁹ Georgia Municipal Association, “Summary of GMA Master Right-of-Way License Agreement with Mobilitie, LLC,” January 30, 2017, <http://www.gmanet.com/Services/Operations/Telecomm/Summary-of-GMA-Master-Right-of-Way-License-Agreeme.aspx>

transportation of people and goods and services, and for utilities; including power, clean water, stormwater, sanitary sewer, and communications.

Municipalities process and deploy the vast majority of wireless broadband infrastructure projects in a timely manner, respecting not only the needs of providers, but also the needs of the communities they serve. Local governments have the right and the obligation to ensure wireless siting requests comply with current health, safety, building, engineering, and electrical requirements. Municipal governments manage the rights-of-way to protect the public safety and welfare, to minimize service disruptions to the public, to protect public investments in rights-of-way, to assure the proper placement of service lines, to regulate the placement of service facilities, and to realize the value of this public asset. Underlying these municipal roles and control is the fact that the use of publicly-owned rights-of-way is a privilege, not a right.

V. SMALL WIRELESS FACILITIES

In its Public Notice, the Bureau points out that new wireless networks will require the dense deployment of facilities that are “smaller and less obtrusive than traditional cell towers and antennas.”¹⁰ And the Bureau has used the terms “small wireless facilities” and “small facility deployments” that can be placed on “small structures” to characterize the technological developments necessary for the “ubiquitous connection of smart digital devices.”¹¹ Likewise, Mobilitie characterizes these facilities as “extremely small equipment” of “reduced size and

¹⁰ Public Notice at 1.

¹¹ *Id.* at 3.

weight” with some being “nearly as small as a laptop”¹² while others have repeatedly asserted that the new equipment is about the size of a pizza box.¹³

“Ay, there’s the rub.”¹⁴ Because simply calling this equipment “small” doesn’t make it so. Indeed, the Bureau’s misnomer of the present matter as involving the deployment of “small” cells simply fails to convey the true scope and breadth of this proceeding and the true impact that the installation of nearly 800,000 “small” cell deployments by 2026¹⁵ will have on our communities. When you add in the Bureau’s misstep to look at application processing fees and charges for the private use of the public rights-of-way, it’s no wonder that local governments are apprehensive about any further federal intervention in local siting decisions.

But what exactly is a *small* wireless facility? What sort of equipment are we dealing with here? It’s arguable that Mobilitie considers 120-foot monopoles small cell facilities. Or as defined in a rash of state-level wireless siting legislative proposals backed by industry, a small wireless facility could be a “wireless facility having (1) an antenna with an enclosure exterior displacement volume of no more than six cubic feet; and (2) associated equipment with a cumulative enclosure exterior displacement volume no larger than 28 cubic feet.” One hundred and twenty foot poles? Six cubic feet? Twenty-eight cubic feet? Clearly, we are not talking about laptops and pizza boxes! And when industry wants to place these facilities on utility poles,

¹² Mobilitie Petition at 11.

¹³ See Diana Goovaerts, FCC Streamlines Rules for 5G Small Cell, DAS Roll Outs, (Aug. 9, 2016), <https://www.wirelessweek.com/news/2016/08/fcc-streamlines-rules-5g-small-cell-das-roll-outs>.

¹⁴ *Hamlet* (3.1.68)

¹⁵ Public Notice at 4.

phone poles, light poles, traffic signals, and signage structures, there is simply no way one can truthfully assert these are small, less obtrusive deployments. Further, when one considers that advanced networks “require the construction and strategic placement of a large number of small cells, frequently placed close together,”¹⁶ it is easy to understand local government’s uneasiness with granting industry carte blanche access to the public ROW.

Finally, we must keep in mind that these installations could be subject to the Commission’s Section 6409(a) collocation rules that would result in ever-increasingly larger installations. So, these “small” cell deployments have mushroomed in size and the proverbial pizza box is quickly becoming a pizza delivery car.

The FCC has already acted via its *2009 Declaratory Ruling* and *2014 Infrastructure Order* aimed at resolving what it viewed as infrastructure siting controversies. We believe those interpretations of Section 332(c)(7) and Section 6409(a) are sufficient to resolve any problems that may arise with future infrastructure densification. To date, we do not believe that sufficient verifiable information has been publicly provided warranting any further action by the Bureau or Commission.

VI. INDUSTRY SHOULD DO MORE VOLUNTARILY TO IMPROVE WIRELESS SITING

Members of the wireless industry and related businesses can and should do more voluntarily to improve deployment of infrastructure. One of the greatest causes of delay in the process of local government review and approval of a wireless facility siting request is

¹⁶ *Id.*

incomplete application materials. This is a circumstance entirely within the control of the company making the application, and one with simple options for remedy, including pre-application dialog or consultation with the municipality.

In addition, these conversations must be undertaken in the spirit of cooperation. In the Public Notice, the Commission requests feedback on Mobilitie's petition for declaratory ruling, and uses the issues raised in that petition to inform the questions it asks in the Public Notice. However, Mobilitie's petition mischaracterizes its actions and the actions of local governments when discussing placing wireless infrastructure in the rights-of-way. Mobilitie has attempted to place the bulk of its new structures within the public rights-of-way, and objects to the time and expense necessary to ensure that these placements are safe and appropriately compensated.

In contrast to the good news that industry and local governments are working together to bring new services to the public, the Bureau throws in unsubstantiated allegations of permitting and zoning delays and high fees and excessive charges resulting in applicants having to "contend with a long and costly process."¹⁷ But what company does the Bureau hold up as the poster child suffering the slings and arrows of local government delay? Mobilitie.¹⁸

It is anticipated that many local governments will be filing comments with the Commission over the course of this proceeding describing their interactions with Mobilitie.

¹⁷ Public Notice at 7.

¹⁸ Curiously, Mobilitie blames government-imposed application and access fees for delaying its deployment of proposed infrastructure. Yet Sprint, the company's network partner, reported plans to cut costs by relocating "its leased tower space from private property owners to locations on **government-owned properties where rents are cheaper.**" (Emphasis added.) See Paul Ausick, Sprint to Save \$1 Billion by Moving Cell Towers, (Jan. 15, 2016), <http://247wallst.com/telecom-wireless/2016/01/15/sprint-to-save-1-billion-by-moving-cell-towers/> .

Many comments are expected to show that the company came to town, filed incomplete applications for 120-foot monopoles in the public ROW, and then left town, never to be heard from again. A prime example is the attached Staff Report from the City of Farmersville, Cal. in which the company proposes to install a 123-foot pole even though “most electricity and telephone poles in the City are 45-60 feet high.”¹⁹ Or that Mobilitie placed equipment in the ROW without permission that had to be removed by authorities. Or they claimed unfettered access to the ROW in an attempt to browbeat local officials into granting their deployment requests until at least one state acted and issued the company a “cease and desist” letter.²⁰

In fact, Mobilitie’s actions across the nation started to get attention from other providers, concerned that their own deployment efforts could be hindered by the poster child’s actions. Back in July 2016, well before the Bureau issued its Public Notice, FierceTelecom reported that Nick Del Deo, an analyst with MoffettNathanson “suggested reported shoddy construction and unsightly deployments from the two companies [Sprint and its network partner, Mobilitie] is garnering backlash from municipalities, which could result in site removal and stricter zoning regulations for future small cell deployments.”²¹ We suggest that any deployment delays of small cell facilities on the behalf of local governments, if indeed there are any, squarely result from the

¹⁹ The City of Farmersville’s Staff Report concerns Mobilitie’s application to place a 123-foot high wireless transmission tower in the city’s right-of-way. “As a comparison the existing cell tower behind City Hall is about 100 feet high.” See City of Farmersville, Staff Report, (July 25, 2016), <http://www.cityoffarmersville-ca.gov/AgendaCenter/ViewFile/Item/1532?fileID=750>

²⁰ Minnesota Department of Commerce issued a “cease and desist” letter to Mobilitie on August 4, 2016, requesting the company refrain from “asserting that PUC authority has exempted it from the regulatory requirements of local government units.” See Minnesota Department of Commerce, Re: Inquiries Regarding Mobilitie, LLC, Docket Nos. P6636/NA-07-470, P6966/NA-16-607, (August 4, 2016), <http://www.lwm-info.org/DocumentCenter/View/788>

²¹ See Ben Munson, Small cell deployment estimates ‘radically off’ the mark, analyst says, (Jul. 13, 2016), <http://www.fiercetelecom.com/installer/small-cell-deployment-estimates-radically-off-mark-analyst-says>

actions taken by Mobilitie.

Furthermore, we strongly urge the Bureau to compare Mobilitie's unfounded allegations of delay in its Petition with public statements made by its CEO Gary Jabara in June 2016. During a panel discussion at the Wells Fargo Convergence & Connectivity Symposium, he stated that Mobilitie was "moving through the zoning and permitting stage much faster, overcoming many of the regulations hurdles that have often delayed or deterred infrastructure investment and broadband deployment in the past." ""Carriers are moving full steam ahead with their network upgrade projects and we predict more than a million small cell deployments within five years. . . . Our close cooperation with local authorities has allowed us to navigate bureaucratic processes and help service providers bring greater connectivity to communities across the country more quickly than ever before. . . . We have built thousands of sites and have thousands of approved permits in hand and we don't see this slowing anytime soon.""²² And Jennifer Fritzsche, an analyst with Wells Fargo, added: "Mobilitie did indicate despite all the noise out there, it is getting through the zoning and permitting stage faster than the market appreciates and there have been no municipalities that have pushed a full-on moratorium on small cell deployment as some have speculated."²³

One thing that this proceeding has been successful at is diverting attention away from

²² See PR Newswire, Mobilitie CEO, Gary Jabara, Talks Small Cell Market Momentum at 2016 Wells Fargo Convergence & Connectivity Symposium, (Jun. 22, 2016), <http://www.prnewswire.com/news-releases/mobilitie-ceo-gary-jabara-talks-small-cell-market-momentum-at-2016-wells-fargo-convergence--connectivity-symposium-300289122.html>

²³ See Colin Gibbs, Mobilitie downplays small cell concerns, says Sprint really is spending on network upgrades, (Jun. 22, 2016) <http://www.fiercewireless.com/wireless/mobilitie-downplays-small-cell-concerns-says-sprint-really-spending-network-upgrades>

industry's actions hindering deployment. While we have mentioned Mobilitie's missteps, we need to call attention to harmful actions taken by other industry players that truly hamper the deployment of wireless broadband infrastructure. It is unquestionable that some providers are actively taking steps to throw up barriers to deployment by competitors.

For example, after the city of Nashville, Tenn. enacted a One Touch Make Ready ordinance to speed up the installation of new lines to utility poles, two incumbent providers filed suit against the city contending, in part, that the city lacked authority to regulate the poles. A similar lawsuit on the same grounds was filed against the city of Louisville, Ken. In commenting on the lawsuit, Nashville Councilmember Anthony Davis stated: "I feel like we absolutely spoke for our constituents and the residents of Nashville who want this 'Make Ready' to hopefully spur new carriers and more technology investment in Nashville."²⁴ Providers insist that local governments must ease the way for providers who obstruct competition. However, when local governments take actions to ensure these new wireless infrastructure installations do not inconvenience residents or must comply with applicable codes to protect the public health and safety, they are criticized that such steps hinder or delay deployment.

VII. TERMS OR PHRASES IN SECTION 253 (c) NEED NO CLARIFICATION

The Commission seeks comments on whether the public interest would be served by issuing clarifications of any of the terminology or phrases in Section 253 (c). In particular, the

²⁴ See Jamie McGee and Joey Garrison, Comcast Sues Nashville Over Google Fiber-backed pole ordinance, Jamie McGee and Joey Garrison, (Oct. 25, 2016), <http://www.tennessean.com/story/news/local/2016/10/25/comcast-sues-metro-over-google-fiber-backed-pole-otmr-ordinance/92748490/>

Commission seeks comments on the need for interpreting “fair and reasonable compensation;” “competitively neutral and nondiscriminatory;” and “publicly disclosed by such government.” The short answer as to whether clarification is needed or would serve the public interest is “No.” None of the three phrases for which the Commission specifically requests comment is ambiguous. Because they are not ambiguous, the Commission has no statutory gap to fill with an interpretation. The Commission should not confuse statutory phrases’ lack of definitions with a finding that their meaning is ambiguous.

VIII. SUPREME COURT PRECEDENT HOLDS THAT LOCAL GOVERNMENTS MAY CHARGE RENT FOR THE USE OF THEIR PROPERTY IF THEY SO CHOOSE

In *St. Louis v. Western Union Telegraph Co.*,²⁵ the Supreme Court, reviewing whether compensation for use of city property was in a tax declared the compensation to be “in nature of a charge for the use of property belonging to the city — that which may properly be called rental.” That Court also stated that “the revenues of a municipality may come from rentals as legitimately and as properly as from taxes.”²⁶

If an occupier of the public rights-of-way or other public property does not like having to pay rent to a local government, there is a solution. The Supreme Court recognized this solution more than a hundred and twenty years ago. To wit: “If, instead of occupying the streets and public places with its telegraph poles, the company should do what it may rightfully do, purchase ground in the various blocks from private individuals, and to such ground remove its poles, the

²⁵ 148 U.S. 92, 97 (1893).

²⁶ *Id.*

[requirement for rent] would no longer have any application to it.”²⁷

Mobilitie does not like this solution. It prefers to be in the rights-of-way because it “reduces the transaction costs providers incur to negotiate with private landowners for access to individual buildings, which can involve hundreds of different leases across a geographic area.”²⁸ Mobilitie has chosen a path for its own economic good and now wants the Commission to further reduce its costs of doing business by limiting the amounts local governments can charge for the privilege of exclusively occupying a portion of local government property – whether with a 120 foot pole or a small cell potentially as small as a bread box.

The Court went on to explain why the City’s position in seeking compensation in the form of rent was appropriate. In fact, the Supreme Court’s next statements were prescient indeed. “The city has attempted to make the telegraph company pay for appropriating to its own and sole use a part of the streets and public places of the city. It is seeking to collect *rent*.”²⁹

“[F]irst, it may be well to consider the nature of the use which is made by the defendant of the streets, and the general power of the public to exact *compensation* for the use of streets and roads.”³⁰ The Court used the word “compensation,” having just discussed the City’s ordinance as seeking rent. The Court did not use the word “compensation” in the sense that it meant “cost.” Further, “the use which the defendant makes of the streets is an *exclusive and permanent one*. . . .”³¹

²⁷ *Id.* at 97.

²⁸ Mobilitie Petition at 7-8.

²⁹ *Id.* at 98. (Emphasis added).

³⁰ *Id.* (Emphasis added).

³¹ *Id.* (Emphasis added).

The Court noted that occupations of the rights-of-way were ordinarily temporary and shifting, whether by vehicle or by foot, and that one occupation was soon abandoned in favor of another. The Court explained well the difference between the public's use of rights-of-way versus the use of the rights-of-way as contemplated by the telecommunications company. "This use is common to all members of the public, and it is use open equally to citizens of other States with those of the State in which the street is situate."³² In contrast, "the use made by the [telecommunications] company is ... permanent and exclusive, and "effectually and permanently dispossesses the general public *as if it had destroyed that amount of ground*."³³ The Court further explained that "[w]hatever benefit the public may receive in the way of transportation of messages," the actual use of the right of way by the public was "wholly lost to the public."³⁴ The Court supposed that "[b]y sufficient multiplication [telecommunications] companies[,] the whole space of the [right of way] might be occupied, and . . . *entirely* appropriated to the . . . use of companies and for the transportation of messages."³⁵ The Court reiterated that the placement of telecommunications equipment in the rights-of-way constituted the "absolute, permanent and exclusive appropriation of the rights-of-way."³⁶

It then asked the question which is at the heart of this proceeding:

"Now, when there is this permanent and exclusive appropriation of a part of the highway, is there in the nature of things anything to inhibit the public from exacting rental for the space thus occupied?"

³² *Id.* at 98-99.

³³ *Id.* at 99.

³⁴ *Id.* at 99.

³⁵ *Id.*

³⁶ *Id.*

The Court also answered the question:

“Obviously not.”³⁷

The Court followed this by reviewing a hypothetical. “Suppose a municipality permits one to occupy space in a public park, for the erection of a booth in which to sell fruit and other articles; who would question the right of the city to charge for the use of the ground thus occupied, or call such charge . . . anything else except rental?”³⁸ The Court concluded giving permission to a telecommunications company to occupy the right-of-way “is the giving of the exclusive use of real estate, for which the giver has a right to exact compensation, which is in the nature of *rental*.”³⁹

More than a hundred and twenty years ago, the Supreme Court recognized the effect of having communications equipment (and other equipment important to modern life) in public rights-of-way in particular. As the Comments of others in this proceeding demonstrate, public rights-of-way are increasingly crowded with telecommunications, sewer, water, electric and gas infrastructure.

Regardless of the size of equipment sought to be placed in the right of way, Mobilitie (or any other entity wanting to place a physical item on or in public rights-of-way) is occupying space which cannot be used for anything else. The Commission should decline the request to enhance a private business’s economic bottom line at the expense of the public.

³⁷ *Id.* (Emphasis added.)

³⁸ *Id.*

³⁹ *Id.* (Emphasis added.)

IX. RENT IS “FAIR AND REASONABLE COMPENSATION” AND ITS EVALUATION IS NECESSARILY FACT-BOUND

“Whether a city can charge rent for its property is entirely distinct from whether, if it has, the charge is excessive.”⁴⁰ After the discussion highlighted above, the *St. Louis* Court turned to the question of whether the rent at issue was “unreasonable, unjust and excessive.” To start, the court noted that *prima facie*, charging rent for a permanent occupation is reasonable. “The court cannot assume that such a charge is excessive, and so excessive as to make the ordinance unreasonable and void; for, as applied in certain cases, a like charge for so much appropriation of the streets may be reasonable.”⁴¹

The Court went on to note that different locales would have different ways of valuing the annual rental for the occupation of the right of way. The Court specifically noted that there were likely valuation differences between locating numerous, large poles in densely populated areas versus locating poles in areas where land was abundant and valued differently.⁴² While the question of whether a particular annual rental charge was excessive had to be amenable to judicial review, evaluation of this question could *only* be based on the actual “state of affairs in the city.”⁴³ This portion of the holding, that evaluation of charges for the use of the public rights-of-way must be based on the facts in existence in any particular local government, forecloses the Commission’s ability to interpret what “fair and reasonable compensation” means for local governments as a whole.

⁴⁰ *St. Louis*, 148 U.S. at 98

⁴¹ *Id.* at 104.

⁴² *Id.* at 104.

⁴³ *Id.* at 104-5.

X. CONGRESSIONAL INTENT IS AN IMPORTANT TOUCHSTONE IN EVALUATING THE MEANING OF COMPENSATION IN SECTION 253 (c)

“[A]dministrative [agency] constructions which are contrary to clear congressional intent” will be rejected by the courts.⁴⁴ When evaluating congressional intent “it is always appropriate to assume that our elected representatives, like other citizens, know the law.”⁴⁵ Therefore, it must be assumed that Congress knew that the Supreme Court had upheld rental charges for the use of rights-of-way more than 100 and twenty years before the enactment of the Telecommunications Act of 1996. And Congress was aware that local governments did in fact seek compensation in the form of rent for occupation of public property. Indeed, contrary to Mobilitie’s assertion, a review of the legislative history of what eventually became Section 253 (c), shows that Congress intended local government to be able to charge rent for the local rights-of-way.⁴⁶

Mobilitie cites Senator Feinstein for outlining the supposedly “limited” types of activities localities could conduct. While Mobilitie cites to the portion of the Congressional Record containing Senator Feinstein’s statement, it is apparent that those who prepared Mobilitie’s Petition didn’t actually read the esteemed Senator’s statement. If they had read it, they would have realized their mistake.

Senator Feinstein’s discussion was about 1) making sure the FCC did not have exclusive jurisdiction to decide disputes under Section 253 because of the burden placed on local

⁴⁴ *Chevron U.S.A. Inc. v. Natural Resources Defense Council*, 467 U.S. 837, 843 n.9 (1984).

⁴⁵ *Cannon v. University of Chicago*, 441 U.S. 677, 696-98 (1979).

⁴⁶ *See*, Mobilitie Petition at 24-25, incorrectly characterizing Congressional intent.

governments if they had to litigate such disputes in Washington, D.C. and 2) reading into the record portions of letters from city attorneys around the country the types of activities they suspected telecommunications providers would attempt to litigate in Washington, D.C. before the Commission. In fact, the quote Mobilite cherry picks is not a statement by Senator Feinstein describing the limitations on local governments. Rather, Senator Feinstein quoted then-San Francisco City Attorney Louise Renne's concern about the need for her attorneys to travel to Washington D.C. to defend the City's requirements. Hopefully, the Commission and Mobilite won't continue the completely wrong reading of the Congressional Record and Senator Feinstein's statement.⁴⁷

The actual discussion of "compensation" in the Congressional Record is found in the House Debates focusing on parity. Discussing an amendment he offered to the bill which eventually became the Telecommunications Act of 1996, Representative Joe Barton stated the Act "explicitly guarantees that cities and local governments have the right to not only control access within their city limits, but *also to set the compensation level* for the use of that right-of-way."⁴⁸

While not directly related to Sec. 253, in 2004, members of Congress continued to understand and accept that local governments had broad discretion in seeking compensation for the use of their rights-of-way and specifically understood that gross revenue fees for the use of the rights-of-way were allowable. During the 2004 debates on the Internet Tax

⁴⁷ 141 Cong. Rec. S8170-72 (June 12, 1995) (Senator Feinstein's discussion on this issue starts on S8170 and continues mid-way through S8171. Letters from City Attorneys start mid-way on S8171 and continue mid-way on S8172.)

⁴⁸ 141 Cong. Rec. H8460-01 (statement of Representative Barton) (emphasis added).

Nondiscrimination Act, S. 150, Senator Kay Bailey Hutchison offered an amendment to clarify that gross revenues fees for the use of public rights-of-way would have been exempt from the moratorium on taxation of access to the internet:

That is why I have introduced an amendment that will clarify the definition of what is excepted from this Internet access tax ban. It says:

. . . any payment made for the use of a public right-of-way or made in lieu of a fee for use of the public right-of-way, however it may be denominated, including but not limited to an access line fee, a franchise fee, license fee or gross receipts or gross revenue fee.

[This amendment] protect[s] cities, particularly since we have certain laws in some States that do have a component of a gross receipts fee within the access line issue. . . .⁴⁹

Though her amendment was tabled, it is clear that gross revenue fees and other methods for compensating local governments for the occupation of public rights-of-way were acceptable to Congress when it enacted Section 253 (c).

Historically, local governments have, depending on the vagaries of state law, been free to charge various fees for the use of the rights-of-way. The statements by members of Congress with respect to the Telecommunications Act of 1996, as well as other legislation, support the freedom of local governments to act as any other land owners. Section 253 (c) did not change this or long standing precedent from the United States Supreme Court.

Congress understood local government authority to charge rent for the use of the rights-of-way and that compensation was not limited to costs. The Commission should decline Mobilite's invitation to issue an interpretation of "fair and reasonable compensation" which ties

⁴⁹ 150 Cong. Rec. S4402-0, *4405 (daily ed. Apr. 27, 2004) (statement of Senator Hutchison)(emphasis added).

compensation to “costs” of managing the right of way.

XI. THE MEANING OF “COMPETITIVELY NEUTRAL AND NONDISCRIMINATORY” IS CLEAR

Mobilitie asks the Commission to interpret “competitively neutral and nondiscriminatory” by extending Sec. 253 (c) to wireless services. It spends the majority of its argument discussing court opinions interpreting this phrase and agrees with those interpretations, stating that the Commission “clarification” it seeks would be consistent with those court opinions.⁵⁰ Mobilitie spends no time explaining why Sec. 253 (c) should apply to wireless providers. Mobilitie’s requested Commission action is the proverbial solution in search of a problem.

Section 253 (c) does not require exact parity between providers, as is borne out by the legislative history of the Act, as well as the court decisions interpreting the Act. Local governments “may, of course, make distinctions that result in the *de facto* application of different rules to different service providers so long as the distinctions are based on valid considerations.”⁵¹ The requirements of Sec. 253 are not inflexible and the statute does not require precise parity of treatment.⁵² This is borne out by the discussion above which noted that gross revenue fees were not objectionable and that the primary disagreement in the congressional debates dealt with whether to require equal treatment between providers or allow for flexibility. Congress chose to allow local governments the ability to tailor agreements with providers as

⁵⁰ Mobilitie Petition at 31-34.

⁵¹ *New Jersey Payphone Association, Inc. v. Town of West New York*, 299 F.3d 235, 247 (3d Cir. 2002).

⁵² *TCG New York, Inc. v. City of White Plains*, 305 F.3d 67, 80 (2nd Cir. 2002).

needed.

Local governments can and do take into account the scale of the use of rights-of-way by different providers and they also retain the flexibility to adopt requirements appropriate for the circumstances in their communities. “[Cities] can negotiate different agreements with different service providers; thus, a city could enter into competitively neutral agreements where one service provider would provide the city with below-market-rate telecommunications services and another service provider would have to pay a larger franchise fee, provided the effect is a rough parity between competitors.”⁵³ Mobilitie does not cite one court case which it claims was incorrectly decided as support for why guidance is needed or any rationale for extending Sec. 253 to wireless service providers, nor does it provide any rationale for why the requirements of Sec. 332 are not sufficient to protect the interests of wireless providers.

XII. LOCAL GOVERNMENTS AGREES THAT THE ACT REQUIRES THE PUBLIC DISCLOSURE OF COMPENSATION FOR OCCUPYING THE RIGHTS-OF-WAY

Mobilitie asks the Commission to require that local governments disclose charges they have previously assessed other occupants of the rights of way. This is again a solution in search of a problem. It is true that the Act does not detail exactly how compensation information is to be made public. However, states and local governments have processes in place for handling requests for compensation information under local freedom of information and/or Sunshine Acts. Just because Mobilitie does not like having to understand local processes for accessing this information does not mean that the Commission has the authority or expertise to dictate the

⁵³ *White Plains*, 305 F.3d at 80

release of information seeking potentially proprietary and confidential business information of third parties to competitors.⁵⁴ The Commission should decline to take action on this issue.

XIII. CONCLUSION

The National Association of Telecommunications Officers and Advisors, National League of Cities, and National Association of Towns and Townships would like to thank the Commission for its efforts to better understand the work being done at the local government level to ensure safe, responsible deployment of wireless infrastructure, particularly that built in the public rights-of-way. We strongly urge the Commission to consider our comments, as well as those submitted by communities across the country, before taking any action that may adversely affect local governments' rights-of-way authority.

Respectfully submitted,



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⁵⁴ A collection of State Freedom of Information or "Sunshine" laws is available here <http://www.nfoic.org/state-freedom-of-information-laws>.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Streamlining Deployment of Small Cell)	WT Docket No. 16-421
Infrastructure by Improving Wireless Facilities)	
Siting Policies)	
)	
Mobilitie, LLC Petition for Declaratory Ruling)	

**REPLY COMMENTS OF THE NATIONAL ASSOCIATION OF
TELECOMMUNICATIONS OFFICERS AND ADVISORS, THE NATIONAL LEAGUE
OF CITIES, THE NATIONAL ASSOCIATION OF TOWNS AND TOWNSHIPS,
NATIONAL ASSOCIATION OF COUNTIES, NATIONAL ASSOCIATION OF
REGIONAL COUNCILS, GOVERNMENT FINANCE OFFICERS ASSOCIATION, AND
UNITED STATES CONFERENCE OF MAYORS**

“It comes down to how ... stupid the elected officials ... are. There are many stupid cities around the country - really dumb. They’re greedy...They don’t give a s*** about their constituents.”

Mobilitie CEO Gary Jabara¹

Obviously, Mobilitie and its CEO hold local governments in utter contempt. With this attitude, Mobilitie and its representatives march into jurisdictions and make demands, expecting local governments to accede to the demands regardless of the needs of the communities.

These Reply Comments are filed by the National Association of Telecommunications Officers and Advisors (NATOA), the National League of Cities (NLC), the National Association of Towns and Townships (NATaT), National Association of Counties (NACo), National Association of Regional Councils (NARC), Government Finance Officers Association (GFOA), and the United States Conference of Mayors (USCM),² in response to the Comments filed in the

¹ Don Bishop, *Seeing Wireless Service as Essential Speaks to the Future of Wireless Infrastructure*, AGL Magazine AGLM, p.38 (March 2017).

² The United States Conference of Mayors is the official non-partisan organization of cities with a population of 30,000 or larger. Each city is represented by its chief elected official, the mayor.

above-entitled matter.

I. THE TAKINGS CLAUSE PREVENTS THE COMMISSION FROM LIMITING “FAIR AND REASONABLE COMPENSATION” IN § 253(c)

As we explained in our opening Comments, the United States Supreme Court has long recognized the ability of local governments to seek rent as compensation for physical occupations of local rights-of-way and other government property.³ The Telecommunications Act of 1996 did not change that and, as NATOA and its fellow Commentators established, Congress was aware of local government’s practice in charging rent and specifically protected that ability.⁴ For the Commission to use interpretations and guidelines to find otherwise, as several Commentators request,⁵ would violate the Fifth Amendment, which provides:

“[N]or shall private property be taken for public use, without *just compensation*.”⁶

If the Commission adopts interpretations of the §§ 253 and 332(c) which require that local governments accept the placement of wireless facilities and associated equipment in their local rights-of-way and in, or on, other property (water towers, light poles, street signs, public buildings, and the similar property), such as through a “deemed granted” regime, then the Commission has committed a physical taking.⁷ The Supreme Court’s opinion *Loretto v.*

³ See, *Comments of NATOA, et al.*, at 16-21 (filed March 8, 2017).

⁴ See, *Comments of NATOA, et al.*, at 21-24.

⁵ *Comments of Competitive Carriers Association* at 16 (filed March 8, 2017); *Comments of AT&T* at 22 (filed March 8, 2017); *Comments of Verizon* at 11 (filed March 8, 2017).

⁶ U.S. Const., amend. V. (Emphasis added.) While the Fifth Amendment refers to “private property,” it is “most reasonable to construe the reference...as encompassing the property of state and local governments. *United States v. 50 Acres of Land*, 469 U.S. 24, (1984). See also, *Town of Bedford v. United States*, 23 F.2d 453, 457 (1927) “[The federal government] can no more take, without compensation, [a local government’s] property rights, than it can those of an individual.”

⁷ 458 U.S. 419, 429-30 (1982), *relying on Western Union Telegraph Co. v. Pennsylvania R. Co.*, 195 U.S. 540, 570 (1904) (holding that placement the telephone lines in railroad right of way was a compensable taking because the right-of-way “cannot be appropriated in whole or in part except upon the payment of compensation”); *Pumpelly v. Green Bay Co.*, 13 Wall. 166, 181 (1872)(“[W]here real estate is actually invaded ... so as to ... impair its usefulness, it is a taking, within the meaning of the Constitution.”), as well as citing *Lovett v. West Va. Central Gas Co.*, 65 S.E.196 (W. Va. 1909); *Southwestern Bell Telephone Co. v. Webb*, 393 S.W.2d 117, 121 (Mo.App.1965). for the proposition that telegraph and telephone lines and underground pipes or wires are takings even if they occupy only relatively insubstantial amounts of space.

Teleprompter Manhattan CATV Corp., makes clear that a “property owner suffers a special kind of injury when a stranger directly invades and occupies the owner’s property.”⁸ Fair market value is the standard for “just compensation.”

Absent requiring physical occupation, the Commission may yet commit a regulatory taking with any interpretations or guidelines it issues as a response to this proceeding. The Supreme Court discussed regulatory takings with respect to Commission action in *F.C.C. v. Florida Power Corp.*⁹ In that case, the Court did not find a *Loretto* taking because nothing in the Pole Attachments Act, as interpreted by the FCC, gave cable companies any right to occupy space on utility poles, or prohibited utility companies from refusing to enter into attachment agreements with cable operators. Ultimately, the Supreme Court did not find that the Fifth Amendment’s Takings Clause applied to rate regulation in *Florida Power Corp.* because the Florida Power did not argue that the regulation was “confiscatory.” That is, it did not argue that the regulation threatened its “financial integrity.”¹⁰ We do argue that any Commission action which limits the ability of local governments to seek compensation in the form of rent or other fees for the use of their rights-of-way or other property will be confiscatory.

Any such limitation is confiscatory because, unlike telecommunications providers, local governments are not for-profit corporations. They are not-for-profit entities; convenient vehicles for groups of citizens to come together to undertake activities for the benefit of all within their jurisdiction. Their “investors” are their citizens who “invest” by paying taxes. Local governments can borrow money under certain circumstances, but they do not manufacture products or sell services for the purpose of making a return on investment for private

⁸ *Id.* 458 U.S. at 436.

⁹ 480 U.S. 245, 252-53.

¹⁰ *See, Verizon Communications Inc. v. F.C.C.*, 535 U.S. 467, 524 (2002)

shareholders. The mechanisms by which local governments provide libraries, schools, police and fire protection, and roads, highways, and other infrastructure are primarily taxes. In addition, they make use of the property they hold in trust for the public by renting, leasing, or otherwise charging for the private use of that property. The Petition and the Comments supporting it ask the Commission to take that authority away from local governments and to allow private, for-profit entities, to make essentially free use of public property to further their own bottom line. They ask that the taxpayers subsidize private corporate business activities by limiting the amount the taxpayers, through their local governments, can charge for property they own collectively. That effectively destroys the value of the property, that is “confiscation,” and that is a regulatory taking.

As an aside, the same rationale supporting compensation for the use of public rights-of-way applies with even greater force to other property owned by local governments. The Town Hall, city library, and municipal water tower, all owned by local government, are the local government’s “private” property, to control as it wishes, including having the ability to exclude third parties regardless of the reason for the exclusion. If the federal government and third parties are going to take local government property by physically occupying it, “just compensation” must be paid as it would be for any other private party. “Manifestly, the ‘just compensation’” must go to or for the benefit of the persons damaged by the taking - in this case the taxpayers....We can find *not even a dictum* in the decisions of the Supreme Court to support any other doctrine.”¹¹

II. FEDERALISM PRINCIPLES FORECLOSE PROPOSED INTERPRETATIONS

While any Commission “interpretation” limiting local government compensation to costs

¹¹ *Town of Bedford v. United States*, 23 F.2d 453, 455 (1st Cir. 1923) (*emphasis added*), citing *St. Louis v. Western U. Teleg. Co.*, 148 U.S. 92 (1893) and *Atlantic & P. Teleg. Co. v. Philadelphia*, 190 U.S. 160 (1903).

is foreclosed pursuant to the requirements of the Fifth Amendment as applied to physical and regulatory takings, there is also a serious question as to the extent of Commission authority to interpret phrases and terms in either §§ 253 or and 332(c) so as to limit local government authority, especially with respect to any “deemed granted” remedy or foreclosing the availability of moratoria while appropriate zoning and local regulatory processes are put in place.

It is unreasonable to assume that Congress intends to allow federal officials to interfere with the public purposes of sovereign states without express authority.¹² There exists a presumption that authorized public uses are not to be interfered with under general terms of federal legislation.¹³ The Federal Highway Act¹⁴ serves as an example of what express authority looks like. That Act specifically allowed the Secretary of Commerce to file condemnation suits to take local government property, upon the request of a State, to build the Federal Highway System. Unlike the Federal Highway Act, the Telecommunications Act contains **NO** provision allowing the Secretary of Commerce or the Federal Communications Commission to condemn or otherwise take public property for the purpose of constructing the nation’s “Information Super-Highway.” What the Telecommunications Act **does** contain is **two** clauses that specifically recognize local government authority over 1) zoning decisions (§332(c)(7)) and 2) the right to manage rights-of-way and charge “fair and reasonable” compensation (§ 253(c)). The Commission *cannot* interpret terms and phrases in code sections that recognize, reiterate, and preserve state and local authority in such a way as to limit that same authority. Such back-door, boot-strapping violates the very core of federalism requirements and is contrary to the obvious congressional intent of including two clauses noting the preservation of local authority.

¹² *Town of Bedford* 23 F.2d at 455, quoting *United States v. Certain Lands in Town of New Castle Case (C.C.)*, 165 F. 783, 788 (1908).

¹³ *Id.*

¹⁴ 23 U.S.C. 107(a).

“[R]egulation of land use [is] a function traditionally performed by local governments.”¹⁵ Rather than expressing a desire to readjust the federal-state balance in this manner, Congress chose to “recognize, preserve, and protect the primary responsibilities and rights of [local governments]... to plan the development and use... of land”¹⁶ for the purposes of telecommunications deployment. The Commission has no authority to reduce that preservation of authority by “interpreting” phrases in the statute. Where, as here, “an administrative interpretation of a statute invokes the outer limits of Congress’ power,” courts expect a clear indication that Congress intended that result.¹⁷ “Congress does not casually authorize administrative agencies to interpret a statute to push the limit of congressional authority.”¹⁸ Federalism concerns are heightened where the administrative interpretation alters the federal-state framework by permitting federal encroachment upon a traditional state power.¹⁹ “[U]nless Congress conveys its purpose clearly, it will not be deemed to have significantly changed the federal-state balance.”²⁰ Not only did Congress not convey its purpose clearly to allow the Commission to adopt the interpretations urged by industry commentators, Congress clearly expressed just the opposite in the text of the statute, as well as in the legislative history.

III. A NOTE ON THE LEGISLATIVE HISTORY

Industry Commentators make the same mistake as *Mobilitie* did in its petition and cite to the Statements of Senator Diane Feinstein as support for the proposition that local governments may only charge for “costs” associated with a physical invasion of the rights-of-way.²¹ Because

¹⁵ *Hess v. Port Authority Trans-Hudson Corporation*, 513 U.S. 30, 44 (1994).

¹⁶ *Solid Waste Agency of Northern Cook County v. Army Corps of Engineers*, 531 U.S. 159, 174 (2001).

¹⁷ *Id.*, 531 U.S. at 172, quoting *Edward J. DeBartolo Corp. v. Florida Gulf Coast Building & Constr. Trades Council*, 485 U.S. 568, 575 (1988).

¹⁸ *Id.*, 531 U.S. at 172-73.

¹⁹ *Id.*, 531 U.S. at 173.

²⁰ *United States v. Bass*, 404 U.S. 336, 349 (1971).

²¹ See, *Comments of Verizon*, at 15-16.

this has become such a common mistake on the part of not only industry Commentators, but also the Commission and even some courts, NATOA, *et al.*, have attached the relevant pages from the Congressional Record as Exhibits A and B to this filing, and encourage the Commission to actually read Senator Feinstein's statements, as well as those of Representative Stupak.

IV. EVIDENCE IN THIS PROCEEDING

Regarding the evidence in this proceeding, we point the Commission to all the comments filed by local governments taking issue with the factual representations of Industry Commentators. We specifically urge the Commission to take note of the materials filed by Spotsylvania County, Virginia, the Village of Lloyd Harbor, New York, and Leesburg, Virginia, some of the communities named by the Industry Commentators but unaware of that until contacted by NATOA. Additionally, attached as Exhibit C are summaries of conversations with other local governments who were not in a position to file separate Reply Comments.

In evaluating the evidence before it, the Commission should know that as of 2012, 89,004 local governments existed in the United States.²² This included 3,031 counties, 19,522 municipalities, 16,364 townships, 37,203 special districts and 12,884 independent school districts.²³ This proceeding focuses primarily on counties, municipalities, townships and perhaps a few special districts. To be conservative then, this proceeding concerns approximately 38,910 local governments. Industry Commentators have named approximately 60 local governments as allegedly doing something they think is somehow interfering with their ability to provide personal wireless or telecommunications services. It should be striking how few communities are alleged to be "effectively prohibiting" the provision of services considering the sweeping

²² 2012 United States Census of Governments, available at <https://www.census.gov/newsroom/releases/archives/governments/cb12-161.html>

²³ *Id.*

regulatory solution that is being sought.

It would be laughable, were the consequences not so serious, that the Commission would base any curtailment of local government authority on the often spurious and incorrect allegations made against such a small number of local governments. Even when one is generous to Industry Commentators and includes their veiled references to “A Mid-Atlantic City” or “a city in the Northeast,” Industry Commentators have referenced approximately 600 local governments as somehow inhibiting their progress. This number is overly generous, as we believe that several allegations are listed separately, but, in reality, refer to the same community and are therefore double counted. Regarding the probative value of such allegations, Industry Commentators might as well assert that the moon is made of Swiss Cheese. Accordingly, the Commission should give no weight to this “evidence.”

The Commission would do well to consider the reverse:

No local government was complained of in the following 19 states (the numbers behind the state names signify the number of local governments in each state): Alabama (528), Arkansas (577), Connecticut (179), Delaware (60), Idaho (244), Kentucky (536), Mississippi (380), Montana (183), Nebraska (1,040), New Mexico (136), North Dakota (1,723), Rhode Island (39), South Carolina (316), South Dakota (1,284), Tennessee (437), Vermont (294), Utah (274), West Virginia (287), Wyoming (122).²⁴ Collectively, these states have a combined total of 8,639 local governments within their borders. *As none were named, the Commission must conclude that these 8,639 communities have processes that are working well and appropriately.* They are processing applications in a timely manner, with no burdensome conditions. The Industry Commentators’ own comments stand for this proposition – were this not so, Industry

²⁴ Any error of with respecting to identifying named communities or the numbers of them is unintentional.

Commentators would have provided evidence to the contrary.

Similarly, only one allegation is made against an often-unnamed local government in each of these eight states: Alaska (162), Colorado (333), Hawaii (4), Kansas (1,997), Louisiana (364), Maine (504), New Hampshire (244), and Oklahoma (667) – a total of 4,275 communities. *The conclusion must be that the remaining 4,267 communities in these states are processing applications appropriately and not “effectively prohibiting” the provision of services.*

Likewise, approximately five allegations were made against largely unnamed local governments in the following 10 states: Indiana (1,666), Iowa (1,046), Maryland (180), Michigan (1,856), Missouri (1,380), Nevada (35), New Jersey (587), North Carolina (653), Ohio (333), Oregon (277), and Wisconsin (1,923) - a collective total of 11,936 governments. *This means that approximately 11,886 local government entities in these states are not impeding deployment in any way.*

Approximately ten local governments were complained of in each of these nine states: Arizona (106), Georgia (688), Illinois (2,831), Massachusetts (356), Minnesota (2,724), New York (1,600), Pennsylvania (2,627), Virginia (324), and Washington (320) – a collective total of 11,576 governments. *Based on these calculations, 11,486 local governments are working well with providers.*

The States of California, (539 communities and approximately 74 allegations of misconduct); Florida (476 local governments and approximately 27 allegations of misconduct), and Texas (1,468 communities and approximately 12 allegations of misconduct) make up the remaining states. And absent any detail, the Commission should take the providers allegations for exactly what they are worth: Nothing. Without specifics – at a minimum identification of the communities - there is NO EVIDENCE of effective prohibition before the Commission.

CONCLUSION

The Commission does not have the authority to issue interpretations or guidelines which would curtail local government authority under Sections 253 or 332(c) and the Industry Commentators have not supplied credible or substantial evidence on which the Commission could base its actions even if it was empowered to radically alter local government authority over public rights-of-way or local government property.

Respectfully submitted,

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Exhibit A to NATOA's Reply Comments in WT Docket No. 16-421

This is the Senate's business. We hope that we can move along now expeditiously on this side of the aisle. If there are any amendments, we do appreciate the Senator from California, ready and willing and able to present the next amendment. Beyond that, I hope we can get some other amendments.

I yield the floor.

AMENDMENT NO. 1270

(Purpose: To strike the authority of the Federal Communications Commission to preempt State or local regulations that establish barriers to entry for interstate or intrastate telecommunications services)

Mrs. FEINSTEIN. Mr. President, on behalf of Senator KEMPTHORNE and myself, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mr. KEMPTHORNE, proposes an amendment numbered 1270.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 55, strike out line 4 and all that follows through page 55, line 12.

Mrs. FEINSTEIN. Mr. President, I come to the floor today joined by our colleague, Senator KEMPTHORNE, to offer this amendment on behalf of a broad coalition of State and local governments. Since announcing my intention to proceed with this amendment, I have received letters of support from hundreds of cities across the country, including the States of Arizona, Colorado, Florida, Illinois, Indiana, California, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, North Carolina, Oregon, Ohio, Texas, and Washington.

This amendment is supported by the National Governors' Association, the National Association of Counties, the National Conference of State Legislatures, the National League of Cities, and the U.S. Conference of Mayors, to name a few.

Mr. President, as a former mayor, I fully understand why Governors, mayors, city councils, and county boards of supervisors question allowing the Federal Communications Commission to second-guess decisions made at State and local government levels.

On one hand, the bill before the Senate gives cities and States the right to levy fair and reasonable fees and to control their rights of way; with the other hand, this bill, as it presently stands, takes these protections away.

The way in which it does so is found in section 201, which creates a new section 254(d) of the Cable Act, and provides sweeping preemption authority. The preemption gives any communications company the right, if they disagree with a law or regulation put forward by a State, county, or a city, to appeal that to the FCC.

That means that cities will have to send delegations of city attorneys to Washington to go before a panel of telecommunications specialist at the FCC, on what may be very broad question of State or local government rights.

In reality, this preemption provision is an unfunded mandate because it will create major new costs for cities and for States. I hope to explain why. I know my colleague, the Senator from Idaho, will do that as well.

A cable company would, and most likely will, appeal any local decision it does not like to the telecommunications experts at the Federal Communications Commission.

The city attorney of San Francisco advises that, in San Francisco, city laws provide that all street excavations must comply with local laws tailored to the specifics of the local communities, including the geography, the density of development, the age of public streets, their width, what other plumbing is under the street, the kind of surfacing the street has, et cetera.

The city attorney anticipates that whenever application of routine, local requirements interfere with the schedule or convenience of a telecommunications supplier, subsection (d), the provision we hope to strike, would authorize a cable company to seek FCC preemption. Any time they did not like the time and location of excavation to preserve effective traffic flow or to prevent hazardous road conditions, or minimize noise impacts, they could appeal to the FCC.

If they did not like an order to relocate facilities to accommodate a public improvement project, like the installation, repair, or replacement of water, sewer, or public transportation facilities, they would appeal.

If they did not like a requirement to utilize trenches owned by the city or another utility in order to avoid repeated excavation of heavily traveled streets, they would appeal.

If they did not like being required to place their facilities underground rather than overhead, consistent with the requirements imposed on other utilities, they could appeal.

If they were required to pay fees prior to installing any facility to cover the costs of reviewing plans and inspecting excavation work, they could appeal.

If they did not like being asked to pay fees to recover an appropriate share of increased street repair and paving costs that result from repeated excavation, they would appeal.

If they did not like the particular kinds of excavation equipment or techniques that a city mandate that they use, they could appeal.

If they did not like the indemnification, they could appeal.

The city attorney is right, that preemption would severely undermine local governments' ability to apply locally tailored requirements on a uniform basis.

Small cities are placed at risk and oppose the preemption because small cities are often financially strapped. As the city attorney of Redondo Beach, a suburb of Los Angeles writes, every time there is an appeal, they would have to find funds to come back to Washington to fight an appeal at the FCC.

Recently, the engineering design center at San Francisco State University, conducted an interesting study for San Francisco on the impact of street cuts on public roads. The expected life and value of public roads and streets directly correlates with the number of cuts into the road.

Although this is rather dull and esoteric to some, the study reveals that streets with three to nine utility cuts are expected to require resurfacing every 18 years, a 30-percent reduction in service life, relative to streets with less than three cuts. The more road cuts, the steeper the decline in value of the public's asset will be. Streets with more than nine cuts are expected to require resurfacing every 13 years, a 50-percent reduction in the service life of streets with less than three cuts.

An even more dramatic decline in a street's useful life is found on heavily traveled arterial streets with heavy wheel traffic. For those streets, the anticipated useful life declines even more rapidly, from 26 years for streets with fewer than three cuts to 17 years for streets with three to nine cuts, a 35-percent reduction, to 12 years for streets with more than nine cuts, a 54-percent reduction.

What does this mean? It means that financially struggling cities and counties will undoubtedly be forced to include in franchise fees, charges to allow the recovery of the additional maintenance requirements that constantly cutting into streets requires. The exemption means that every time a cable operator does not like it, the Washington staff of the cable operator is going to file a complaint with the FCC and the city has to send a delegation back to fight that complaint. It should not be this way. Cities should have control over their streets. Counties should have control over their roads. States should have control over their highways.

The right-of-way is the most valuable real estate the public owns. State, city, and county investments in right-of-way infrastructure was \$86 billion in 1993 alone. Of the \$86 billion, more than \$22 billion represents the cost of maintaining these existing roadways. These State and local governments are entitled to be able to protect the public's investment in infrastructure. Exempting communication providers from paying the full costs they impose on State and local governments for the use of public right-of-way creates a subsidy to be paid for by taxpayers and other businesses that have no exemptions.

I would also like to point out the preemption will change the outcome in some of the dispute between communication companies and cities and States. The FCC is the Nation's telecommunications experts. But they do not have the broad experience and concerns a mayor, a city council, a board of supervisors, or a Governor would have in negotiating and weighing a cable agreement and setting a cable fee.

If the preemption provision remains, a city would be forced to challenge the FCC ruling to gain a fair hearing in Federal court.

This is important because presently they can go directly to their local Federal court. Under the preemption, a city, State, or county government would have to come to the Federal court in Washington after an appeal to the FCC.

A city appealing an adverse ruling by the FCC would appear before the D.C. Federal Appeals Court rather than in the Federal district court of the locality involved. Further, the Federal court will evaluate a very different legal question—whether the FCC abused their discretion in reaching its determination. The preemption will force small cities to defend themselves in Washington, and many will be just unable to afford the cost.

By contrast, if no preemption exists, the cable company may challenge the city or State action directly to the Federal court in the locality and the court will review whether the city or State acted reasonably under the circumstances.

Edward Perez, assistant city attorney for Los Angeles, states this will be a very difficult standard to reverse, if they have to come to Washington. On matters involving communication issues, courts are likely to require a tough, heightened scrutiny standard for matters involving first amendment rights involving freedom of speech. Courts are likely to defer to the FCC judgment.

The FCC proceeding and its appeal in Washington will be very different from the Federal court action in a locality. Both the city and the communications company are more likely to be able to develop a more complete and thorough record if the proceeding is before the local Federal court rather than before a Government body in Washington.

We also believe the FCC lacks the expertise to address cities' concerns. As I said, if you have a city that is complicated in topography, that is very hilly, that is very old, that has very narrow streets, where the surfacing may be fragile, where there are earthquake problems, you are going to have different requirements on a cable entity constantly opening and recutting the streets. The fees should be able to reflect these regional and local distinctions.

Mr. President, this stack of letters opposing the preemption includes virtually every California city and virtually every major city in every State.

What the cities and the States tell us they want us to give local governments the opportunity for home rule on questions affecting their public rights-of-way. If the cable company does not like it, the cable company can go to court in that jurisdiction. By deleting the preemption, we can increase fairness, minimize cost to cities, counties, and States, and prevent an unfunded mandate.

If the preemption remains in this bill, it creates a major unfunded mandate for cities, for counties, and for States. I hope this body will sustain the cities and the counties and the States, and strike the preemption.

So I ask unanimous consent to have a number of letters printed in the RECORD.

There being no objections, the letters were ordered to be printed in the RECORD, as follows:

OFFICE OF THE CITY ATTORNEY,

Re S. 652, Section 245(d) Preemption.
Mr. KEVIN CRONIN.

DEAR MR. CRONIN: You asked for our thoughts regarding S. 652, Sec. 254(d), which would create broad preemption rights in the FCC with respect to actions taken by local governments. Specifically, you are interested as to how section 254(d) could frustrate the ability of local government to manage its rights of way as Congress believes Local Government should (See Sec. 254(c)) and how it could prevent Local Government from imposing competitively neutral requirements on telecommunications providers to preserve and advance Universal Service, protect the public safety and welfare and to ensure the continued quality of telecommunications services and safeguard the rights of consumers. (See Sec. 254(b)).

Section 254(d) would permit the Federal Communications Commission ("FCC") to preempt local government:

"(d) PREEMPTION.—If, after notice and an opportunity for public comment, the Commission determined that a State or local government has permitted or imposed any statute, regulation, or legal requirement that violates or is inconsistent with this section, the Commission shall immediately preempt the enforcement of such statute, regulation, or legal requirement to the extent necessary to correct such violation or inconsistency."

Section 254(d) reposes sweeping review powers in the FCC and in effect converts a federal administrative agency into a federal administrative Court. The FCC literally would have the power to review any local government action it wishes (either sua sponte or at the request of the industry.) The undesirable consequence of this result will be that a federal agency—with personnel who do not answer directly to public—will be dictating in fine detail what rules local government and their citizens in distant places shall have to follow. The FCC would be given plenary power to decide what actions of local government are "inconsistent with" the very broad provisions in the bill and, without further review, to decide to nullify or preempt such governmental actions. That is unprecedented and for reaching authority for a federal agency to have over local government.

The FCC does have an important role to play in the scheme of things. It has a professional staff with proven expertise in telecommunications matters such as technical requirements. Moreover, issues that tran-

scend state borders need the FCC as the overseer in order to ensure consistency and fairness between the states. On the other hand, the FCC is not in the best position to know what is best for citizens at the local level regarding local issues. An example of a singularly local issue, historically recognized by Congress and the Courts, is the local government's right to manage the public right-of-way (See Section 254(c)). Federal officials do not have an adequate understanding of local issues nor do they have the staff, either in size or proficiency, to resolve local issues about every city in this country. Local Governments and the local courts (entities which are knowledgeable about local issues) should be the forum for resolution of local issues.

An important point that needs to be explained to Congress is the procedural problems associated with the FCC resolving local issues in Washington. First is the obvious problem. Most citizens, community groups and cities do not have the financial wherewithal to litigate before a federal agency located in Washington. Even if an action of the FCC is reviewed by the Courts, that also would occur in the Washington D.C. Circuit miles away. Section 254(d) does contain due process language and such a provision may meet the technical requirements of the U.S. Constitution. However, the provision "If, after notice and an opportunity for public comments * * *" provides little solace for local governments and its citizens. The FCC all too often provides too little time to respond to its rules and rulemaking proceedings for anyone other than the expensive FCC Bar. It is impractical for local people to respond in a timely fashion and FCC preemption consequently precludes the voice of those most affected.

Second, as a general rule the courts pay great difference to administrative agencies that are created for specific purposes. There is no argument with that proposition because of the proven expertise of federal agencies in matters properly within their purview. However, a serious problem is created when a federal administrative agency is given power over issues where it has little expertise, such as the management of local rights-of-way. This is largely so because of the legal standards for review of administrative decisions. Generally, a decision will stand unless the agency has abused its discretion or has exceeded its authority.

Again, for matters properly within an agency's purview there is no quarrel. However, the sweeping review powers that Section 254(d) places in the FCC would in essence permit the FCC to preempt any statute, regulation, or legal requirement that it believes is inconsistent with the Section 254(a) of the Act. This awesome power clearly belongs with the Courts and not distant administrative staffers. As written, it will be extremely difficult for a court to find that the FCC has exceeded its authority. Consequently, with regard to this standard its decisions may in effect be unreviewable.

Equally troublesome is the abuse of discretion standard applied to federal agency actions. Practitioners in administrative law know all too well that the courts will uphold administrative decisions the vast majority of the time. A reversal occurs only when there is a clear abuse of discretion, a condition infrequently found by the Courts.

The bottom line becomes very clear to local governments, such as Los Angeles, and its citizens. Control regarding telecommunications and zoning issues will be exercised by federal officials three thousand miles away. Individuals who know little or nothing about local interests, the important everyday decisions that should be made by local officials and that should be reviewable by local

courts, will be made by faceless names in Washington.

In addition, because if the procedural structure of the FCC, the normal right to cross-examine witnesses and their testimony is not present. The right to comment and reply to another interested party's comments theoretically permits the FCC to make a fair and impartial judgment. However, the comments are not under oath and the testimony that is filed under penalty of perjury is never in reality tested for truth and accuracy. The practical effect is that anybody may say anything they wish with impunity. The decisionmakers, therefore, may be misled into believing erroneous "facts". This view is not intended to suggest that the courts are the answer for all issues. There exist some practical problems with the courts; they may be too slow and they may lack the technical expertise. However, Section 254(d) appears to effectively eliminate the courts because of the absence of any real or effective review of FCC decisions. Senate Bill 652 must be amended to leave local issues to local government and thereby permit local citizens, local governments and local courts to be active participants in the resolution of local issues.

Finally, the industry has clearly captured the decision making of officials at the FCC. In recent years the voice of local governments and its citizens have been routinely rejected by the FCC and the industry appears to have a lopsided influence.

We recommend that Section 254(d) be eliminated in its entirety. If that is accomplished, violations of S. 652 will be decided in the forum properly equipped to do so—the local Federal Courts.

As an additional note, we wish to comment that section (a) of S. 652 also represents a serious and significant invasion of local government authority over local interests. Most any action taken by local government in this area can be construed as having "the effect of prohibiting" an entity from providing telecommunications services. Surely more precise wording can be developed which would not so significantly erode the power of local government over local matters. Please advise if you would like further comment regarding this section.

If I can be of further assistance, please do not hesitate to call on me.

Very truly yours,

EDWARD J. PEREZ,

OFFICE OF CITY ATTORNEY,
CITY AND COUNTY OF SAN FRANCISCO.

Re Telecommunications Competition and
Deregulation Act.
Hon. DIANNE FEINSTEIN,

DEAR SENATOR FEINSTEIN: I am writing to commend you for sponsoring an amendment to the telecommunications bill to preserve local control over the public rights of way. It is critical to local governments that subsection (d) of proposed 47 U.S.C. Section 254, which would authorize the FCC to preempt state and local authority, be deleted from the bill.

In San Francisco, as in other cities, we welcome the prospect of new telecommunications providers making expanded services available on a competitive basis. However, deregulation only increases the importance of local control over our streets because it brings many new companies seeking to install facilities in our streets.

City laws now require all street excavators—including telecommunications providers—to comply with nondiscriminatory local laws designed to preserve the public health and safety and minimize the costs to

the public of repeated street excavation. Throughout the country, such local laws are tailored to the specific characteristics of each local community, including local geography, density of development and the age of public streets and facilities. The language of subsection (d) would severely undermine local government ability to apply such locally tailored requirements on a uniform basis.

Whenever application of routine local requirements interferes with the schedule or convenience of a telecommunications supplier, subsection (d) would authorize the company to seek FCC preemption. To identify just a few examples, my colleague city attorneys and I will have to send an attorney off to Washington every time a telecommunications company challenges our authority to:

(1) Regulate the time or location of excavation to preserve effective traffic flow, prevent hazardous road conditions, or minimize noise impacts;

(2) Require a company to relocate its facilities to accommodate a public improvement project, like the installation, repair or replacement of water, sewer or public transportation facilities;

(3) Require a company to place facilities in joint trenches owned by the City or another utility company in order to avoid repeated excavation of heavily traveled streets;

(4) Require a company to place its facilities underground, rather than overhead, consistent with the requirements imposed on other utility companies;

(5) Require a company to pay fees prior to installing any facilities to cover the costs of reviewing plans and inspecting excavation work;

(6) Require a company to pay fees to recover an appropriate share of the increased street repair and paving costs that result from repeated excavation;

(7) Require a company to use particular kinds of excavation equipment or techniques suited to local circumstances to minimize the risk of major public health and safety hazards;

(8) Enforce local zoning regulations; and

(9) Require a company to indemnify the City against any claims of injury arising from the company's excavation.

All of the requirements described above are routinely imposed by local governments in exercise of our responsibility to manage the public rights of way. Granting special favors to telecommunications suppliers, compared for example to other utility companies, will undermine the uniformity of local law and could dramatically increase the costs to local taxpayers of maintaining public streets.

In these times, when the federal government is asking state and local governments to take on many additional duties, the FCC should not be empowered to interfere in this area of classic local authority. This is especially true because, for many cities, the FCC is a remote, costly and burdensome arena in which to resolve disputes. The courts are well-suited to resolve any disputes that may arise from the "Removal of Barriers to Entry" language of Section 254 without placing heavy burdens on local governments.

I appreciate the leadership you have shown on this difficult issue. Please let me know if I can offer any further assistance with your efforts on behalf of cities.

Very truly yours,

LOUISE H. RENNE,

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I am honored to join my friend from

California, Senator FEINSTEIN, in this amendment. This is not the first time we have teamed up together. I think perhaps our background as both being former mayors has allowed us to bring to this position some perspective to help us realize, with regard to local and State governments, how this Federal-State-local partnership really ought to be ordered.

The Senator from California was very helpful when we brought forward the bill, the Unfunded Mandates Reform Act of 1995, which the majority leader had designated Senate bill 1, and which allowed me to team up with the Senator from Ohio, JOHN GLENN. In March of this year, as you know, Mr. President, that unfunded mandates legislation was signed into law.

Part of that new law in essence says that Federal agencies must develop a process to enable elected and other officials of State, local, and tribal units of government to provide input when Federal agencies are developing regulations.

The conference report of that legislation passed overwhelmingly. In the Senate it was 91 to 9. In the House it was 394 to 28.

An overwhelming majority said in essence enough is enough, that the Federal Government must reestablish a partnership with local government. It is very straightforward. This movement toward local empowerment has consistently been expressed in the legislative reform occurring in both Houses of Congress. But I feel, as I think the Senator from California feels, that this provision in this telecommunications bill is causing a slip-page back to our old habits. What we have before us in section 254 of the bill before us is a reversal of the positive progress that we have been making.

As the Senator from California pointed out, in subsection (d) the committee has added broad and ambiguous FCC preemption language that states, if the FCC "determines that a State or local government has permitted or imposed any statute, regulation, or legal requirement that violates or is inconsistent with this section, the FCC shall immediately preempt the enforcement of such statute, regulation, or legal requirement to the extent necessary to correct such violation or inconsistency."

We are going to give this power to the FCC over the jurisdictions of the local communities and the State governments. This is a disturbing directive that instructs the Federal Commission to invalidate duly adopted State laws and local ordinances that the independent Commission may deem inappropriate. This preemption would be generated by a commission that in a majority of cases would be thousands of miles away from the local government jurisdiction that would be affected by their decision.

I know of no one in local government who objects to the language which ensures nondiscriminatory access to the

public right of way. But what they do vigorously object to is that this proposed FCC preemption does not allow them the prerogative to manage their right of way in a manner that they deem to be appropriate and in the best interest of their community.

If I may, Mr. President, let me give you an example. When I was the mayor of Boise, ID, we had a particular project that on the main street, on Idaho Street, from store front to store front, we took everything out 3 feet below the surface and we put in brand new utilities. I think it was something like 11 different utilities all being coordinated, put in at the same time, then building it back up, new sidewalks, curbs, gutters, paving of the main street. I will tell you, Mr. President, that there is no way in the world that the FCC, 3,000 miles away, could have coordinated that.

I think one of the things that you hear so often if you are in local government or if you tune into the radio talk shows, is when a new street has been paved, within 6 months you see crews out there cutting into that new pavement, and they are putting in a new utility. That is expensive, and it is unnecessary if you can coordinate things. Surely, we do not think that an independent commission in Washington, DC, is going to be able to better coordinate that than the local government in San Francisco or the local government in Boise, ID. It just does not happen.

This proposed preemption is based on two assumptions. First, that it is the role of the Federal Government to tell others what to do; second, that local units of government are not capable or responsible enough to make the right decisions. I reject both of those presumptions.

Like the Senator from California, with the hands-on experience that she has had at the local government level, we realize that Federal solutions do not always meet local problems. You have to take into account the local conditions and the local innovations. These Federal solutions have not worked in the past. They are not working now. They will not work in the future.

So why would we step back with all of the progress that we have been making this congressional session in reordering the partnership between the Federal, the State and the local governments in a working partnership?

This language which introduces expanded FCC jurisdiction into the local decisionmaking process is ill-conceived, and it should not be included in the final language of this important legislation. Our amendment would strike the offending subsection in its entirety. This would leave control of local right of way matters with local elected officials, which is exactly where it belongs.

The goal of Congress in regulatory reform should be to remove existing Federal roadblocks that limit productivity and creativity and innovation.

We should legislate in a manner that enhances Federal-local intergovernmental partnerships for mutually beneficial results. We should not be guilty of imposing new, unnecessary bureaucratic hurdles as has been done in this case.

So, again, I am so proud to join the Senator from California in this effort. We make a good team. This is a worthy effort to team up with because this present preemption needs to be removed from the telecommunications bill.

I yield the floor, Mr. President. Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I would like to thank the Senator from Idaho for those excellent remarks. I think he hit the nail on the head with respect to the rights of local government, and the way in which this Congress is moving. This preemption sets all of our progress regarding the relationship between Federal and local government back, and hurts cities, counties, and States in the process.

So I want the Senator to know how much I enjoy working with him on this. I thank him very much.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I reluctantly rise in opposition to this amendment from two of my most respected colleagues in the Senate. The issue addressed in this amendment goes to the very heart of S. 652, eliminating barriers to market entry.

In the case of section 254, which I have here in front of me, entitled "Removal of Barriers to Entry," we do preempt any State or local regulation or statute or State or local legal requirement that may prohibit or have the effect of prohibiting the ability of any entity to provide telecommunications services.

The actual authority granted to the FCC in subsection (d) is critical to ensuring that State and local authorities do not get in a way that precludes or has the effect of precluding new entry by firms providing new telecommunications services. At the same time, make no mistake about it, the authority granted in subsections (b) and (c) to the State and local authorities respectively in turn protect them. For example, in subsection (c) it says, "Nothing in this section affects the authority of local government to manage the public rights of way."

Mr. President, this is a particularly difficult problem because all of us want to leave authority with State and local government. But this is a deregulatory bill to allow companies to enter and to compete without barriers. If this section were allowed to fall, it could mean that certain requirements would be placed on companies, such as public service projects or certain types of payments of one sort or another for a local

universal service, or whatever. We are trying to deregulate the telecommunications markets in the United States. I know it sounds great to say let every city and municipality have a virtual veto power over what is occurring in their area.

Now, it is my strongest feeling that sections (b) and (c) to the State and local authorities, respectively, are more than sufficient to deal in a fair-handed and balanced manner with legitimate concerns of State and local authority. Sections (b) and (c) take into account State and local government authority, (b) says:

State Regulatory Authority. Nothing in this section shall affect the ability of a State to impose, on a competitively neutral basis and consistent with section 253, requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services and safeguard the rights of consumers.

Section (c):

Local Government Authority. Nothing in this section affects the authority of a local government to manage the public rights of way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and non-discriminatory basis, for use of public rights of way on a nondiscriminatory basis if the compensation required is publicly disclosed by such Government.

Now, the preemption clause (d) reads as follows:

If, after notice and an opportunity for public comment, the Commission determines that a State or local government has permitted or imposed any statute, regulation, or legal requirement that violates or is inconsistent with this section, the Commission shall immediately preempt the enforcement of such statute, regulation, or legal requirement to the extent necessary to correct such violation or inconsistency.

The intent therefore is to leave protected State regulatory authority, to leave protected local government authority, but there have to be some cases of preemption or a certain city could impose a requirement of some sort or another that would be very anticompetitive, and that is where we come out.

I have joined in a lot of efforts here to ensure that our State and local authority be preserved. And I understand there will possibly be a second-degree amendment. We have worked closely with Senator HUTCHISON and the city, county, and State officials to achieve this balance. That is where the committee came out.

I feel very strongly that it is a fair balance. It takes into account State regulatory authority, takes into account local government authority. But it also recognizes the need to open up markets, the removal of barriers to entry. In many cases these do become barriers to entry, barriers to competition.

So I rise in reluctant opposition to the amendment.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, you have to be sure of foot to be opposing two distinguished former mayors. The Senator from California is the former mayor of San Francisco, and the distinguished Senator from Idaho is a former mayor of Boise. Both had outstanding records.

But let me suggest that what they have read into the preemption section is a requirement and an idea that just does not exist at all. I will have to agree with them in a flash that the Federal Communications Commission has no idea of coordinating, as the Senator from Idaho has outlined, the digging up in front of all of the sidewalks and stores and everything else, putting in the regular necessary conduit, refirming the soil and the sidewalks again in front. We have no idea of the FCC doing it.

Let us tell you how this comes about. Section 254 is the removal of the barriers to entry, and that is exactly the intent of the Congress, and it says no Government in Washington should, well, vote against it. But I think the two distinguished Senators are not objecting to the removal of the barriers to entry. What we are trying to do is say, now, let the games begin, and we do not want the States and the local folks prohibiting or having any effect of prohibiting the ability of any entity to enter interstate or intrastate telecommunications services. When we provided that, the States necessarily came and said, wait a minute, that sounds good, but we have the responsibilities over the public safety and welfare. We have a responsibility along with you with respect to universal service.

So what about that? How are we going to do our job with that overencompassing general section (a) that you have there. So we said, well, right to the point: "Nothing in this section shall affect the ability of a State to impose on a competitively neutral basis"—those are the key words there, the States on a competitively neutral basis, consistent with opening it up—"requirements necessary."

We did not want and had no idea of taking away that basic responsibility for protecting the public safety and welfare and also providing and advancing universal service. So that was written in at the request of the States, and they like it. The mayors came, as you well indicate, and they said we have our rights of way and we have to control—and every mayor must control the rights of way.

So then we wrote in there:

Nothing shall affect the authority of a local government to manage the public rights of way or to acquire fair and reasonable compensation . . . on a competitively neutral and nondiscriminatory basis.

"Competitively neutral and nondiscriminatory basis." Then we said finally, indeed, if they do not do it on a competitively neutral or nondiscriminatory basis, we want the FCC to

come in there in an injunction. We do not want a district court here interpreting here and a district court in this hometown and a Federal court in that hometown and another Federal court with a plethora of interpretations and different rulings and everything else. We are trying to get uniformity, understanding, open competition in interstate telecommunications—and intrastate, of course, telecommunications.

Now, that was the intent and that is how it is written. And if our distinguished colleagues have a better way to write it, we would be glad and we are open for any suggestion. But somewhere, sometime in this law when you say categorically you are going to remove all the barriers to entry, we went, I say to the Senator, with the experience of the cable TV. I sat around this town—I was in an advantaged section up near the cathedral. I had the cable TV service, but two-thirds of the city of Washington here did not have it for years on end because we know how these councils work. We know how in many a city the cable folks took care of just a couple of influential councilmen, and they would not give service or could give service or run up the price and everything else of that kind.

We have had experience here with the mayors coming and asking us. And this is the response. That particular section (c) is in response to the request of the mayors. If they do not do that, if they put it, not in a competitively neutral basis or if they put it in a discriminatory basis, then who is to enjoin? And we say the FCC should start it. Let us not go through the Administrative Procedures Act. Let us not go through every individual.

Yes, we want those mayors and all to come here and everybody to understand rules are rules and we are going to play by the rules and the rules protect those mayors to develop, to administer, to coordinate. I agree 100 percent, I say to the Senator from Idaho, that the FCC has never performed the job of a city mayor. But they shall and must perform this job here of removing the barriers to entry. And if we do not have them doing it, then I will yield the floor and listen to what suggestion they have. But do not overread the preemption section to other than centralizing the authority and responsibility in the FCC to make sure, like they have in administering all the other rules relative to communications here and all the other entities involved in telecommunications, they have that authority to make sure while the cities got their rights of way, while the States have got their public welfare and public interest sections to administer, that it is done on a nondiscriminatory basis.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I would like to respond to my two friends, the floor managers of this bill,

and then I know the Senator from California would also like to respond.

They referenced, of course, section 254, which is removal of barriers to entry. That is the section and that is the key. They stated it:

That no State, local statute or regulation or other State or local legal requirement may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications services.

Period. Period. And nothing in this amendment alters that at all. We affirm that. It is my impression, Mr. President, that when it is referenced that section (b), State regulatory authority, yes, the States feel that that language is good; and section (c), local government authority, yes, mayors had something to do with the writing of that language. They feel good about that. But the problem is, then you go on to section (d) which, it is my understanding, came very late in the process. In section (d), there is this line that says: "The Commission shall immediately preempt * * *"

We see this so many times with Federal legislation: On the one hand, we give but, on the other hand, we take it away. In section (b) and section (c) we give, but, by golly, we have section (d) that then says that this Commission will immediately preempt. That is the problem. We are not saying that we should not be held accountable to this. That is why there is no language in this amendment to alter the opening statement of section 254. No problem. It is section (d) that then comes right along and, after everything has been said, preempts and pulls the plug, and that is wrong. We should not do this to our local and State partners. It is absolutely wrong.

I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, my colleague from Idaho took the words right out of my mouth. I think he is exactly right in his interpretation of this section. The barrier for entry is clearly done away with by this section. Nothing Senator KEMPTHORNE or I would do would change that. What we do change, however, is simply delete the ability of a remote technical commission to overturn a city decision and create an enormous hassle for cities all across this Nation.

I would like to just give you the exact wording of what the city attorney of Los Angeles said this section does. He says:

It proposes sweeping review powers for the FCC and, in effect, converts a Federal administrative agency into a Federal administrative court. The FCC literally would have the power to review any local government action it wishes, either on its own or at the request of the industry.

A Federal agency, with personnel who do not directly respond to the public, will be dictating in fine detail what rules local government and their citizens across the country shall have to follow. The FCC would be

given plenary power to decide what actions of local government are "inconsistent with" the very broad provisions in the bill and, without further review, hold the authority to nullify or preempt state and local governmental actions. That is an unprecedented and far-reaching authority for a Federal agency to have over local government.

I could not agree more. Senator KEMPTHORNE and I were both mayors at one time and we both understand that every city has different needs when it comes to cable television.

I remember as the mayor of San Francisco when Viacom came into the city. It wired just the affluent sections of the city. It refused to wire the poorer areas of the city. Unless local government had the right to require that kind of wiring, it was not going to be done at all. That is just one small area with which I think everyone can identify.

But when it comes to the rights-of-way and what is under city streets, the city must be in the position to set rules and regulations by which its street can be cut. This preemption gives the FCC the right to simply waive any local rulemaking and say that is not going to be the case. It gives the FCC the right to waive any local fee and say, "That's not the way it is going to be."

That is why countless cities and counties across the country, not just one or two, but virtually all of the big organizations, including the League of Cities, the national Governors, local officials and others, say, "Don't do this." If a cable company has a problem with anything we in local government do, let them go to court. Let a court in our jurisdiction settle the issue. I think that is the right way to go. For the life of me, I have a hard time understanding why people would want to preempt these local decisions with the technical, far-removed FCC agency.

So I think Senator KEMPTHORNE has well outlined the situation. I think we have made our case.

I thank the Chair.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the distinguished colleague from Idaho said "came so late in the process." I want to correct that thought. I am referring back over a year ago to a bill with 19 cosponsors, this same language:

*** the Commission determines that a State or local government has permitted or imposed any statute, regulation, or legal requirement that violates or is inconsistent with this subsection, the Commission shall immediately preempt the enforcement of such statute, regulation, or legal requirement to the extent necessary to correct such violation or inconsistency.

It did not come late in the process. We have been working with mayors and we have several former mayors who were cosponsors. That was S. 1822. So this is S. 652, which is, of course, over a year subsequent thereto.

Is it the language that is inconsistent with this subsection? Is that the

bothersome part? It sort of bothers this Senator. I think if you are going to violate your authority with respect to being neutral and nondiscriminatory and you have to have somewhere this authority, in the entity of the FCC, to do it rather than the courts, each with a plethora of different interpretations and law, I would think if we could take that, maybe that would satisfy the distinguished Senator from California and the Senator from Idaho.

I yield the floor. I make that as a suggestion.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I appreciate the good efforts of the Senator from South Carolina, because I have always found him to be a gentleman whom I can work with and we can find areas on which we can see some common ground.

With regard to my comment that it came late in the process, this may be a concept that had been discussed quite a bit, but the mayors that the Senator from South Carolina referenced, it was local officials who told me that this particular language of (d) was not in the draft bill's language, it was not part of the draft bill when it came out. And it was really after Senator HUTCHISON from Texas, who raised this issue, had section (c) added that (d) then came back.

I do not know, it may have been something that has been discussed for some months, but as far as putting it in the bill, it was not there.

The other point then about how do we deal with this, again, Senator FEINSTEIN and I are in absolute agreement that with respect to this whole issue of removal of barriers to entry, if there are problems, if a cable company is getting a bad deal and being put off by a local government, they can go to court, but they go to court in that area, they do not have to come to Washington, DC.

The avenue for remedy already exists, so why do we then say, again, everyone must come to Washington, DC?

That is expensive. I think it is unnecessary and these cable companies, if there had been particular problems and there is a trend, they can establish a precedence in the court, and I think the local communities are going to realize if there is something wrong, they will not do it again because they will lose in court. I think the spirit in which Senator FEINSTEIN and I have joined in this is on behalf of State and local governments, that they are going to own up to their responsibilities. Let us not make them come to Washington, DC, and not make every one of them subject to the FCC in Washington, DC.

I yield the floor.

Mr. PRESSLER addressed the Chair. The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I wanted to speak very briefly on this. I

know our whip is here with some business.

First of all, I think we have to put this in context. As Senator HOLLINGS has pointed out, this section has been the result of hours and days of negotiations with city officials. It was in S. 1822 last year, and it is here. I think we have to take a step back and look at some of the cable deals and problems that have occurred in our cities. The cities have granted exclusive franchises in some cases and are not allowing competition. They have required certain programming be put on and other requirements on those companies.

Our States have granted, in the telephone area, certain exclusive franchises, not allowing competition. And the point is, if we are having deregulation here, removal of barriers to entry, we have to take this step. I think that is very important for us to considerate this point.

Now, section 254 goes to the very heart of this bill, because removal of barriers to entry is what we are trying to accomplish with this bill. We preempt any State or local regulation or statute or State or local legal requirement that may prohibit or have the effect of prohibiting the ability of any entity to provide telecommunications services.

The authority granted to the FCC in subsection (d) is critical if we are going to open those markets, because a lot of States and cities and local governments may well engage in certain practices that encourage a monopoly or that demand certain things from the business trying to do business. That would not be in the public interest.

At the same time, make no mistake about it, Mr. President, the authority granted in subsection (b) and (c) to the State and local authorities, respectively, are more than sufficient to deal in a fairhanded and balanced manner with legitimate concerns of State and local authority. These were negotiated out with State and local authorities.

We have worked closely with Senator HUTCHISON and the city, county, and State officials to strike a balance. We have gone to great pains and length to deal with concerns of the cities, counties, and State governments that are legitimately raised. We dealt with the concerns in subsection (b) and (c), while at the same time setting up a procedure to preempt where local and State officials act in an anticompetitive way, by taking action which prohibits, or the effect of prohibiting, entry by new firms in providing telecommunications services.

Now, the real problem created by the amendment offered by my friends, Senators FEINSTEIN and KEMPTHORNE, is that the very certainty which we are trying to establish with this legislation is put at risk. Certainty. A company has to go out and wonder if that local city or State will put some requirement on it to provide some kind of programming, or even to do something in

the city to provide some service, or if it will grant an exclusive monopoly. What we are trying to get are barriers to entry, and we are reserving to the State and local governments certain authorities. So the certainty we are looking for we have taken away—no guarantee that entry barriers will be toppled and no guarantee of uniformity across the country.

The committee has dealt with federalism concerns throughout this legislation. Let me say that this debate goes to the heart of a technical detail of federalism and the Federal Government's relationship to State and local government. It is one of the most complicated areas of this bill. Believe me, it is hard to strike a balance. But if we strike this out, it gives every city in the country the right to put up barriers to entry. It lets every State have the right to have a monopoly unless they can extract something for the State in one way or another. I would not blame cities and States. If we do that, it goes to the very heart of this bill.

Now, I take a back seat to no one in advocating federalism principles. I like much power in the State and local government. It must be balanced with our other goal—removing the anticompetitive restrictions at the local level which restrict competition. Exclusive franchising in the cable and telephone markets is the very way that established monopolies in the past.

So, to conclude my statements on this, I understand that there may be a possible second-degree amendment to this tomorrow that would deal with the language on line 8 on page 55, "preemption," which would deal with the words, or is consistent with. But I am not certain that that second degree will be offered.

In any event, to conclude, this particular section of the bill goes to the heart of dealing with the federalism issue. Are we going to allow the cities and the State to put up barriers of entry to telecommunications firms? In the past, we have done so, with cable television. We have allowed cities not only to add a franchise fee, but also to require certain programming, and sometimes the companies do something else for the city as an incentive.

In telephones, we have allowed our States to set up a monopoly in the State and sometimes to collect certain things or to put certain requirements on. In this bill, S. 652, we are trying to deregulate, open up markets, and we are trying to let that fresh air of competition come forward. If our companies and our investors have the uncertainty of not knowing what every city will do, of not knowing what every State will do and each State legislature and each city council may change, the companies will be in the position of having to endlessly lobby city officials and State officials on these issues—not only that, at any time certainty is taken out.

This bill, S. 652—if we pass it—will provide a clear roadmap with certainty

for competition. It will create an explosion of a new investment in telecommunications and new jobs and new techniques. And it will help consumers with lower telephone rates and lower cable rates. It has been carefully crafted and worked out in close to 90 nights of meetings, and on Saturdays and Sundays, plus last year, a whole year, plus a lot of Senators' input. I know it sounds good to give the power to the city and the State, and I am usually for that. In this case, we reserve powers to the city and State, but we very firmly say that the barrier to entry must be removed.

Mr. President, I wish to point out that I think there may be a second-degree amendment to this tomorrow at some point. I want to give Senators notice of that. There may not be. But I rise in opposition to the amendment.

Mr. LOTT. Mr. President, I do have some business to conduct, including the closing statement. At this juncture, I would like to do a couple of things, and if the Senator from Nebraska wants to make a statement, I will withhold on the closing unanimous consent.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 652, the Telecommunications Competition and Deregulation Act:

Trent Lott, Larry Pressler, Judd Gregg, Don Nickles, Rod Grams, Rick Santorum, Craig Thomas, Spencer Abraham, J. James Exon, Bob Dole, Ted Stevens, Larry E. Craig, Mike DeWine, John Ashcroft, Robert F. Bennett, Hank Brown, Conrad R. Burns.

The PRESIDING OFFICER. The acting majority leader.

REMOVAL OF INJUNCTION OF SECRECY—EXTRADITION TREATY WITH BELGIUM (TREATY DOCUMENT NO. 104-7); SUPPLEMENTARY EXTRADITION TREATY WITH BELGIUM TO PROMOTE THE REPRESSION OF TERRORISM (TREATY DOCUMENT NO. 104-8); AND EXTRADITION TREATY WITH SWITZERLAND (TREATY DOCUMENT NO. 104-9)

Mr. LOTT. Mr. President on behalf of the leader, as in executive session. I ask unanimous consent that the injunction of secrecy be removed from the following three treaties transmitted to the Senate on June 9, 1995, by the President of the United States:

Extradition Treaty with Belgium (Treaty Document No. 104-7);

Supplementary Extradition Treaty with Belgium to Promote the Repression of Terrorism (Treaty Document No. 104-8); and

Extradition Treaty with Switzerland (Treaty Document No. 104-9).

I further ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages of the President are as follows:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty Between the United States of America and the Kingdom of Belgium signed at Brussels on April 27, 1987. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Treaty.

This Treaty is designed to update and standardize the conditions and procedures for extradition between the United States and Belgium. Most significantly, it substitutes a dual-criminality clause for the current list of extraditable offenses, thereby expanding the number of crimes for which extradition can be granted. The Treaty also provides a legal basis for temporarily surrendering prisoners to stand trial for crimes against the laws of the Requesting State.

The provisions in this Treaty follow generally the form and content of extradition treaties recently concluded by the United States. Upon entry into force, it will supersede the Treaty for the Mutual Extradition of Fugitives from Justice Between the United States and the Kingdom of Belgium, signed at Washington on October 26, 1901, and the Supplementary Extradition Conventions to the Extradition Convention of October 26, 1901, signed at Washington on June 20, 1935, and at Brussels on November 14, 1963.

This Treaty will make a significant contribution to international cooperation in law enforcement. I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE,

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Supplementary Treaty on Extradition Between the United States of America and the Kingdom of Belgium to Promote the Repression of Terrorism, signed at Brussels on April 27, 1987 (the "Supplementary Treaty"). Also transmitted for the information of the Senate is the report of the Department of State with respect to the Supplementary Treaty.

Exhibit B to NATOA's Reply Comments in WT Docket No. 16-421

Watts (OK)
Wolf

Wyden
Yates

Zeliff
Zimmer

NOT VOTING—29

Andrews
Bateman
Collins (MI)
Condit
Cooley
de la Garza
Filner
Hayes
Herger
Kaptur

Maloney
McDade
McIntosh
Moakley
Ortiz
Owens
Rangel
Reynolds
Rose
Scarborough

Spratt
Thurman
Towns
Tucker
Waxman
Williams
Wilson
Young (AK)
Young (FL)

□ 0910

The Clerk announced the following pair:

On this vote:

Mr. Scarborough for, with Mr. Filner against.

Mr. GILMAN, Mr. STOKES, and Ms. FURSE changed their vote from "aye" to "no."

Messrs. JONES, KIM, MFUME, BARCIA, HEFNER, and JEFFERSON, Ms. WOOLSEY, Mrs. KELLY, and Ms. MCKINNEY changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. MALONEY. Mr. Speaker, I inadvertently missed rollcall vote 627. Had I been present, I would have voted "yes."

The CHAIRMAN. It is now in order to consider amendment No. 2-1 printed in part 2 of House Report 104-223.

AMENDMENT NO. 2-1 OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer an amendment, numbered 2-1.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2-1 offered by Mr. STUPAK: Page 14, beginning on line 8, strike section 243 through page 16, line 9, and insert the following (and conform the table of contents accordingly):

SEC. 243. REMOVAL OF BARRIERS TO ENTRY.

(a) IN GENERAL.—No State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide interstate or intrastate telecommunications services.

(b) STATE AND LOCAL AUTHORITY.—Nothing in this section shall affect the ability of a State or local government to impose, on a competitively neutral basis and consistent with section 247 (relating to universal service), requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers.

(c) LOCAL GOVERNMENT AUTHORITY.—Nothing in this Act affects the authority of a local government to manage the public rights-of-way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of the rights-of-way on a nondiscriminatory basis, if the compensation required is publicly disclosed by such government.

(d) EXCEPTION.—In the case of commercial mobile services, the provisions of section 332(c)(3) shall apply in lieu of the provisions of this section.

The CHAIRMAN. Pursuant to the rule, the gentleman from Michigan [Mr. STUPAK] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

Does the gentleman from Virginia rise to claim the time?

Mr. BLILEY. Mr. Chairman, I do.

The CHAIRMAN. The gentleman from Virginia [Mr. BLILEY] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Chairman, I am offering this amendment with the gentleman from Texas [Mr. BARTON] to protect the authority of local governments to control public rights-of-way and to be fairly compensated for the use of public property. I have a chart here which shows the investment that our cities have made in our rights-of-way.

□ 0915

Mr. Chairman, as this chart shows, the city spent about \$100 billion a year on rights-of-way, and get back only about 3 percent, or \$3 billion, from the users of the right-of-way, the gas companies, the electric company, the private water companies, the telephone companies, and the cable companies.

You heard that the manager's amendment takes care of local government and local control. Well, it does not. Local governments must be able to distinguish between different telecommunications providers. The way the manager's amendment is right now, they cannot make that distinction.

For example, if a company plans to run 100 miles of trenching in our streets and wires to all parts of the cities, it imposes a different burden on the right-of-way than a company that just wants to string a wire across two streets to a couple of buildings.

The manager's amendment states that local governments would have to charge the same fee to every company, regardless of how much or how little they use the right-of-way or rip up our streets. Because the contracts have been in place for many years, some as long as 100 years, if our amendment is not adopted, if the Stupak-Barton amendment is not adopted, you will have companies in many areas securing free access to public property. Taxpayers paid for this property, taxpayers paid to maintain this property, and it simply is not fair to ask the taxpayers to continue to subsidize telecommunications companies.

In our free market society, the companies should have to pay a fair and reasonable rate to use public property. It is ironic that one of the first bills we passed in this House was to end unfunded Federal mandates. But this bill, with the management's amendment, mandates that local units of government make public property available to whoever wants it without a fair and reasonable compensation.

The manager's amendment is a \$100 billion mandate, an unfunded Federal

mandate. Our amendment is supported by the National League of Cities, the U.S. Conference of Mayors, the National Association of Counties, the National Conference of State Legislatures and the National Governors Association. The Senator from Texas on the Senate side has placed our language exactly as written in the Senate bill.

Say no to unfunded mandates, say no to the idea that Washington knows best. Support the Stupak-Barton amendment.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. BARTON], the coauthor of this amendment.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Chairman, first I want to thank the gentleman from Virginia [Mr. BLILEY], the gentleman from Texas [Mr. FIELDS], and the gentleman from Colorado [Mr. SCHAEFER], for trying to work out an agreement on this amendment. We have been in negotiations right up until this morning, and were very close to an agreement, but we have not quite been able to get there.

I thank the gentleman from Michigan [Mr. STUPAK] for his leadership on this. This is something that the cities want desperately. As Republicans, we should be with our local city mayors, our local city councils, because we are for decentralizing, we are for true Federalism, we are for returning power as close to the people as possible, and that is what the Stupak-Barton amendment does.

It explicitly guarantees that cities and local governments have the right to not only control access within their city limits, but also to set the compensation level for the use of that right-of-way.

It does not let the city governments prohibit entry of telecommunications service providers for pass through or for providing service to their community. This has been strongly endorsed by the League of Cities, the Council of Mayors, the National Association of Counties. In the Senate it has been put into the bill by the junior Republican Senator from Texas [KAY BAILEY HUTCHISON].

The Chairman's amendment has tried to address this problem. It goes part of the way, but not the entire way. The Federal Government has absolutely no business telling State and local government how to price access to their local right-of-way. We should vote for localism and vote against any kind of Federal price controls. We should vote for the Stupak-Barton amendment.

Mr. BLILEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Colorado [Mr. SCHAEFER].

Mr. SCHAEFER. Mr. Chairman, I rise in strong opposition to this Stupak amendment because it is going to allow the local governments to slow down and even derail the movement to real competition in the local telephone

market. The Stupak amendment strikes a critical section of the legislation that was offered to prevent local governments from continuing their longstanding practice of discriminating against new competitors in favor of telephone monopolies.

The bill philosophy on this issue is simple: Cities may charge as much or as little as they wanted in franchise fees. As long as they charge all competitors equal, the amendment eliminates that yet critical requirement.

If the consumers are going to certainly be looked at under this, they are going to suffer, because the cities are going to say to the competitors that come in, we will charge you anything that we wish to.

The manager's amendment already takes care of the legitimate needs of the cities and manages the rights-of-way and the control of these. Therefore, the Stupak amendment is at best redundant. In fact, however, it goes far beyond the legitimate needs of the cities.

Last night, just last night, we had talked about this in the author's amendment and we thought we worked out a deal, and we tried to work out a deal. All of a sudden I find that the gentleman, the author of the amendment, reneged on that particular deal, and now all of a sudden is saying well, we want 8 percent of the gross, the gross, of the people who are coming in. This is a ridiculous amendment. It should not be allowed, and we should vote against it.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. FIELDS], the chairman of the subcommittee.

(Mr. FIELDS of Texas asked and was given permission to revise and extend his remarks.)

Mr. FIELDS of Texas. Mr. Chairman, thanks to an amendment offered last year by the gentleman from Colorado [Mr. SCHAEFER], and adopted by the committee, the bill today requires local governments that choose to impose franchise fees to do so in a fair and equal way to tell all communication providers. We did this in response to mayors and other local officials.

The so-called Schaefer amendment, which the Stupak amendment seeks to change, does not affect the authority of local governments to manage public rights-of-way or collect fees for such usage. The Schaefer amendment is necessary to overcome historically based discrimination against new providers.

In many cities, the incumbent telephone company pays nothing, only because they hold a century-old charter, one which may even predate the incorporation of the city itself. In many cases, cities have made no effort to correct this unfairness.

If local governments continue to discriminate in the imposition of franchise fees, they threaten to Balkanize the development of our national telecommunication infrastructure.

For example, in one city, new competitors are assessed up to 11 percent of

gross revenues as a condition for doing business there. When a percentage of revenue fee is imposed by a city on a telecommunication provider for use of doing business for that provider, and, if you will, the cost of a ticket to enter the market. That is anticompetitive.

The cities argue that control of their rights-of-way are at stake, but what does control of right-of-way have to do with assessing a fee of 11 percent of gross revenue? Absolutely nothing.

Such large gross revenue assessments bear no relation to the cost of using a right-of-way and clearly are arbitrary. It seems clear that the cities are really looking for new sources of revenue, and not merely compensation for right-of-way.

We should follow the example of States like Texas that have already moved ahead and now require cities like Dallas to treat all local telecommunications equally. We must defeat the Barton-Stupak amendment.

Mr. STUPAK. Mr. Chairman, I yield such time as she may consume to the gentleman from California [Ms. PELOSI].

(Ms. PELOSI asked and was given permission to revise and extend her remarks.)

Ms. PELOSI. Mr. Chairman, I rise in strong support of the Stupak-Barton amendment, which is a vote for local control over zoning in our communities.

Mr. STUPAK. Mr. Chairman, I yield such time as she may consume to the gentleman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Chairman, I rise in support of Stupak-Barton, that would ensure cities and counties obtain appropriate authority to manage local right-of-way.

Mr. STUPAK. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. CONYERS].

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Chairman, I congratulate my colleague from Michigan [Mr. STUPAK] on this very important amendment.

Mr. STUPAK. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have heard a lot from the other side about gross revenues. You are right. The other side is trying to tell us what is best for our local units of government. Let local units of government decide this issue. Washington does not know everything. You have always said Washington should keep their nose out of it. You have been for control. This is a local control amendment, supported by mayors, State legislatures, counties, Governors. Vote yes on the Stupak-Barton amendment.

Mr. BLILEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, first of all, let me say that I was a former mayor and a city councilman. I served as president of the Virginia Municipal League, and I served on the board of directors of the National League of Cities. I know you have all heard from your mayors, you have heard from your councils, and they want this. But I want you to know what you are doing.

If you vote for this, you are voting for a tax increase on your cable users, because that is exactly what it is. I commend the gentleman from Texas [Mr. BARTON], I commend the gentleman from Michigan [Mr. STUPAK] who worked tirelessly to try to negotiate an agreement.

The cities came back and said 10 percent gross receipts tax. Finally they made a big concession, 8 percent gross receipts tax. What we say is charge what you will, but do not discriminate. If you charge the cable company 8 percent, charge the phone company 8 percent, but do not discriminate. That is what they do here, and that is wrong.

I would hope that Members would defeat the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from Michigan [Mr. STUPAK].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. BLILEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Michigan [Mr. STUPAK] will be postponed until after the vote on amendment 2-4 to be offered by the gentleman from Massachusetts [Mr. MARKEY].

It is now in order to consider amendment No. 2-2 offered by the gentleman from Michigan [Mr. CONYERS].

PARLIAMENTARY INQUIRY

Mr. NADLER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. NADLER. Mr. Chairman, can the Chair simply state if it plans to roll other votes? Some of us were waiting around for this vote.

The CHAIRMAN. It is the intention of the Chair to roll the next two votes on the next two amendments, 2-2 and 2-3, until after a vote on 2-4. We will debate the first Markey amendment.

Mr. NADLER. Could the Chair use names, please?

The CHAIRMAN. We will roll the next two amendments, the Conyers and Cox-Wyden amendments, until after the vote on the first Markey amendment.

AMENDMENT 2-2 AS MODIFIED OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer a modified amendment.

Summary of Conversations and Responses from Communities

City of Newport Beach, California responding to Crown Castle

The rates the City of Newport Beach requires for use of its publicly owned property represent the fair market rental value for the use of City property, and allow the City to act in the public's interest by recovering a fair market value return on the use of public property. The rates are consistent with federal statutes, case law, and City policy, and the City is acting within its rights as the legal owner and landlord in the rental of its property. To charge less than fair market value may constitute a regulatory taking, or constitute a prohibited gift of public resources, and provides favorable treatment to one industry. Further, the City engages with wireless broadband entities prior to application submittal to discuss any concerns over the installation of new infrastructure in the public right-of-way. These concerns not only include aesthetics, but also safety and access issues resulting from the construction of additional infrastructure in the public right-of-way. Such considerations are applied in a fair and consistent manner as to other applications discussed with, or submitted to, the City.

Prince William County, Virginia responding to Competitive Carriers Association

The Board of County Supervisors of Prince William County, which is the County's siting authority for the purposes of section 6409(a), has not and does not insert conditions into approvals requiring applicants to reduce applied-for structure heights by 10 percent or 20 feet as claimed by the Competitive Carriers Association in footnote 64 of their comments.

On October 13, 2015, our Board of County Supervisors held a public hearing on an application for a 145-foot stealth monopole submitted by Community Wireless Structures. Public comments at the hearing noted that with the extension permitted by 6409(a), the monopole height could eventually reach 165 feet. After concerns about the height were raised by members of the Board of County Supervisors (note: the discussion centered on visual impacts to Manassas National Battlefield Park), the applicant's representative, and not the Board, suggested the possibility of reducing the height by 20 feet to alleviate these concerns. The matter was deferred until November 17, 2015, at which time the Board of County Supervisors approved the special use permit for the monopole at the applied-for height of 145 feet. At no time in that application process, or in any other, have members of the Board inserted, or even attempted to insert, conditions requiring an applicant to reduce the applied-for height by 10 percent or 20 feet. Video of that public hearing is available as item 14-D here (the applicant makes the above-described suggestion just after the 5:10:00 mark):

http://pwcgov.granicus.com/MediaPlayer.php?view_id=23&clip_id=2032

City of Mercer Island, Washington responding to Crown Castle

The assertion in their comment is incorrect. Under the Crown Castle's franchise agreement with Mercer Island, they are required to obtain right-of-way (row) permits to install the small cell nodes. And under the row permit requirements, notices are given to surrounding properties. People can submit comments in response to the notices, which are reviewed, shared with Crown Castle and addressed to the extent feasible. No denial has been based on neighbor comments and neighbor consent is not required.

QCCCC Agenda Item

4.3.1 Operations Report

February 1, 2017

To: Karen George, Executive Director

From: Katherine Lenaburg, Operations Manager

Subject: Operations Update

January local programming featured a panel discussion called “Anoka Community Safety Forum” organized by Anoka Police Chief Eric Peterson, Anoka County Sheriff James Stuart, and Anoka County Attorney Tony Palumbo. This program was put together by local law enforcement officials because of the recent murder by an intruder of an older Anoka man. It was very well attended and the mostly senior audience asked a lot of questions.

Our production van was at 11 live games- wrestling, boys and girls hockey and boys and girls basketball. We produced 13 live government meetings and 3 were cancelled.

We completed our regular monthly shows: “The District Court Show”, “The Chamber Show”, and “News and Views”. “News and Views” includes 8 guests and 8 packages from our member cities. We also completed “The Grid”, “It’s Your History” and “Beyond the Book.”

For promos we produced a District Court and Grid promo. We also produced two versions of “What’s New at the Q” as well as several Slow TV’s.

We worked with the Anoka County Master Gardeners to produce “Sustainable Gardening” with Master Gardener Lynda Ellis. We continue to work on new episodes for “Rum River Rescue” and “The Sheriff’s Report”.

Our sister station, Town Square Television produced live coverage of three St. Paul Winter Carnival events that we carried live: The Royal Coronation from St. Paul’s River Centre, The Grand Day Parade, and Torchlight Parade.

Action: None

QCCCC Agenda Item

4.3.1 Operations Report

March 1, 2017

To: Karen George, Executive Director

From: Katherine Lenaburg, Operations Manager

Subject: Operations Update

A busy month for our mobile production van as winter sports is ending and play-off games have started. We produced live coverage of six games and three section quarter final games. This will continue into March as our teams are expected to do well.

We produced live coverage of fifteen government meetings.

Our regular shows include “News and Views”, “The Chamber Report”, “The District Court Show”, “The Sheriff’s Show”, “Rum River Rescue” and “Public Safety Talk”.

The Anoka Area Chamber of Commerce held their The State of the Cities luncheon featuring presentations from eight local cities. QCTV was there to capture the presentations and put together a program.

We covered a panel discussion called “The Heroin Opioid Addiction Crisis: A Community Responds”. Featured speakers included FBI Agent Jeffery Van Nest and Anoka County Sheriff James Stuart.

The Anoka County Sheriff’s Department held their annual award ceremony and QCTV covered it to produce a program.

We produced a pilot for a new facilitated access series called “Game Sharks” that featured local people dedicated to building the gaming community.

Facilitated access shows include an episode of “Answers to Aging” series on wills, trusts, and probates.

We worked with the League of Women Voters to produce a show called “Anoka County Drinking Water Supply Protection” featuring Tannie Shenauer from the State of Minnesota and Jamie Schurbon, Anoka County Water Resource Specialist.

February programming featured live coverage of the St. Paul Winter Carnival Torchlight Parade. This was produced by SPNN but carried live by several local stations.

We also played back a show called “Your Legislators” produced by Pioneer Public TV. This program featured Senator John Hoffman and Senator Jim Abeler.

For promotional videos we produced two “What’s New at the Q” videos and 4 Slow TV’s- one for each city.

QCCCC Agenda Item

4.3.1 Operations Report

April 3, 2017

To: Karen George, Executive Director

From: Katherine Lenaburg, Operations Manager

Subject: Operations Update

March resulted in lots of exciting QCTV local productions. Our winter sports season wrapped up with several play-off games. The Andover and Anoka Girls basketball teams did very well- going to state quarter finals. The Champlin Boys team went even further so our crews went to the Target Center twice for three games. The most exciting game was the Champlin Boys Game and it was a buzzer beater. Taylor put it on Twitter and ESPN asked permission to play it on their Top Ten that evening and the next day and it was fun to see QCTV's footage as the #1 clip on ESPN's Top Ten Plays of the Day. It has been viewed and shared on QCTV's social media accounts over 70,000 times. Taylor spent the next 10 days working in the truck to do some rewiring and installed new equipment. Spring sports (softball, baseball, and lacrosse) will start next month and we have 20 games on our agenda. We are also working on our "At the Half" segments for half time of the LaCrosse games. Our goal is to produce feature stories on golf, track and field, and trapshooting.

We produced live coverage of eighteen government meetings.

Our regular shows include "News and Views", "The Chamber Report", "The District Court Show" (producing our 100th episode) "The Local Show", and "The Grid".

Our facilitated access shows include a program with The League of Women Voters on mental health called "Community Update on Behavioral Health"; "The Anoka County Master Gardeners: Ferns and Sedges for the Shade Garden"; The Anoka County Library- "Let's Go To The Library- Spring into Youth" and Let's Go to the Library: Outreach"; and "Answers to Aging".

Submitted programs include two episodes of "Beyond the Rhetoric". These two programs feature a discussion with several area Police Chiefs and Anoka County Sheriff James Stuart on issues around community policing.

QCTV's volunteer Nadia Giordana was at the Eastman Nature Center and put together a show called "Maple Syrup Time at the Eastman Nature Center." We also produced an episode of "QC Cooks" that featured a naturalist who demonstrated the maple syrup process.

We also produced a music program called "Live and Local: Feel The Rhythm". This hour show included two live performances and five packages that were pre-produced. We had a studio audience and went live on our website, channel, and Facebook. Our production standards included top notch lighting, sound, and directing. It was a lot of fun and we received positive feedback from our studio audience and the musicians themselves.

QCCCC Agenda Item

4.3.2 Technology Report

February 16, 2017

To: Karen George, Executive Director

From: John Sommer, Technology Manager

Subject: January 2017 Technology Report

Equipment Issues:

QCTV Equipment

Some staff workstations have had intermittent connection problems with the network and internet. This has been intermittent since my first week of work here. It has been added to my project list.

City Equipment

Andover Chambers. Jim helped me isolate the problem with the presentation system and we were able to get it reconfigured to operate as it has in the past. That is resolved. Ongoing problem is the IR dimmer for the document camera lights. Working on finding a replacement switch. Lights work but only via the handheld remote control and not the Crestron system. Handheld remote must be pointed at the receiver on the ceiling.

Comcast Equipment

No issues reported for January.

CenturyLink Equipment

Monday the 23rd, Two of our channels were down. Joe Conlon at TST reported seeing it on his CenturyLink monitor. I suspect that one of the live switches we made for the two double header games on Saturday caused the CL encoder to lock up. I reset the encoder and the channels returned.

January Projects:

Building wide WiFi

Installed four new WiFi access points in the building to try to cover the building as a whole instead of in five parts. After some testing and use, I am going to move two of the access devices to get better coverage in the garage.

Customer Service Database

With a consultant, we finished the first stage of development in the Access customer service tracking database. I am working with the three participating organizations to implement it at each office.

Future Projects:

City Hall HD Updates

Current video switchers should be ready for HD. We will need new cameras, transmission equipment, and signal distribution infrastructure. Current camera cabling may or may not be HD capable. Need to have documentation for future work. I discussed with RushWorks which new cameras would work with our systems. As we narrow down what we want, they can help us with testing.

Intermittent Network Problems

As reported above, various staff have had problems with internet connection and network folder access. Not yet sure of the cause. A workstation that could login but not have access to the domain controller in the morning mysteriously connects in the afternoon. I am working with our IT consultant to track down and eliminate some variables.

Action Requested: None.

4.3.2 Technology Report

March 16, 2017

To: Karen George, Executive Director
From: John Sommer, Technology Manager
Subject: February 2017 Technology Report

Equipment Issues:

QCTV Equipment

Our Server Admin consultant and I identified a networked video device that was effecting the Active Directory server. I removed the device from the network and have had many fewer instances of staff loosing network connections. Need to find an appropriate replacement device that will work with the network.

City Equipment

Andover Chambers: I reprogramed the lighting presets and the presentation system should be functioning as normal.

Anoka Chambers: Jim identified a faulty audio amplifier. I installed a temporary one and need to see if the old one can be repaired or needs to be replaced.

Comcast Equipment

We received several automated calls from Comcast Wednesday February 22nd indicating that they would be performing maintenance in our area from Midnight to 5 a.m. February 23rd and that we might have service outages during that timeframe. Either our modem or our firewall locked up as a result and we did not have live programs streaming from our website until we reset the devices Thursday morning.

CenturyLink Equipment

No issues reported for February.

Future Projects:

City Hall HD Updates

Looking at HD cameras from a few manufacturers. I have discussed with other local PEG stations who also want to do updates and we will try to coordinate demonstrations.

Action Requested: None.

4.3.2 Technology Report

April 20, 2017

To: Karen George, Executive Director

From: John Sommer, Technology Manager

Subject: March 2017 Technology Report

Equipment Issues:

QCTV Equipment

- Ordered a part and repaired one Bogan tripod head for camera kit 8.
- Ordered two more VariDesks for full time editors, we now have four adjustable height edit stations.
- Furnace 6, which heats and cools the studio went out on March 20th. The blower motor fried. It is now functional, but we are waiting on a custom order Reznor part to complete the repair.

City Equipment

- Anoka Chambers: Jim identified a faulty audio amplifier. I have ordered a replacement part.
- Ramsey Chambers: Jim reported that the document camera light was out. I ordered replacement lamps and Ramsey city staff replaced them. Functioning normally.

Comcast Equipment

No issues reported for March.

CenturyLink Equipment

No issues reported for March.

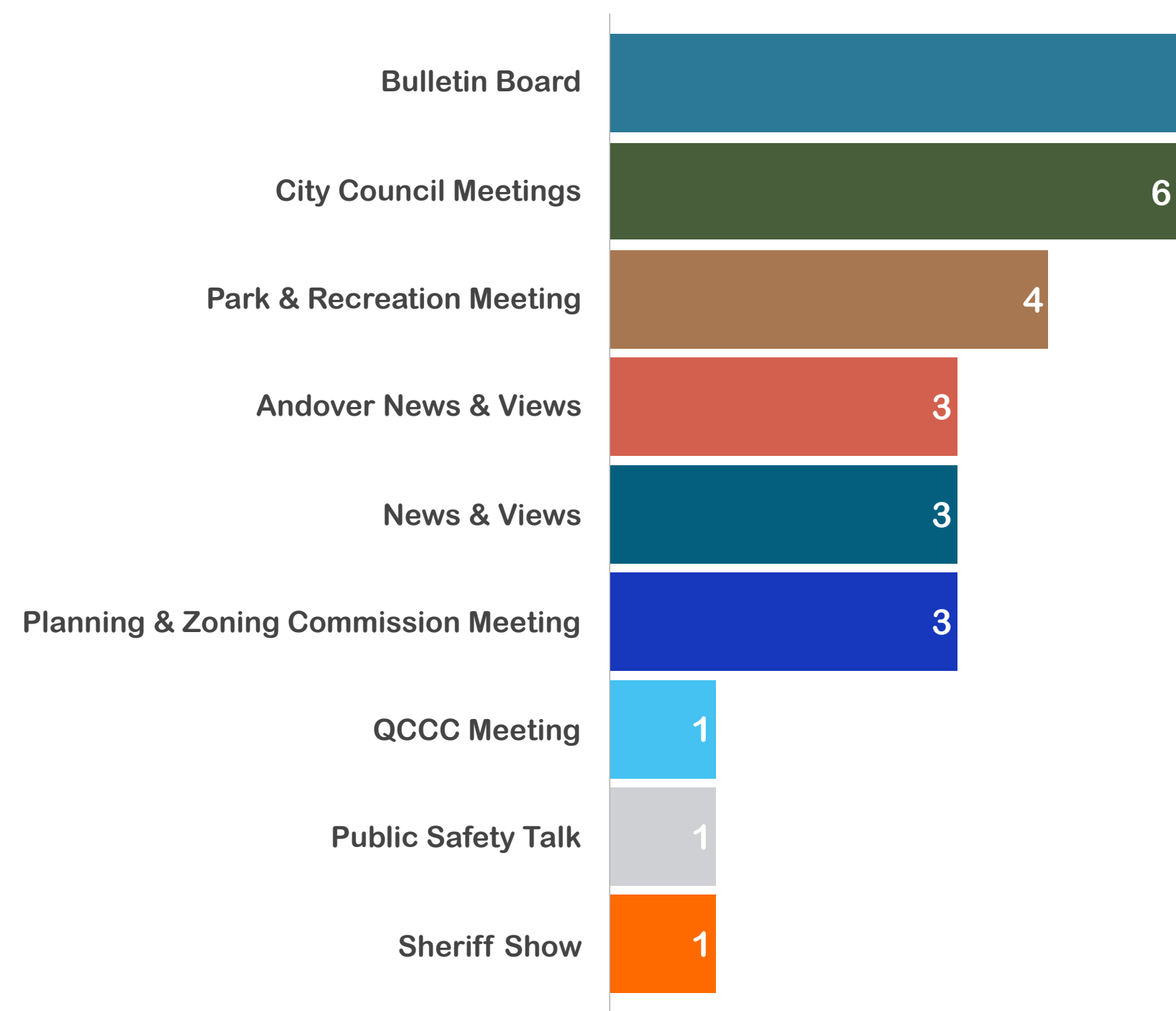
Future Projects:

City Hall HD Updates

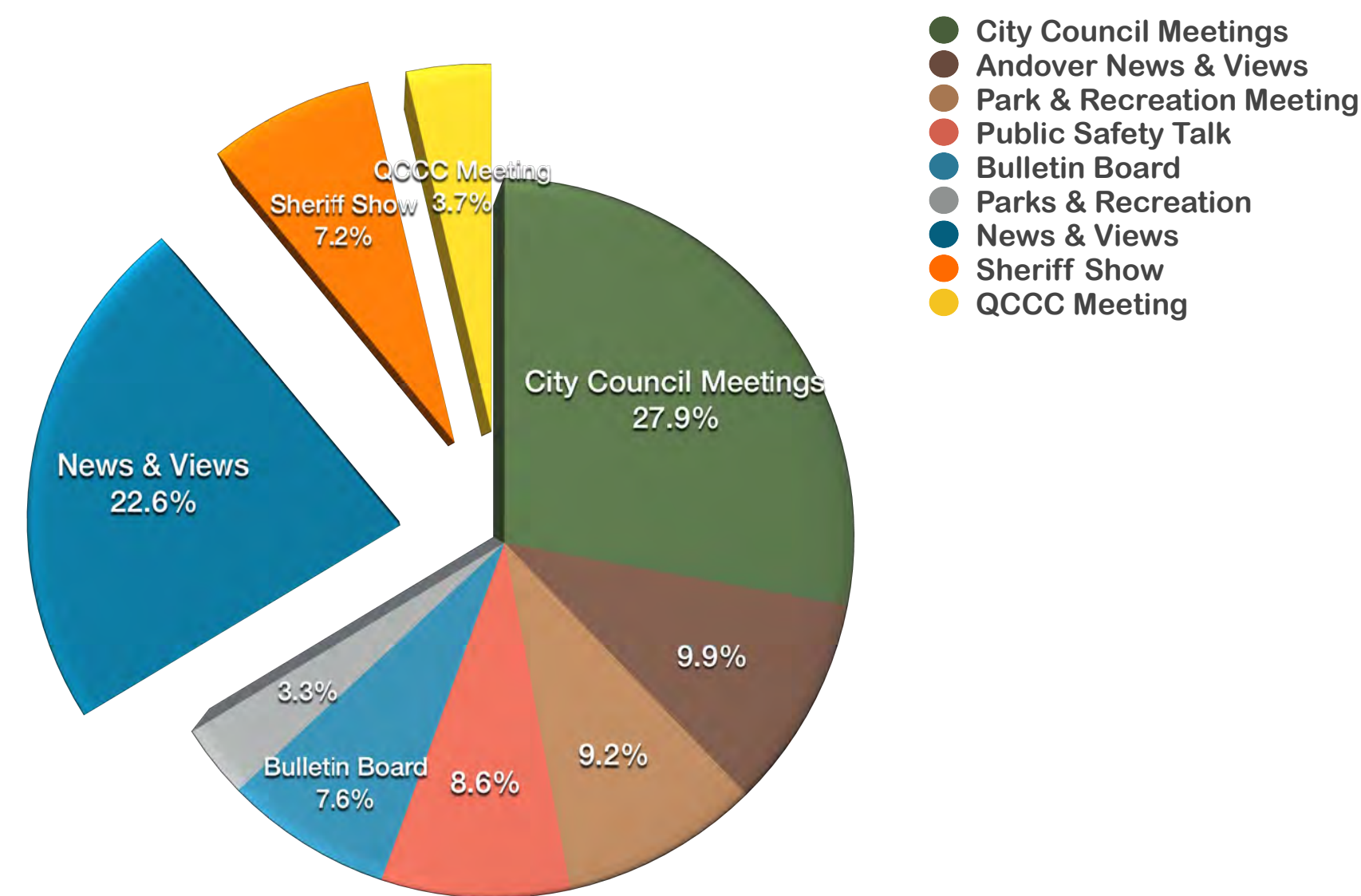
I prepared a Technology Memo for the April board meeting outlining future steps.

Action Requested: None.

City of Andover Channel Programming Statistics

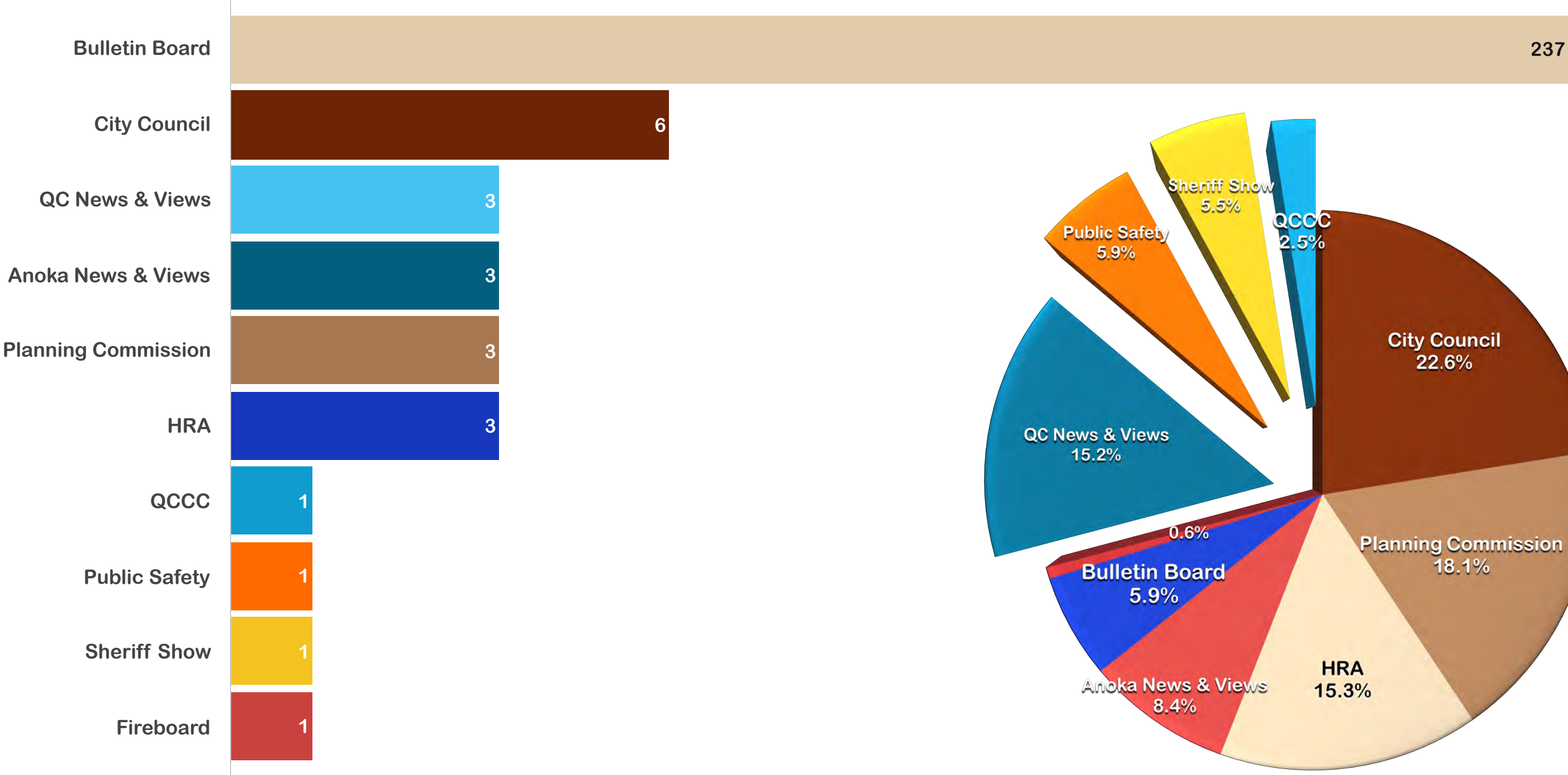


Number of Unique Shows

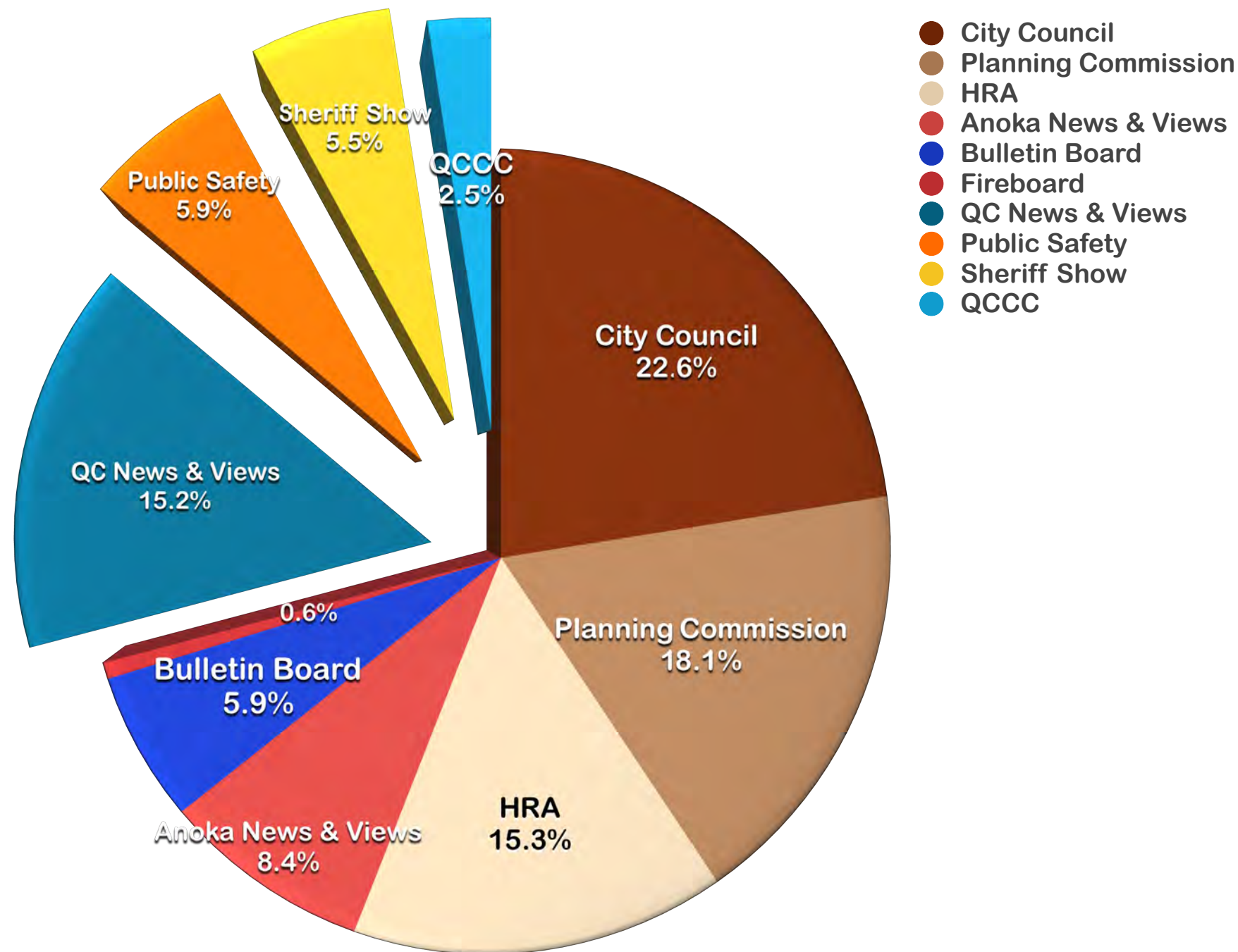


Percentage of Programming Playback

City of Anoka Channel Programming Statistics

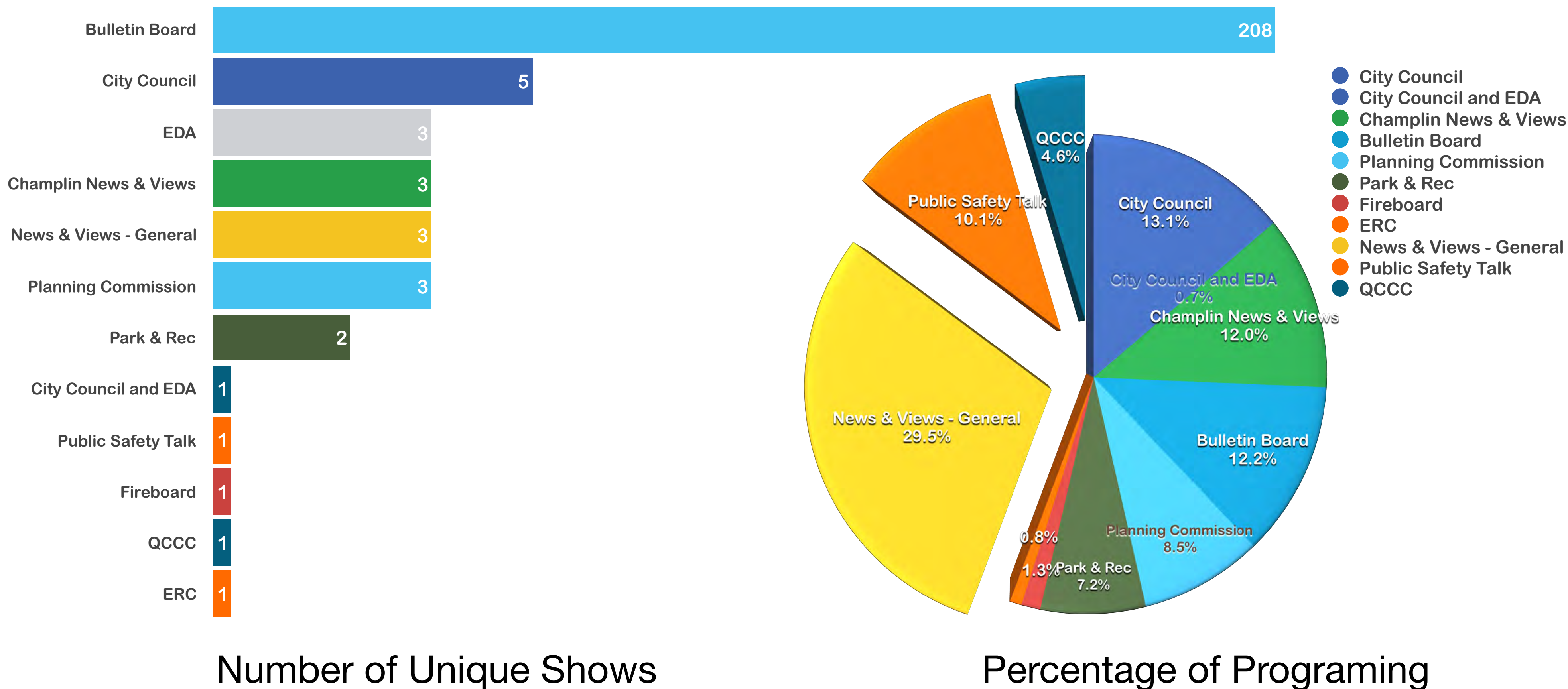


Number of Unique Shows

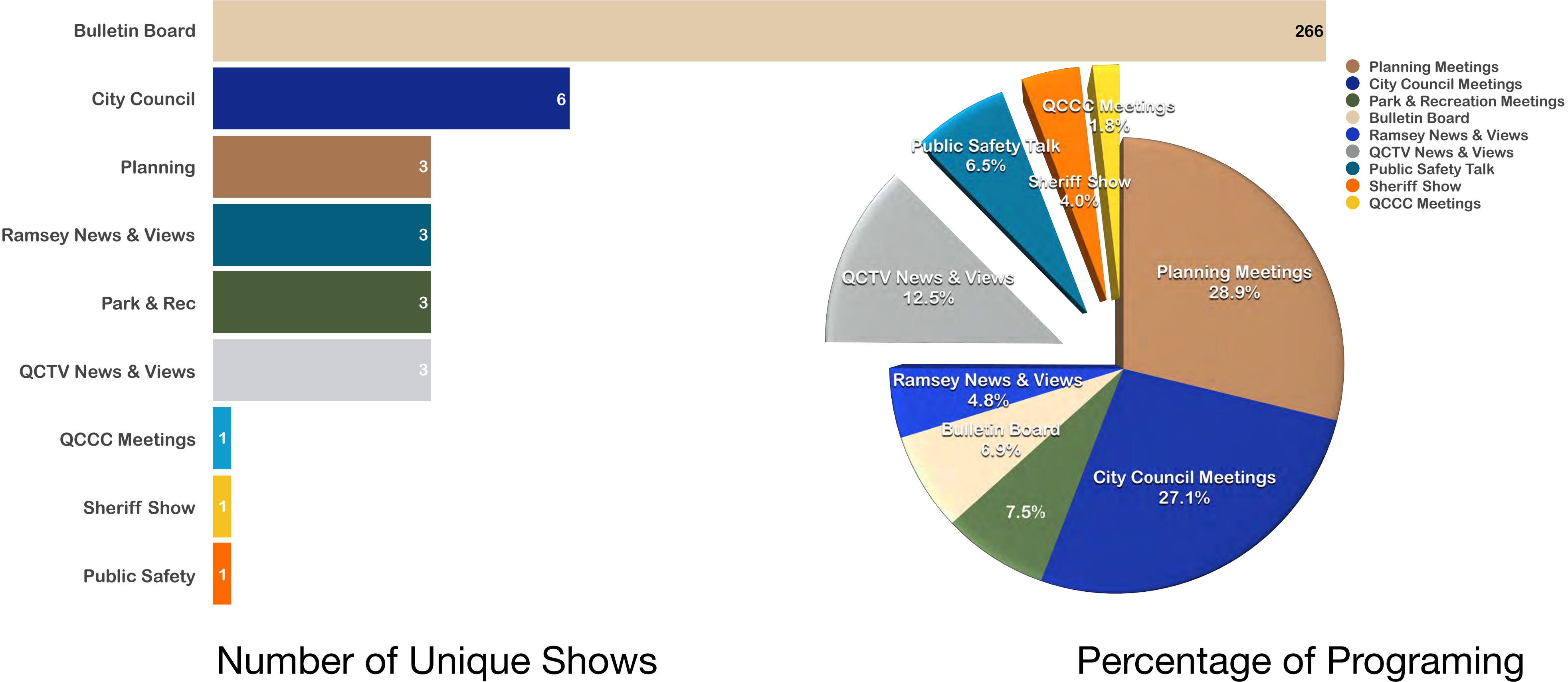


Percentage of Programing

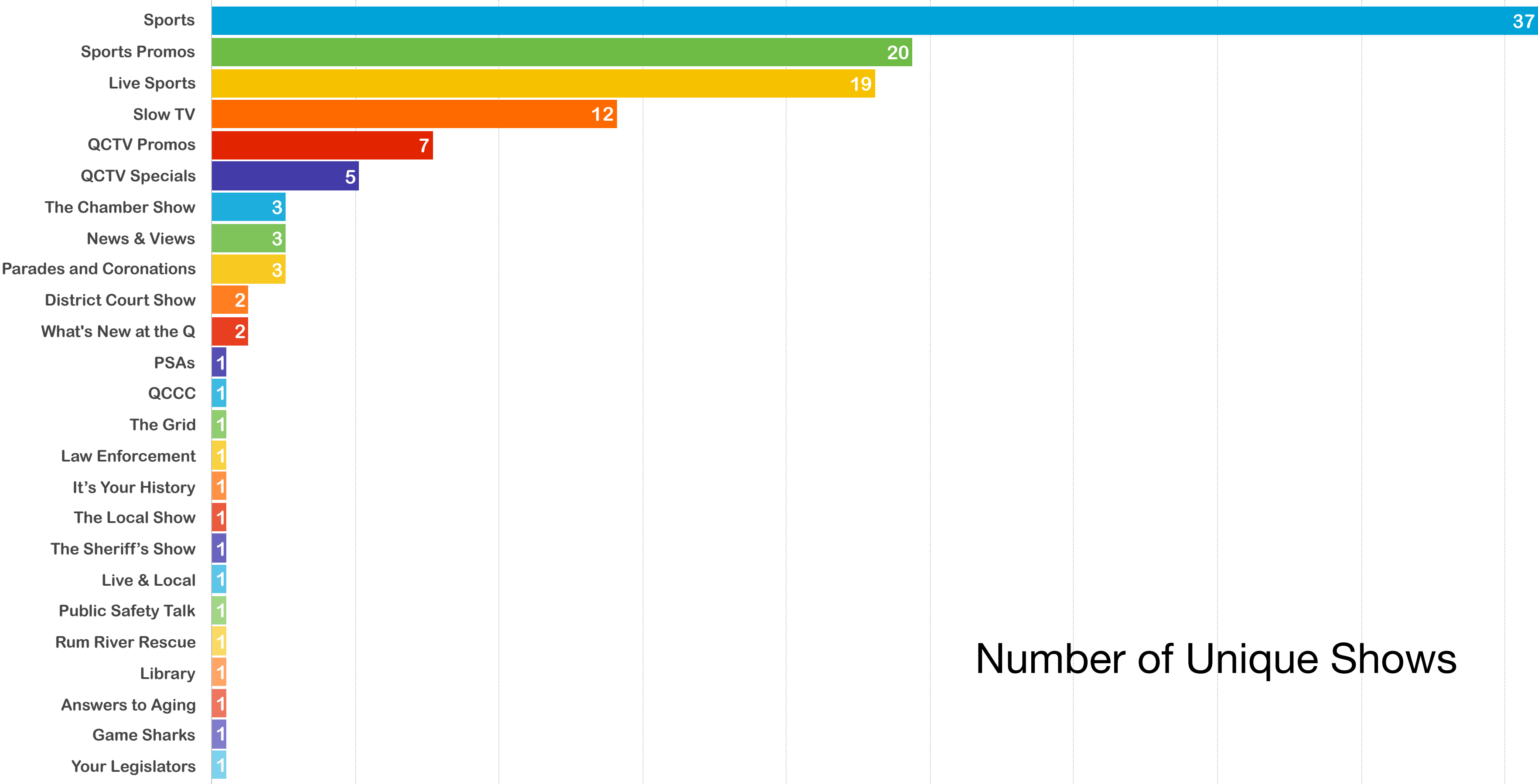
City of Champlin Channel Programming Stats



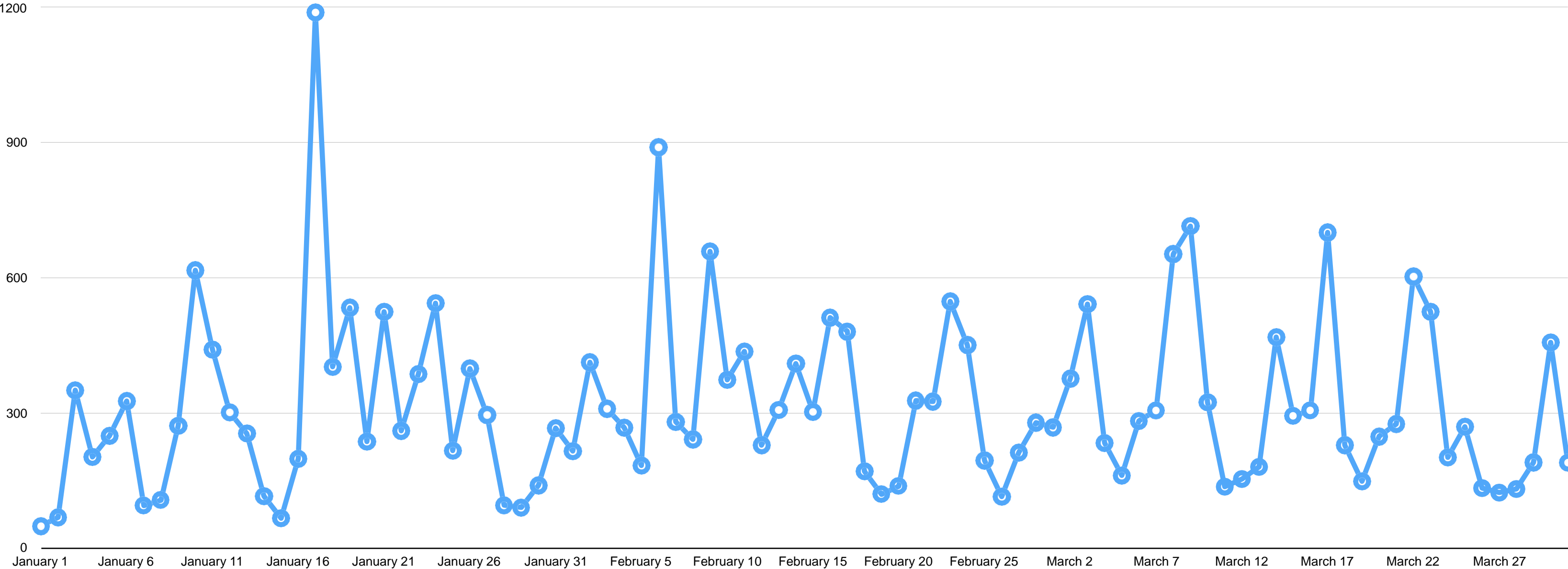
City of Ramsey Channel Programming Statistics



Community Channel Programming Statistics



Number of Unique Shows



	Top 12 Cities	11,031
1	Minneapolis	1,701
2	Champlin	908
3	Brooklyn Park	635
4	Andover	553
5	Saint Paul	541
6	Coon Rapids	505
7	Chicago	496
8	Ramsey	377
9	Blaine	353
10	Maple Grove	335
11	Roseville	240
12	Anoka	235

Page		Pageviews	Unique Pageviews
		28,546	21,126
1	QCTV Home Page	8,111(28.41%)	5,309(25.13%)
2	Sports Page	6,044(21.17%)	4,633(21.93%)
3	/program-guide/	1,418(4.97%)	1,008(4.77%)
4	Champlin Page	843(2.95%)	612(2.90%)
5	Anoka Page	720(2.52%)	520(2.46%)
6	/program-guide/qctv-community-channel/	711(2.49%)	557(2.64%)
7	/qctv-programs/	604(2.12%)	479(2.27%)
8	Andover Page	579(2.03%)	420(1.99%)
9	/all-qctv-programs/	462(1.62%)	310(1.47%)
10	Ramsey page	389(1.36%)	238(1.13%)

	Browser	Sessions	% Sessions
1	Chrome	4,127	37.41%
2	Safari	4,069	36.89%
3	Internet Explorer	902	8.18%
4	Safari (in-app)	662	6.00%
5	Edge	552	5.00%
6	Firefox	363	3.29%
7	Android Webview	220	1.99%
8	Amazon Silk	43	0.39%
9	Android Browser	40	0.36%
10	Mozilla Compatible Agent	27	0.24%

QCCCC Agenda Item

5.1 AED Purchase and Training

April 10, 2017

To: Commissioners

From: Karen George, Executive Director

Subject: AED Purchase and Training

QCTV staff is requesting capital funds to purchase and install AED (automated external defibrillator) units in the studio facilities and the mobile production van. Staff training is also a required element of the purchase.

The attached memo outlines the rationale for the purchase, equipment quotes, and staff training for the purchase to two AED units.

Action Requested:

Approve CIP expenditure of \$4,462.00 +/- 5% for purchasing 2 LifePak CR Plus fully-auto AED for QCTV building and mobile production truck.

Other options for consideration are in the attached memo.

March 27, 2017

To: Karen George, Executive Director

From: Leslie Sauer-Smith, Producer

Subject: Capital Expenditure Request

Project:

Purchase Automated External Defibrillators(AED) for QCTV's building and TV Mobile Production Truck.

Attached you will find estimates of possible AED's.

This request is being made as most of QCTV's member cities participate in the Heart-Safe program. The full-time employees showed great interest in the issue of being Heart-Safe certified and being prepared in an emergency. As we have many people in our studio for filming shows and out on location with the production truck, we feel like this would be a great and possible life-saving purchase.

Purchase includes:

- AED
- Surface wall mount and sign/poster
- Complete AED service plan
- CPR/AED Training

Requested action options:

- A) Approve \$4,462.00 +/- 5% for purchasing 2 LifePak CR Plus fully-auto AED for QCTV building and mobile production truck.

OR

- B) Approve \$3,967.00 +/- 5% for purchasing 1 LifePak CR Plus fully-auto AED for QCTV building and 1 Samaritan Pad 350P AED for the mobile production truck.

OR

- C) Pending for Review

Recommendation:

Staff recommends Option A as it is the fully-automated AED's for both building and production truck.

Total Project Estimated Cost: \$4,462.00 +/- 5%
(QCTV is tax except)

180 AED cabinets

180 AED Cabinet

The 180 series AED cabinets is a well designed versatile cabinet that is large enough for all AED's.

Provides extra space for additional components and accessories.

- ☐ Made from 20 gage corrosive resistant steel. Stainless steel is available.
- ☐ Size is 17-1/2" x 17-1/2" x 7".
- ☐ Powder painted white to ensure a nice looking durable finish.
- ☐ Only requires one pull to open.
- ☐ Three trim styles to choose from:
 - ☐ Surfaces mount.
 - ☐ Recessed (ADA compliant) available
 - ☐ Semi-recessed (ADA compliant) available
- ☐ Cabinet with door alarm.
- ☐ Stainless steel available





ACE AED MAINTENANCE PLAN 3-YEAR

This maintenance plan exceeds MN law 403.51 AED Registration that takes effect August 1st, 2014



- Medical direction oversight & prescription
- Monthly AED inspection email reminders
- On line tracking of all expirations and training
- Up to date AED protocols as per AHA/RC guidelines
- AED Challenge quarterly online refresher training
- Oxygen tank refill and replacement masks (if purchased from AFA)
- 24/7 administrative customer support
- Record-keeping
- Post event services: Document submission HIPPA / Replace battery & electrodes (SCA only)

MEDICAL DIRECTION, OVERSIGHT & PRESCRIPTION

The FDA views AED's as **restricted devices requiring a physician's prescription** and allows each state to control the use of public access defibrillation. A licensed physician in will provide the necessary prescription for purchase and continuing oversight services for the site's AED program, through **Advanced First-Aid, Inc. (AFA)**. At the present time FDA regulations do not detail the precise nature and scope of medical direction, oversight or training required to own and use AED's. When future FDA, OSHA or state regulations come to fruition, **AFA** will alert your business and will assist you to remain compliant.

WEB BASED AED TRACKING/RECORDKEEPING

Our web application will assist your coordinator to maintain all records including: monthly AED inspections, training records, Rx, policy/procedures, disposable replenishment, personal protective equipment, post event tracking.

LOCAL AND STATE REGISTRATION

Area EMS notification and county 911 integration (where applicable).

POST EVENT SERVICES

Install new battery and electrode (cardiac arrest victims only) & clean device. Once an AED is used this info belongs to the patient's medical chart and needs to be handled in accordance with HIPPA guidelines. Q/A question addressing.

AED CHALLENGE

The AHA 2010 guidelines affirmed that frequent retraining is a critical factor in effective resuscitation. Studies show that trained responders skills deteriorate significantly 3 months after training. OSHA recommends refresher training every 3 months. The AED Challenge is an online scenario-based training that gets the responder to critically think & learn while having fun. 5-Subscriptions per AED.

CUSTOMER SUPPORT

Anyone, even employees, can contact **AFA** 24/7 for administrative support related to the AED/CPR, maintenance, or to notify **AFA** of the use of the AED on a cardiac arrest victim. On-call **AFA** service representatives will respond to any AED/CPR action, question's or other needs.





HeartSine®

Inventor. Innovator. Lifesaver.

samaritan® PAD 350P

Public Access Defibrillator with CPR Coaching

Compact, Easy-to-Use, Lifesaving Technology

Sudden Cardiac Arrest (SCA) is a leading cause of death globally. Response time is critical for survival. The samaritan® PAD 350P is designed especially for use in public areas by providing a sophisticated defibrillator for adult or pediatric use, inside a lightweight and easy-to-operate system.

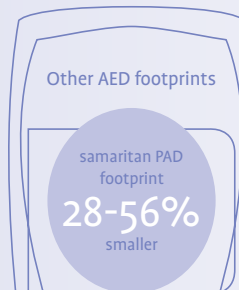


Compact in Size, Long on Ability

Portable and lightweight. The samaritan PAD 350P is lighter (2.4 lbs/1.1 kg) and smaller than other defibrillators.

Durable. The samaritan PAD 350P resists shock and vibration and carries an IP56 Rating, the industry's highest rating against dust and moisture ingress. It also carries a ten year unit warranty.

Advanced technology. The samaritan PAD 350P utilizes proprietary electrode technology, advanced and stable firmware, and proprietary SCOPE™* Biphasic technology (an escalating and low-energy waveform that automatically adjusts for patient impedance differences) to assess rhythm and recommend defibrillation if necessary.



Advanced technology balanced against the demands of real world use. At HeartSine, our innovation changes lives. And saves lives.

*Self-Compensating Output Pulse Envelope (SCOPE) technology automatically compensates energy, slope and pulse envelope for the patient.

Easy-to-Follow Visual and Verbal Guides

User-friendly. The samaritan PAD 350P features easy-to-understand visual and voice prompts that guide a user through the process including CPR coaching.

Two-button operation. Only two buttons, ON/OFF and SHOCK, are required for straightforward operation.

Always ready. A System Status Ready Indicator flashes to show that the complete system is operational and ready for use. The device automatically runs self-check each week.



Visual cues prompt pad placement



Stand clear of the patient



Safe to touch the patient

Real Economy for the Real World

Two parts, one expiration date. Pad-Pak™ cartridge combines battery and electrode pads, with one expiration date to monitor.

Low cost of ownership. With a shelf life of four years from date of manufacture, the Pad-Pak offers significant savings over other defibrillators that require separate battery and pad units.



Pad-Pak and Pediatric-Pak with pre-attached electrodes.

The HeartSine PAD's built-in intelligence and unique pediatric Pad-Pak ensure the appropriate energy level is delivered for children.



Technical Overview

Physical	With Pad-Pak™ Inserted
Size:	8.0 in x 7.25 in x 1.9 in (20 cm x 18.4 cm x 4.8 cm)
Weight:	2.4 lbs (1.1 kg) including Pad-Pak Battery

Defibrillator	
Waveform:	Self-Compensating Output Pulse Envelope (SCOPE) Biphasic waveform. Optimized biphasic escalating waveform compensates energy, slope and envelope for patient impedance

Patient Analysis System	
Method:	Evaluates patient's ECG, signal quality, electrode contact integrity and patient impedance to determine if defibrillation is required
Sensitivity/Specificity:	Meets ISO 60601-2-4

Environmental	
Operating/Standby Temperature:	+32°F to +122°F (0°C to 50°C)
Temporary Transportation Temperature:	14°F to 122°F (-10°C to 50°C) for up to two days. Unit must be returned to standby/operating temperature for 24 hours before use.
Relative Humidity:	5% to 95% (non-condensing)
Water Resistance:	IEC 60529/EN 60529 IP56
Altitude:	0 to 15,000 feet (0 – 4,575 meters)
Shock:	MIL STD 810F Method 516.5, Procedure I (40 G's)
Vibration:	MIL STD 810F Method 514.5+ Category 4 Truck Transportation – US Highways Category 7 Aircraft – Jet 737 & General Aviation (Exposure)
EMC:	EN 60601-1-2
Radiated Emissions:	EN55011
Electrostatic Discharge RF Immunity:	EN61000-4-3 80MHZ-2.5GHZ (10 V/m)
Magnetic Field Immunity:	EN61000-4-8 (3 A/m)
Aircraft:	RTCA/DO-160F, Section 21 (Category M)
Falling Height:	3.5 feet (1 meter)

Energy Selection	
Adult:	Shock 1: 150J; Shock 2: 150J; Shock 3: 200J
Pediatric:	Shock 1: 50J; Shock 2: 50J; Shock 3: 50J

Charging Time	
New Battery:	Typically 150J in < 8 seconds, 200J in < 12 seconds
After 6 Discharges:	Typically 150J in < 8 seconds, 200J in < 12 seconds

Event Documentation	
Type:	Internal Memory
Memory Capacity:	90 minutes of ECG (full disclosure) and event/incident recording
Playback Capabilities:	Custom USB cable directly connected to PC and Saver™ EVO Windows-based data review software

Materials Used	
samaritan® PAD 350P:	ABS, Santoprene. Printed circuit board with electronic components.
Housing:	ABS – Electrodes: Hydrogel, Silver, Aluminium and Polyester

Pad-Pak — Electrode and Battery Cartridge	
Adult Pad-Pak (Pad-Pak-01) and Pediatric Pad-Pak (Pad-Pak-02)	
Shelf Life:	4 years from manufacture date
Weight:	0.44 lbs (0.2 kg)
Size:	3.93 in x 5.24 in x .94 in (10 cm x 13.3 cm x 2.4 cm)
Battery Type:	Lithium Manganese Dioxide (LiMnO2)
Capacity:	> 60 shocks at 200J 18V, 1.5 Amp Hrs
Electrodes:	HeartSine samaritan® disposable defibrillation pads are supplied as standard with each device
Placement:	Anterior-lateral (Adult); Anterior-posterior (Pediatric)
Active Gel Area:	15.5 in² (100 cm²)
Cable Length:	3.5 feet (1 meter)

Lifesaving, Pure and Simple

U.S./Americas
HeartSine Technologies, Inc.
121 Friends Lane, Suite 400
Newtown, PA. 18940
Toll Free: (866) 478 7463
Tel: (215) 860 8100
Fax: (215) 860 8192
info@heartsine.com

Europe/Rest of the World
HeartSine Technologies, Inc.
203 Airport Road West
Belfast, Northern Ireland BT3 9ED
Tel: +44 (0) 28 90 93 94 00
Fax: +44 (0) 28 90 93 94 01
info@heartsine.co.uk



The products described in this brochure all meet the applicable European Medical Directive requirements.



UL Classified.
See complete marking on product.

CAUTION:
U.S. Federal law restricts this device to sale by or on the order of a licensed practitioner.



HeartSine®
Inventor. Innovator. Lifesaver.

www.heartsine.com

Authorized Distributor

**PHYSIO
CONTROL**

LIFEPAK CR® Plus DEFIBRILLATOR

Make Lifesaving Simple

With over 50 years of innovation, a steadfast commitment to quality and a position as the global leader in defibrillation, Physio-Control brings you the LIFEPAK CR Plus automated external defibrillator. The *CR Plus* is designed specifically for the first person to respond to a victim of sudden cardiac arrest and incorporates the same trusted technology used by more EMS and hospital units around the world than any other brand.

Although not everyone can be saved from sudden cardiac arrest, studies show that early defibrillation can dramatically improve survival rates.



Simple to Use

- Simple to turn on
- Simple to find, remove and place electrodes correctly
- Simple to deliver therapy—no shock button to push
- Simple to increase the chance for survival by automatically escalating energy up to 360 joules if needed*

Simple to Own

- The *CR Plus* comes ready to use: Initial purchase includes carry case, extra electrodes, extra CHARGE-PAK™ battery charger and Ambu® Res-Cue Mask® Kit
- Lowest total cost of ownership in the AED industry
- Simple transition to EMS teams who also use LIFEPAK products

Simple to Maintain

- One of the longest warranties in the industry at 8 years
- Synchronized CHARGE-PAK battery charger and electrode replacement cycle

Simply put...

The LIFEPAK CR Plus automated external defibrillator from Physio-Control is the effective, safe and affordable choice.

AED users should be trained in CPR and the use of an AED. LIFEPAK AEDs require a prescription in the U.S. Please consult your physician.



SPECIFICATIONS

DEFIBRILLATOR

Waveform: Biphasic truncated exponential, with voltage and current duration compensation for patient impedance.**

Output Energy Sequence: Multiple levels, configurable from 150 joules to 360 joules (200 joules min for Japan). Factory default settings of 200J, 300J, 360J.

Output Energy Accuracy: $\pm 10\%$ into 50 ohms, $\pm 15\%$ into 25 to 100 ohms.

Shock Advisory System: An ECG analysis system that advises whether a shock is appropriate; meets rhythm recognition criteria specified in DF39.

The device charges for shock only when the Shock Advisory System advises defibrillation.

Device Capacity:

Typical: Thirty (30) full discharges or 210 minutes of "on time" with a fully charged device.

Minimum: Twenty (20) full discharges or 140 minutes of "on time" with a fully charged device.


Shock Charge Time: Charge times with a fully charged device: 200 joules in less than 9 seconds, 360 joules in less than 15 seconds.

System Recharge Times: Recharge times with a fully discharged device: Able to deliver 6 shocks or provide 42 minutes of operating time after 24 hours of recharge time and 20 shocks or 140 minutes of operating time after 72 hours of recharge time with a new CHARGE-PAK at temperatures above 15° C (59° F).

Controls:

Lid Release/ON-OFF—Controls device power.

SHOCK button (semi-automatic version)—delivers defibrillation energy. After electrodes are attached to a patient, the fully automatic version of the device delivers a shock, if appropriate, not requiring operator intervention.

Electrical Protection: Input protected against high voltage defibrillator pulses per  IEC60601-1/EN60601-1.

Safety Classification: Internally powered equipment. IEC60601-1/EN60601-1.

PHYSICAL CHARACTERISTICS

Height: 10.7 cm (4.2 in).

Width: 20.3 cm (8.0 in).

Depth: 24.1 cm (9.5 in), excluding handle.

Weight: 2.0 kg (4.5 lb) with CHARGE-PAK and electrodes

USER INTERFACE

User Interface: The user interface includes voice prompts, audible tones and graphic prompts.

Readiness Display: The readiness display shows the device status.

OK Indicator: Shows "OK" when the last self-test was completed successfully. When the "OK" indicator is visible, all other indicators are not visible. The "OK" indicator is not displayed during device operation.

CHARGE-PAK Indicator: When displayed, replace the CHARGE-PAK™ battery charger.

Attention Indicator: When first displayed, at least six (6) discharges or 42 minutes of operating time remain.

Service Indicator: Service required when displayed.

ENVIRONMENTAL

Note: All performance specifications defined assume the unit has been stored (two hours minimum) at operating temperature prior to operation.

Operating Temperature: 0° to +50° C (+32° to +122° F).

Storage Temperature: -40° to +70° C (-40° to +158° F) with CHARGE-PAK and electrodes, maximum exposure time limited to one week.

Atmospheric Pressure: 760 mmHg to 429 mmHg, 0 to 15,000 feet above sea level.

Relative Humidity: 5 to 95% (non-condensing).

Water Resistance: IEC60529/EN60529 IPX4 "Splash proof" with electrodes connected, CHARGE-PAK installed.

Shock: MIL-STD-810E, Method 516.4, Procedure 1, (40g, 6-9 ms pulse, ½ sine each axis).

Vibration: MIL-STD-810E, Method 514.4, Helicopter - category 6 (3.75 Grms) and Ground Mobile - category 8 (2.85 Grms).

DEFAULT SETTINGS

Energy Sequence: Energy sequence is set to 200J, 300J, 360J.

Motion Detection: The motion detection system is set to on during analysis.

Energy Protocol: The energy protocol is set to increase energy only after a lower energy shock was unsuccessful.

Stack Shocks: Stack shocks option is set to off.

Turn-On Prompt: The turn-on prompt is set to provide voice prompts upon power on.

CPR Time: The CPR Time is set to 120 seconds.

Voice Prompt Volume: The voice prompt volume is set to high.

ACCESSORIES

CHARGE-PAK Battery Charger

Type: Li/SO₂Cl₂ Lithium Sulfuryl Chloride, 11.7V, 1.4 amp-hours.

Replacement: Replace the CHARGE-PAK battery charger and QUIK-PAK™ electrodes packet after using the defibrillator, if the CHARGE-PAK symbol appears in the readiness display or when the Use By date is reached (typically 2 years).

Weight: 80.5 grams (0.18 lb).

QUIK-PAK Electrode Pads

Pads: ECG is received from disposable defibrillation electrodes, standard placement (anterior-lateral).

Pads Packaging: User intuitive, rapid release QUIK-PAK electrodes allow the electrode pads to be preconnected to the device and protected under a top cover.

Pads Replacement: Replace every two (2) years.

Infant/Child Reduced Energy Defibrillation

Electrodes: For use on infants and children less than 8 years of age or less than 55 lbs (25kg).

DATA STORAGE

Memory Type: Internal digital memory.

ECG Storage: Dual patient data storage. Minimum 20 minutes of ECG stored for the current patient, summarized data stored for the previous patient.

Report Types:

- Continuous ECG – A continuous patient ECG report.
- Continuous Summary report – A summary of critical resuscitation events and ECG waveform segments associated with these events.
- Event Log report – A report of time stamped markers, which reflect operator and device activity.
- Test Log report – A device self-test activity report.

Capacity: Minimum 200 time-stamped event log markers.

Communications: Wireless transfer to a personal computer.

Data Review: Physio-Control provides an array of tools to meet customer needs for data viewing and analysis.

** The specifications apply from 25 to 200 ohms. Voltage compensation is limited to the voltage that would result in delivery of 360 joules into 50 ohms.

* Stiell IG, et al. *Circulation* 2007;115:1511-1517.
All claims valid as of February 2012.

All specifications are at 20° C unless otherwise stated.



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Physio-Control, Inc., 11811 Willows Road NE, Redmond, WA 98052 USA



Advanced First Aid Inc
13260 Marigold St NW
Minneapolis, MN
55448-1090

Estimate

Date	Estimate #
3/13/2017	0317-185

Name / Address
QCTV LESLIE SAUER 12254 Ensign Ave N Champlin, MN 55316

Ship To
QCTV LESLIE SAUER 12254 Ensign Ave N Champlin, MN 55316

Tax Exempt No.	Estimate Expiration	Sales Rep

Item	Description	Qty	Cost	Total
80427-000149	LIFEPAK CR PLUS FULLY-AUTO AED 2 ELECTRODES, BATTERY, SOFT CASE, CPR KIT & DVD, 8-YEAR WARRANTY	1	1,795.00	1,795.00T
180SM-1	SURFACE MOUNT WALL CABINET DOOR ALARMED W/150 AED WALL SIGN AND WINDOW/DOOR AED ONSITE DECAL CPR AED POSTER	1	299.00	299.00T
DISCOUNT	HEART SAFE COMMUNITIES		-199.00	-199.00
ESHT	ESTIMATE DOES NOT INCLUDE SHIPPING, HANDLING OR APPLICABLE TAX	2	18.00	36.00T
ACE MAINTEN...	COMPLETE AED SERVICE PLAN FOR USA LOCATIONS---3 YEAR PLAN	1	599.00	599.00T
DISCOUNT	SPRING PROMO		-299.00	-299.00
EDUCATION 2	Bystander hands-only CPR/AED TRAINING-Covers how to identify cardiac arrest, how to operate AED, when to connect to victim, touch base on Heart Disease/Stroke signs/symptoms and why rescue breaths are no longer required and legalities. Length of class is 60-90 minutes.	1	450.00	450.00
DISCOUNT	TRAINING PER TIM HOFFMAN, INSTRUCTOR		-450.00	-450.00
	NON TAX		0.00%	0.00

Estimate may not include tax/shipping/handling. Credit cards accepted with 3% convenience fee.			Total	\$2,231.00
Phone #	Fax #	E-mail	Sign below to accept terms and order. DURABLE GOODS ARE NOT RETURNABLE. X_____	
612-325-3465	1-888-846-1036	paul@afaaed.com		



Advanced First Aid Inc
13260 Marigold St NW
Minneapolis, MN
55448-1090

Estimate

Date	Estimate #
3/13/2017	0317-186

Name / Address
QCTV LESLIE SAUER 12254 Ensign Ave N Champlin, MN 55316

Ship To
QCTV LESLIE SAUER 12254 Ensign Ave N Champlin, MN 55316

Tax Exempt No.	Estimate Expiration	Sales Rep

Item	Description	Qty	Cost	Total
350-BAC-US-10	SAMARITAN PAD 350P 1-ADULT PAD & BATTERY, INSTRUCTION POSTER, & TRAINING DVD 10-YEAR WARRANTY	1	1,225.00	1,225.00T
180SM-1	SURFACE MOUNT WALL CABINET DOOR ALARMED W/150 AED WALL SIGN AND WINDOW/DOOR AED ONSITE DECAL CPR AED POSTER	1	299.00	299.00T
DISCOUNT	HEART SAFE COMMUNITIES		-124.00	-124.00
ESHT	ESTIMATE DOES NOT INCLUDE SHIPPING, HANDLING OR APPLICABLE TAX	2	18.00	36.00T
ACE MAINTEN...	COMPLETE AED SERVICE PLAN FOR USA LOCATIONS---3 YEAR PLAN	1	599.00	599.00T
DISCOUNT	SPRING PROMO		-299.00	-299.00
EDUCATION 2	Bystander hands-only CPR/AED TRAINING-Covers how to identify cardiac arrest, how to operate AED, when to connect to victim, touch base on Heart Disease/Stroke signs/symptoms and why rescue breaths are no longer required and legalities. Length of class is 60-90 minutes.	1	450.00	450.00
DISCOUNT	TIM HOFFMAN INSTRUCTOR		-450.00	-450.00
	NON TAX		0.00%	0.00

Estimate may not include tax/shipping/handling. Credit cards accepted with 3% convenience fee.			Total	\$1,736.00
Phone #	Fax #	E-mail	Sign below to accept terms and order. DURABLE GOODS ARE NOT RETURNABLE. X_____	
612-325-3465	1-888-846-1036	paul@afaaed.com		

5.2 Technology Memo

April 11, 2017

To: Karen George, Executive Director

From: John Sommer, Technology Manager

Subject: City Hall HD Upgrades – Preliminary Proposal

General Overview:

Broadcast Systems Equipment at City Hall

The Broadcast System generally consists of the equipment used to televise any meeting in the council chambers of the four city halls. The main video switchers - Rushworks VDesk units were purchased in late 2014 and are HD ready. The audio mixers are about the same age or a little older and can remain the same. HD cameras will be purchased and installed.

Presentation Systems Equipment at City Hall

The Presentation System generally consists of the equipment used in the council chambers to augment a presentation given, regardless of the meeting being televised. Presentation controls and the dais displays will require upgrading.

Transmission Equipment

Transmission Equipment is used to get live video and audio signals back to QCTV's building for live broadcast. Currently this is an analog composite video signal modulated over RF and sent back over Comcast's RF cable system. QCTV also transfers the recorded program file back to QCTV over the internet for all subsequent playbacks. The signal transmission route will require upgrading to transmit an HD signal.

Playback and Website

Channel playback and website video-on-demand will require equipment upgrades. HD program files require about four times as much hard drive space as current SD files, therefore, QCTV storage capacity will also have to be added to handle the storage needs for city meetings. CenturyLink Prism, Cablecast Live, and other website viewing can all be done in HD with existing equipment. For each city channel, Comcast will need to provide a new HD encoder.

Next Steps:

- Create and distribute a questionnaire to member cities for input. (April)
- Create a specifications list to solicit project proposals. (April)
- Send the solicitation for project proposal to vendors:
 - Alpha Video
 - AVI
 - EPA

- Staff expects proposal responses mid-May. Note: Many video professionals will be at the National Association of Broadcasters (NAB) trade show in Las Vegas the week of April 24th through the 27th. There may be new products release at the event and pricing may go down on existing products.
- Board Action anticipated at regular commission meeting on May 18th, 2017
- Engage Contractor/Order equipment (June)
- Install Equipment (July and August)

Action Requested: None.