

The League urges cities to adopt the following resolution in support of S.F. 568 (Johnson, J.), the Emerging Communications Acts of 1995, and to send a copy to local legislators requesting their active support of this bill.

**RESOLUTION NO. 95-33**

**RESOLUTION SUPPORTING PASSAGE OF THE "MINNESOTA EMERGING COMMUNICATIONS SERVICES ACT OF 1995"**

WHEREAS, the City of Lake Elmo (City) is responsible for monitoring the operation and activities of cable communications in the City, and

WHEREAS, the City provides coordination of administration and enforcement of the cable franchise; promotes the development of locally produced cable television programming; and conducts such other activities to ensure equitable and reasonable rates and service levels for the citizens of City, and

WHEREAS, it is the intent of the cable franchise to ensure the development and continued operation of a cable communications system so that the City may achieve better utilization and improvement of public services and contribute significantly to the communication needs of its residents, and

WHEREAS, in pursuit of these goals the City has granted to private interests the use of Public Property and Public Right-of-Way.

NOW, THEREFORE, at a regular meeting of the Lake Elmo City Council dated March 21, 1995, the City endorses the "Minnesota Emerging Communications Services Act of 1995" and encourages its adoption by the Minnesota State Legislature for the following reasons:

**FINDINGS**

1. Public Property and Public Rights-of-Way are valuable public assets and Local Authorities are entitled to ensure that the public is benefitted, compensated, protected and able to access and share in the use of any Emerging Communications Services that makes use of those Public Rights-of-Way by a private for-profit provider.
2. There is a wide range of Persons seeking to use Public Property and the Public Rights-of-Way to deliver video, voice and data services and all such Persons should be treated similarly by State and Local Authorities.
3. Existing state statutes do not adequately address these Emerging Communications Services.

4. Local Authorities are well equipped to analyze and implement the needs and interests of the local citizen/consumer, and protect taxpayers' investment in Public Property and Public Rights-of-Way.

### CONCLUSION

The City concludes that Local Authorities must have the authority to require Emerging Communications Services utilizing Public Property and Public Rights-of-Way to:


1. Obtain permits and comply with minimum state standards and existing local standards for use of Public Property and Public Rights-of-Way.
2. Prohibit redlining and uphold nondiscrimination standards.
3. Oversee the design of local communications infrastructure to ensure the meeting of community needs which includes ensuring that a portion of the public capacity being delivered on a city, county and school district specific basis as determined by Local Authorities.
4. Allow Local Authorities to receive compensation for use of Public Property and Public Rights-of-Way.

The City further concludes that existing local authority must be implemented with local permitting authority which:

1. Enforce compliance with financial, technical, legal and connectivity standards.
2. Authorizes local collection of fees to compensate Local Authorities for both the use of and decrease in the value of Public Property and Public Rights-of-Way as a result of the construction of and occupancy by Emerging Communications Services.
3. Assures delivery of Emerging Communications Services to Local Authorities and School Districts.

This Resolution passed and adopted by the City this 21 day of March, 1995.

City of Lake Elmo

By   
Its Mayor