

February 14, 1992  
FCC.MOT (NR:clt)

Introduced by: Ron Sims

Proposed No.: 92-127

MOTION NO. 8524

1  
2 A MOTION requesting the King County Prosecuting  
3 Attorney to appeal the Federal Communication  
4 Commission (FCC) decision In the Matter of  
5 Telephone Company - Cable Television Cross-  
6 ownership Rules.

7 WHEREAS, On November 22, 1991, the FCC released a decision  
8 in CC Docket No. 87-266, In the Matter of Telephone Company -  
9 Cable Television Cross-ownership Rules, Sections 63.54 - 63.58,  
10 otherwise known as Video Dial Tone Rulemaking, and

11 WHEREAS, Video Dial Tone is an emerging technology whereby  
12 video services will be provided by programmers over telephone  
13 company transmission lines, and

14 WHEREAS, it is anticipated that cable services will be  
15 provided over this type of a system by programmers leasing  
16 space from telephone companies, and

17 WHEREAS, the FCC decision exempts telephone companies and  
18 programmers from the requirement under the 1984 Cable Act that  
19 cable services be provided pursuant to a cable television  
20 franchise, and

21 WHEREAS, King County currently has thirty-one 31 franchise  
22 agreements with eight (8) cable operators for the provision of  
23 cable services in unincorporated King County, and

24 WHEREAS, King County affirmed the importance of local  
25 regulation of cable services by updating its policies and  
26 regulation of cable services in 1991, and

27 WHEREAS, the FCC decision could have the effect of greatly  
28 impairing King County's cable regulation, in so much as it may  
29 eliminate the county's ability to impose any kind of  
30 requirements on cable operators and other programmers that  
31 provide cable service through video dial tone, such as customer  
32 service standards, minimum services and franchise fees, and

33 WHEREAS, the FCC is considering rules in connection with  
34 video dial tone services, including consideration of whether

1 phone companies and cable operators may enter into joint  
 2 ventures to provide video dial tone services, which presents  
 3 the risk that local regulation of cable services would be  
 4 impaired, and

5 WHEREAS, numerous appeals of this FCC decision have been  
 6 filed and a coalition of at least nineteen (19) local  
 7 jurisdictions have joined together to appeal this FCC decision  
 8 and to file comments in the pending rulemaking by the FCC;

9 NOW THEREFORE BE IT MOVED by the Council of King County:

10 A. The King County Council finds that local regulation of  
 11 cable television best serves the interests of King County  
 12 residents, regardless of the technology by which cable services  
 13 are provided, and that appropriate safeguards are necessary to  
 14 ensure the development of a communications system which is  
 15 responsive to local interests and accessible to everyone.

16 B. The Prosecuting Attorney is requested to appeal the  
 17 FCC decision in CC Docket No. 87-266, In the Matter of  
 18 Telephone Company - Cable Television Cross-ownership Rules,  
 19 Sections 63.54-63.58 on behalf of King County.

20 C. The Prosecuting Attorney is requested to prepare  
 21 comments for FCC rulemaking governing video dial tone services.

22 PASSED this 18<sup>th</sup> day of February, 1992

23 KING COUNTY COUNCIL  
 24 KING COUNTY, WASHINGTON

25 Audrey L. Murrain  
 26 Chair

27 ATTEST:

28 Gerald A. Peter  
 29 Clerk of the Council