

(AT THE CITY COUNCIL MEETING OF DECEMBER 13, 1982 COUNCILLOR DAVID SULLIVAN MADE A MOTION TO AMEND THE REPORT OF THE CATV COMMITTEE DATED DECEMBER 13, 1982 TO INCLUDE THE FOLLOWING):

At this time the following resolution was considered by the Committee, for adoption by the City Council, which reads as follows:

"Resolved: That the City be authorized to acquire a community antenna television system ('cable television system')."

Said order was reported out of Committee with a favorable recommendation.

Councillor David Sullivan indicated concern that this process, the initiation of a system, the development of an independent authority to run the system, and the franchise process itself could take almost two years.

Mr. Beard and Mr. Sakey concurred that, in fact, this could take only six months.

The meeting adjourned at 7:10 P.M.

For the Committee,

Daniel J. Clinton
City Councillor
Chairman

Councillor David Sullivan indicated concern that this process, the initiation of a system, the development of an independent authority to run the system, and the franchise process itself could take almost two years.

Mr. Beard and Mr. Sakey concurred that, in fact, this could take only six months.

The meeting adjourned at 7:10 PM.

For the Committee,



Daniel J. Clinton
City Councillor
Chairman

DJC/smc

City of Cambridge

In City Council December 13, 1982

The City Council Sub-Committee on Cable TV was held on December 8, 1982 at City Hall, City Council Chamber at 6:00 PM.

Councillor Daniel J. Clinton, Chairman, opened the meeting with announcements on the January 13 meeting and the January 11 meeting at the Cambridge Community Center on "Blacks and Cable TV." He introduced Mr. Joseph Sakey, Commissioner of Cable TV. Mr. Sakey acknowledged members of the City Manager's Cable Advisory Committee and asked them to rise. He briefly noted the purpose of the meeting: to discuss a resolution that would keep open the city's option on the possibility of public ownership of a Cable TV system. Mr. Sakey introduced Charles Beard of Foley, Hoag and Eliot, Boston, who has been retained by the City to draw up the proposed resolution and to respond to legal matters in the development of a Cable TV system.

Mr. Beard briefly outlined the City's present position with regard to the state cable laws. He explained that there are two laws governing the establishment of a Cable TV system: M.G.L. 166A and M.G.L. 164. Because these laws are somewhat contradictory, Mr. Beard recommended the city request an advisory opinion from the Attorney General's office as to the applicability of each law. This request was made in July but no ruling has yet been made. In light of this, it is necessary that the Council follow the stipulations laid out in 164 (the Municipal Light Plant Law) should the Attorney General rule that this law applies to Cambridge. This law requires that there be an affirmative vote of 2/3's of the Council in two successive municipal years followed by a majority vote in a public referendum. It is important that Council take the first required vote before the next of the year in order to keep open its options on municipal ownership under 164. This vote does not constitute a commitment. It is merely a precautionary measure.

Councillor David Sullivan asked Mr. Beard to explain the difference between 164 and 166A. Mr. Beard explained that 166 is the Massachusetts State Cable Law which allows cities and towns to construct, own, and operate a Cable TV system in accordance with the process outlined in the law. Chapter 164 is the Municipal Light Plant Law which states that municipalities can construct, own, and operate a Cable TV system but that "wherever apt, that system would be regulated under public utilities laws as outlined in 164 and in M.G.L. 44. The Municipal Light Plant Law stipulates stiffer regulatory and procedural structures - such as the series of initial votes. However, it is important to take the first step along the lines of 164 should the Attorney General rule that this law applies to Cambridge.

Councillor David Sullivan asked why the city couldn't draw up home rule petition to expedite the process? Mr. Beard replied that because of the conflicting laws and lack of direction from the Attorney General and legislature, it is important that the city avoid any possible future litigation by observing the process laid out under the present laws. This protects the city from anti-trust and first amendment charges by isolating the city government from direct control of the system.

REPORT

Committee on Cable Television

Re: a resolution that would keep open the City's option for possible public ownership of a Cable TV system.

*McAhey sent copy of amended
report + order #8 12/15/82
mh*

In City Council,

December 13, 1982

12/13/82

*QPS - Report to be
amended to include -*

*Placed on File
See Order #8 Admired
this date*