



Election Results

The results are in for the 2004-2006 Board Election. Although the election was extended to receive a majority of all voting members to meet bylaw requirements, it's official now.

- Rondella Hawkins, President
City of Austin
- Margaret Somereve, Vice President
City of Farmers Branch
- Ernest Davis, Treasurer
City of Houston
- Janet Mastronardi, Secretary
City of Richardson

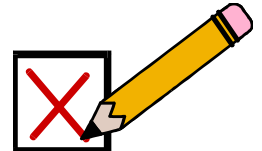
Regional Representatives:

- East: Victoria LaFollett
City of Nacogdoches
- West: Tommy Hudson
City of Midland
- South: Gerald Leal
City of Laredo
- North: John Cabrales
City of Denton

New to the board is John Cabrales as the North Regional Rep. John Cabrales is the Public Information Officer for Denton and responsible for cable issues since 1999. Mr. Cabrales has been with the City of Denton since 1990 originally hired by the Denton Police Department.

Margaret Somereve was elected to the Vice President position vacated by long-time board member Pat Nicks from the City of Irving. Margaret has been TATOA secretary since 2001. Janet Mastronardi was elected secretary. Janet has been North Regional Rep since 2003.

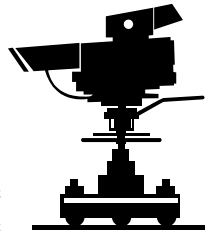
The membership also had the opportunity to vote on several bylaw amendments. For more information on the bylaw election and new programmer's position see below:



Bylaw Amendment Passes: Call for Nominations

For the first time in many years, membership had an opportunity to vote on bylaw amendments.

The modifications to the bylaws presented to the membership for a vote have been adopted by an affirmative vote of two-thirds (2/3) of the membership. TATOA received 31 ballots voting "yes" and 2 ballots voting "no" for the new government access programmer's position and 32 ballots voting "yes" and 1 ballot voting "abstain" for the deletion of language that the Board may appoint regional representative



positions and language that defined the regions of the state.

With the approval of the programmer's position by the membership, the board is accepting nominations for the new board position for an upcoming election. To be eligible for the new programmer's position you must be currently serving on as a staff representative of a government access channel and be a full voting member of TATOA.

If you are interested in running for this position, please contact Rondella Hawkins at either: 512/974-2422 or rondella.hawkins@ci.austin.tx.us by **Friday, December 17, 2004**. Ballots will be mailed to members in January.

President's Message

Here we are not too far into the new fiscal year, with a newly-elected Board of Directors. I think I can speak for the entire TATO membership in expressing our appreciation to the returning Board members, people who contribute so much of their time and effort toward making TATO the vibrant organization that it is.

A special thanks goes to outgoing Vice-President Pat Nicks, who has been a Board member since the very beginning. Pat decided not run for re-election this year, but will continue to be an active member of our organization. And a special welcome goes to our newest Board member, John Cabrales from the City of Denton.

As the new North Regional Representative, John replaces Janet Mastronardi, who is now Secretary, and former Secretary Margaret Somereve is now our new Vice-President. Ernest Davis continues to serve as Treasurer, while Victoria LaFollett, Tommy Hudson, and Gerardo Leal stay on as East, West, and South Regional Representatives, respectively. And yours truly has the pleasure of serving again as President. Thanks to all for your continued outstanding service.

Also on the ballot were two amendments to the by-laws. The first measure creates a Board position of Government Access Programmer's Representative, whose function would be to assist in matters related to programmers, PEG programming and other government access channel issues. The other amendment removes the reference to appointment of the Regional Representative and define the four regions that are represented.

In addition to the Board election, September also brought the 24th Annual NATOA Conference in San Francisco. "Everybody's Favorite City" is not only a great place to spend a week, it's also virtually saturated with Wi-Fi hotspots -- almost as much as Austin! A high-speed internet connection is available nearly everywhere a busy schedule might take you: hotel lobby, transit stop, park bench, wherever.

Internet access and services figured prominently in the conference offerings, with the theme this year focusing on the opportunities and challenges represented by the IP (Internet Protocol) revolution in telecommunications technology. New internet-based technologies such as Voice over IP (VoIP) telephone raise some tricky questions about the current regulatory paradigm, as well as how to

extend it in a way that adapts to innovation, while maintaining the basic goals of regulation.

One consistent message was the current version of the Communications Act may not suffice in the new IP Enabled era and that Congress will re-open the Act for modification. As Congress works to craft new communications policy, there will be much debate and varied views, many of which will need to be advanced at the local government level.

No doubt, much of that discussion will also be carried on at the state level when the Legislature comes back in session this spring.

*Rondella Hawkins
City of Austin*



INTERNET TAX MORATORIUM S. 150—Texas Amendment

U.S. Senate approves amendments to Internet tax moratorium bill (S.150). The one amendment important to Texas Cities is the amendment that makes it clear that Texas Cities ***can continue*** to collect access line fees. Access lines fees are a city's sole compensation from telecom companies for use of the public rights-of-way.

With the previous vague language, there was some question that access lines fees could fall into a loophole and not be able to be collected by cities. The amendment language is: 'Nothing in this Act shall prohibit Texas or a political subdivision thereof from imposing or collecting the Texas municipal access line fee pursuant to Texas Local Govt. Code Ann. ch. 283 (Vernon 2005) and the definition of access line as determined by the Public Utility Commission of Texas in its 'Order Adopting Amendments to Section 26.465 As Approved At The February 13, 2003 Public Hearing', issued March 5, 2003, in Project No. 26412.'

Thanks to Senator Hutchison, Don Knight, City of Dallas, Snapper Carr and Shannon Igo from TML for their hard work on this amendment.

At press time, the House had not yet voted on the amendments. For more up-to-date information on S. 150 go to www.thomas.loc.gov.

Recent PUC Developments

By Clarence A. West

VERIFICATION OF ACCESS LINE REPORTS

In the last few months, there has been activity at the Public Utility Commission ("PUC") concerning a PUC Rule on an "authorized review" of access line reports. As some of you may know, several years ago, the PUC proposed a rule concerning the authorized review of access lines, which is the statutory term of art for an "audit" to verify that proper access line reports have been filed at the PUC and in turn, proper payments made to cities. In that proposed rule, as it was particularly detailed and restrictive as to how a city could conduct an authorized review, it was generally opposed by cities, as well as by certificated telecommunication providers ("CTPs") because it was also too detailed concerning the timeframes that they had to respond. As a result of there being no rule in place, few, if any meaningful authorized reviews have been conducted by cities.

Earlier this year, a new PUC proceeding to adopt such a rule was initiated after the City of Dallas had negotiated a partially agreed rule with SBC and with Verizon. While the agreed rule had a few issues that were outstanding, principally as to types of records to be produced, it was very close to what was acceptable to both cities and CTPs. The PUC proposed another draft rule, which, while better than the last one proposed, it was still generally unacceptable to both cities and CTPs. The PUC then requested that cities and CTPs attempt to negotiate an agreed rule. When the parties focused on the general areas, an agreed rule was negotiated, subject to formal adoption by the Commission.

The new agreed rule will generally provide that the city is to give written notice to any CTP that are initiating a review of CTP records to verify that correct access line reports have been filed at the Public Utility Commission. The city is also to indicate, in very general terms, the reasons for conducting the review in order that the records which may answer those questions can be identified. Once that written notice is given to the CTP, the CTP is to produce a list of those records within 21 days. Next the City would designate which records on that list were to be provided by the CTP to be reviewed. Within 30 days of that request, the CTP would have to provide access to the records at the CTP's offices in Texas or at another agreed location. There is a requirement that there be a confi-

dentiality agreement executed by the city representatives who will actually review the records.

The two new matters that are in the proposed rule which were not previously in any of the draft rules are (1) an informal dispute resolution process by the PUC staff in the event that there were disputes by the parties; and (2) if those disputes cannot be resolved informally, then there is a formal complaint process to file as a contested case at the PUC to resolve issues.

The principal disputed issues that will likely arise would be what types of records would be included on the list and whether they were adequate to verify access line reports. Additionally, there may be issues as to data for samples, which might be required in the event that the records are particularly voluminous.

While this rule is far from perfect, it does move the issue along so that five years after adoption of HB 1777 an access line verification process can begin.

It would be anticipated that this rule would be adopted within the next few months.

If you have any questions,
please e-mail: cawest@cawestlaw.com
or call: (512) 499-8838.

WANTED: YOUR CITY

Now is your chance to show off your city. The 2005 Site Selection committee is accepting written proposals to host the annual TATO A conference. Proposals must be received by Jan. 15, 2005. The site selection committee will evaluate proposals late January and make a recommendation. The Committee has developed a set of guidelines to help in selecting the city.

Any member city wishing to host the 2005 Annual TATO A Conference should contact Victoria LaFollett for more information at: vlafollett@ci.nacogdoches.tx.us or by phone at 936/559-2503

WISHING YOU A SAFE
AND HAPPY HOLIDAY
SEASON!



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NATOA AWARD WINNERS

TATOA congratulates the following Texas cities for bringing home awards at the 19th Annual Government Programming Awards held at NATOA's Annual Conference in San Francisco in September:

1st Place:

Library Category

City of Allen—"Wanted: Teen Volunteers"

Public Safety: Budget over \$400,000

City of Irving—"Emergency Preparedness"

2nd Place:

Event Promotion: Budget over \$300,000

City of Plano—"I Have a Dream"

3rd Place:

Performing Arts: Budget over \$300,000

City of Irving—"Irving Symphony Orchestra #81"

Public Service Announcement: Budget under 300,000

City of Richardson—"Wildflower X"

Honorable Mention

Sports Category:

City of Irving—"Irving: Game of the Week"

Documentary—Budget over \$300,00

City of Plano—"Summer's Last Blast"

Documentary—Budget under \$300,00

City of Allen—"A Short History of Allen, Texas"

Innovative Program

City of Plano -"Southwestern Travel Destinations"

Community Awareness: Budget over \$400,000

City of Plano—"Cigarette Litter Signs"

Cable Office (Regulatory) Web Site

City of Houston—"Municipal Channel Website"

Magazine Format Series: Budget under \$200,000

City of San Antonio—"The HALL"

Video Text Bulletin Boards

City of Plano—"City Watch"

NATOA received nearly 1000 entries from across the country with 72 agencies from 21 states receiving awards.

Congratulations again to our Texas Cities.

For a complete list of winners go to www.natoa.org