



## 10th Annual Conference Set

TATOA's 10th Annual Conference has been set. With the success of last year's conference, the location will be the same at the Wyndham Dallas North by the Galleria in Farmers Branch on August 4 and 5.



August 4-5, 2005  
Wyndham Dallas  
North by the Galleria  
Farmers Branch

Topics for this year's annual conference will include:

- A Legislative Update (state and federal)
- Internet Protocol
- Cable Issues
- Technology
- Programming track

This year you'll be able to cool off at the Dr Pepper Starcenter Ice rink for the reception on Thursday Night. It will be an evening of Door Prizes and fun. Come join others out of the Texas heat.



Conference Registration will be sent out this summer so watch your mail.

New this year is payment by credit card. Check out [tatoa.org](http://tatoa.org).

## CONGRESSMAN JOE BARTON INVITED

New for this year is a planned Keynote luncheon on Friday. TATOA has invited Congressman Joe Barton. His attendance has not been confirmed at press time.

Congressman Barton was first elected to Congress in 1984 for the 6th District of Texas. Barton is currently the Chair of the House Committee on Energy and Commerce. The Committee maintains principal responsibility for legislative oversight relating to telecommunications. The Committee has begun hearings on IP (Internet Protocol) technologies.

Mr. Barton is also known as the author of the Barton-Stupak amendment to the 96 Telecom act which guaranteed that cities and local governments have the right to control access within their city limits as well as set the compensation level for the use of the right-of-way. Watch for upcoming information for confirmation of this special guest.

## LEGISLATURE TAKES AIM AT TELECOM

### ACT NOW! SEE PAGES 2 and 3



---

# President's Message

---

The upcoming TATO A conference on August 4<sup>th</sup> and 5<sup>th</sup> will be returning to Farmers Branch this year. As you may be aware, this conference represents a special milestone for TATO A. It hardly seems possible, but this year will mark ten years since the Texas chapter of the National Association of Telecommunications Officers and Advisors was founded. Also, we can look forward with particular excitement to the fourth annual TATO A Programming Awards, a popular event that just seems to get better and better every year.

Many of us have been with the organization since the beginning, and there will be much to look back on with pride and, hopefully, some sort of accumulated wisdom: the changes we have seen in the industry, the colleagues who have joined us along the way, and the accomplishments we have realized as an organization.

Drawing on the strength that comes from such experience, we can turn to the next ten years with a certain amount of confidence, for there is always much to do, especially in this prevailing climate of deregulation. As always, we track closely the legislative developments at the federal and state levels. In this session of the Texas legislature there are two initiatives that could affect cities significantly: House Bill 789 and HB 3179.

HB 789 attempts to reduce the distinctions among various telecommunications services as they tend more and more to converge through digital technology. H.B. 789 would provide for a complete overhaul of state laws relating to telecommunications and advanced broadband services (e.g., DSL, cable, and fiber-to-the-premises). The Public Utility Commission would be directed to develop a new technology-neutral and revenue-neutral method of compensation for use of the public rights-of-way by providers of voice and video services. The new method would apply uniformly to all services and replace all current forms of compensation whether by franchise, ordinance, or statute. Such uniformity, if successfully implemented, may certainly increase fairness and reduce headaches, but as ever, the devil is in the details.

The limits on cities providing wireless broadband ser-

vices, including Wi-Fi services, appear in Section 143 of HB 789. It requires the PUC to study the provision of wireless broadband communications by municipalities and present its findings to the 80th Texas Legislature. Subsection (b) prohibits a city from offering to the public, directly or indirectly, wireless broadband communications services unless the city was providing that service on or before September 1, 2006, or unless a "statement of intent" to provide service is filed with the PUC no later than June 15, 2006.

There is much that cities can do, especially now with low-cost wireless technologies, to help democratize access to broadband communications – closing the digital divide. Such public support of telecommunications also helps make cities more attractive to businesses that expect up-to-standard infrastructure.

At the time of writing this article, HB 789 has been referred to the Senate Business and Commerce Committee.

HB3179, as proposed, seeks to resolve much of the confusion generated by new services sidestepping traditional classifications as they move to digital and particularly internet-based (IP) technologies. The bill would standardize cable franchising in Texas and replace existing franchise fees, cable franchise fees, and access line fees with a tax. The tax would be applied statewide to all providers, including wireless and satellite tv providers, on a technology-neutral basis; it would be collected by the state and paid back to the cities to make them "whole" or greater. While keeping new technologies sorted out is a laudable goal, this bill could easily end up being just another step in the continuing erosion of local control.

We will know more about the outcomes of these initiatives, as well as the part we play in keeping Texas cities' strong in telecommunications, when we gather for our 10<sup>th</sup> anniversary conference in August. I know we're all looking forward to it with a great deal of pride and anticipation.

*Rondella Hawkins*  
*City of Austin*

---

# Legislative Update

---

At press time, **HB 789** is in the Senate Business and Commerce Committee. One of the concerns for municipalities in the original version was the outright prohibition for municipalities to provide any type of wireless service. The House engrossed version grandfathers in all municipalities that are providing wireless services by September 1, 2006. After September 1, 2006, no municipality may introduce new wireless services of any kind, free or paid, unless the municipality has filed with the Public Utility Commission of Texas (PUCT), by June 26, 2006, a statement of intent showing that the City has a plan and the fiscal and managerial resources to provide the intended services. The PUCT has authority to approve such proposals. In addition, municipalities who were providing wireless services for a fee on January 1, 2005, could continue to do so and prohibits all other municipalities from providing wireless services for a fee. **HB 789** also provides for the Public Utility Commission of Texas to conduct a study for presentation to the 80th Legislature on issues regarding the provision of wireless broadband communications services by municipalities, including wireless fidelity, or Wi-Fi, services.

A substitute was also approved that Broadband over Power Line was exempted from municipal broadband prohibition. The WiFi broadband prohibition was modified to allow a municipally-owned utility to contract with another entity allowing the use of its infrastructure to offer BPL. An additional provision was added guaranteeing the utility can provide an energy related service by broadband that helps in the transfer and receipt of information relating to use, measurement monitoring and management of the service.

**HB 789** requires that the PUCT contract for an independent review and evaluation of the universal service fund and deliver final report to the legislature not later than January.

**HB 3179** was left pending in the House Regulated Industries Committee. The Texas Municipal League, Monte Akers and Clarence West are involved in the negotiations of this bill between the cities and the industry. One of the sticking points (as of press time) was that some in the industry wanted a deadline for cities to either opt into the sales tax option or remain on access line payments. Cities have said that they do not want such a deadline. Discussions continue.

Some cities have received letters from their cable companies asking for them to write their legislatures opposing the statewide cable franchise. The cable industry agrees with cities that phone companies should be under a locally controlled cable franchise that requires ubiquitous service throughout the city.

For more information on these bills see the President's message on Page 2.

Another bill that has been left in committee is **HB 1923** relating to nondiscriminatory and competitively neutral treatment of operators of competitive broadband networks by municipalities.

The bill states that a municipality may not require a broadband network operator to pay any compensation for the right or privilege to use the public right-of-way in an amount that is greater than the amount expressly authorized by federal law. It does go

on to say that a municipality may enforce police-power-based regulations in the management of a public right-of-way only to the extent that the regulations apply to all persons within the municipality. Good news in the bill is that the owner of the broadband network shall bear the expense of relocating the broadband network if requested by the municipality.

Bills can change daily. For bill status, witness lists or real time video of floor debates or committee hearings go on line at [www.capitol.state.tx.us](http://www.capitol.state.tx.us).

---

## What Does VOIP Mean to Me?

---

So you've heard the term "VoIP. What does that mean? It means voice over internet protocol, an emerging technology that uses computer networks to make phone calls. VoIP converts voice signals originating from a telephone into digital data that travels over a network and is converted back into voice at the other end.

Broadband connectivity is required to use Voice over Internet Protocol. This can be accomplished through a cable modem, DSL or a local area network. Using the telephone you already own, most services use either an adaptor that connects your phone to a standard broadband modem or provide you with a special modem that your phone and computer share. Others use a headset that plugs into your computer, which in turn is connected to a broadband modem.

VoIP providers can offer many of the same services as regular phone companies such as Caller ID, Call Waiting, and Three-Way Calling. Some also include enhanced services like talking e-mail and call logging.

So that briefly explains how the technology works and some of the services available at prices lower than a traditional phone company offers. So what is the down side?

Cities cannot collect access line fees for VoIP services, with the exception of Time Warner who is currently paying access line fees on their digital phone services. As more people switch to the lower cost services, city revenues will continue to decline. Besides the revenue loss to cities, there's also a real disadvantage in that VoIP does not provide traditional E-911 services. VOIP is not switched through the phone system and thus when 911 is called on an internet serviced phone nothing happens. Recently the Texas Attorney General sued Vonage when a 17 year-old girl was unable to call 911 during an armed robbery in her home where her parents were shot and wounded. Vonage, a VoIP provider, does offer an emergency service but customers must sign up for it separately though a two page registration form.

Traditional E9-1-1 puts your phone number and street address on the computer screen of a public safety dispatcher without you every having to *Continue on page 10*



**CALL FOR ENTRIES**  
**4th ANNUAL TATO PROGRAMMING AWARDS**  
**ENTRY DEADLINE: May 27, 2005**

**Eligibility Requirements**

All entries must:

Be submitted by jurisdictions located in Texas.

Be produced primarily in-house.

Have been initially cablecast between May 22, 2004 and May 27, 2005.

Must have all rights and clearances for contents of video (music, clips, etc).

Be submitted on standard ½ inch VHS videotape (SP standard play only); **tapes must be properly labeled with name of jurisdiction, governmental entity or organization, category entered, running time and program title.**

Include a copy of the official entry form with each tape.

Be postmarked no later than May 27, 2005; **late entries not accepted!**

**Entry Fees**

- \$20 per entry for TATO members.
- \$35 per entry for non-TATO members.

I. No limit on number of entries.

- Program may be entered in no more than two categories.
- No refunds.
- To join TATO, call Rondella Hawkins at (512) 974-2422 or visit on-line at [www.tatoa.org](http://www.tatoa.org)
- For awards related questions, call Keith Reeves at (940) 349-7272.
- **Payment:**
- **Checks** – Make checks payable to TATO and mail with 1 (one) copy of the entry form for each entry to the below address.
- **Credit Card Payments** – Credit card payment can be made by phone or email to Keith Reeves OR included with your entries.
- **Send entries/ payment to: Keith Reeves**

**Denton Television**  
**215 E. McKinney Street**  
**Denton, TX 76201**  
[keith.reeves@cityofdenton.com](mailto:keith.reeves@cityofdenton.com)

**Judging Process/Criteria**

- Panel of at least three qualified judges will judge all entries.
- Judging will occur between June 6, 2005 and July 1, 2005. Judges can select up to three finalists in each category.
- Entries will be rated on content, creativity, concept, and technical quality.
- Finalists will be announced via email on July 13, 2005.
- First, second and third place winners will be announced at an awards luncheon on August 4, 2005 during the annual TATO conference in Dallas, Texas.

*NOTE: Official entry form can be downloaded from [www.tatoa.org](http://www.tatoa.org).*



**4<sup>th</sup> ANNUAL TATO PROGRAMMING AWARDS**  
**Texas Association of Telecommunications Officers and Advisors**  
**ENTRY FORM**  
**(All categories except Overall Excellence in Govt. Programming)**

Name of Jurisdiction/Organization: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Contact Title: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Number of Entries (\$20 per Member Entry) \_\_\_\_\_

Number of Entries (\$35 per Non-Member Entry) \_\_\_\_\_

Entry \_\_\_\_\_ of \_\_\_\_\_ Total Amount Enclosed: \_\_\_\_\_

Category Name and Number: \_\_\_\_\_

Program Title: \_\_\_\_\_

Program Length: \_\_\_\_\_ Date of First Cablecast: \_\_\_\_\_

Are outside production resources used in any part of this entry? \_\_\_\_\_

If yes, how much and what exactly? \_\_\_\_\_

Brief Program Description (explain to the judges what makes your program unique – approximately 25 words): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Annual Production Operating Budget (defined as budget for video production personnel, supplies & services; do not count budgets for franchise enforcement activities or building expenses): \_\_\_\_\_

\_\_\_\_\_

I hereby certify that I am authorized by the jurisdiction/organization listed above to make this entry and to give TATO permission to exhibit and distribute this entry. (TATO assumes that the jurisdiction/non-profit has full rights to all material used in entries and accepts no liability in the matter.)

\_\_\_\_\_  
Signature of Contact

**Call for Entries Deadline: May 27, 2005**



**4<sup>th</sup> ANNUAL TATO PROGRAMMING AWARDS**  
**Texas Association of Telecommunications Officers and Advisors**  
**ENTRY FORM**  
**OVERALL EXCELLENCE IN GOVERNMENT PROGRAMMING**

Name of Jurisdiction/Organization: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Contact Title: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Number of Entries (\$20 per Member Entry) \_\_\_\_\_

Number of Entries (\$35 per Non-Member Entry) \_\_\_\_\_

Entry \_\_\_\_\_ of \_\_\_\_\_

Total Amount Enclosed: \_\_\_\_\_

Category Name and Number: \_\_\_\_\_

Year Channel/Facility Became Operational: \_\_\_\_\_

Number of Production Staff (FTE): \_\_\_\_\_

Number of Volunteers: \_\_\_\_\_

Outside Production Facilities: \_\_\_\_\_

Annual Production Operating Budget (defined as budget for video production personnel, supplies & services; do not count budgets for franchise enforcement activities or building expenses): \_\_\_\_\_

Number of Government Channels Under Jurisdiction's Responsibility: \_\_\_\_\_

Are outside production resources used in any part of this entry? \_\_\_\_\_

If yes, estimate that cost in the past year: \_\_\_\_\_

What percentage of your productions are done in-house? \_\_\_\_\_

By Volunteers: \_\_\_\_\_

By Outside Production Facilities: \_\_\_\_\_

**NEW THIS YEAR: On a separate sheet, give a brief description of how your station serves its' community through programming on your channel (1 page limit – include specific examples).**

I hereby certify that I am authorized by the jurisdiction/organization listed above to make this entry and to give TATO permission to exhibit and distribute this entry. (TATO assumes that the jurisdiction/non-profit has full rights to all material used in entries and accepts no liability in the matter)

\_\_\_\_\_  
Signature of Contact

**Call for Entries Deadline: May 27, 2005**

**4<sup>th</sup> ANNUAL TATO A PROGRAMMING AWARDS**  
**Texas Association of Telecommunications Officers and Advisors**  
**AWARDS CATEGORIES\*\***

**Entries in categories 1-13 must be a continuous segment or up to three segments from same program (10 minutes maximum for entire entry).**

<b>Category Number</b>	<b>Category Name</b>	<b>Description</b>
1	Community Event Coverage (Operating Budget to \$250,000)	Coverage of a community event (parade, festival, performing arts, sports, etc.)
2	Community Event Coverage (Operating Budget over \$250,000)	Coverage of a community event (parade, festival, performing arts, sports, etc.)
3	Public Affairs	Unedited (live-to-tape) production of a civic or governmental issue (public meeting coverage, town hall, debate, election coverage, etc.)
4	Documentary – Social Issues/Profile (Operating Budget to \$250,000)	In-depth treatment of non-fiction single event/issue or of an individual or group that is produced primarily on-location or w/historical footage.
5	Documentary – Social Issues/Profile (Operating Budget over \$250,000)	In-depth treatment of non-fiction single event/issue or of an individual or group that is produced primarily on-location or w/historical footage
6	Education/Instruction/Training	Must be produced to educate the public on a specific issue (i.e. recycling, transportation) or for teaching/training purposes (i.e. staff orientations). Can be for either in-house use or cablecasting.
7	Interview/Talk Show	Must include in-studio or on-location interviews; pre-produced segments must not exceed 50% of program (mayoral show, studio talk show).
8	Profile of a City/County or City/County Department (Operating Budget to \$250,000)	Highlights aspects (resources, services or staff) of a city/county or city/county department to promote its images with citizens and visitors.
9	Profile of a City/County or City/County Department (Operating Budget over \$250,000)	Highlights aspects (resources, services or staff) of a city/county or city/county department to promote its images with citizens and visitors.
10	Public Health/Public Safety (Operating Budget to \$250,000)	In-depth treatment of public health (i.e. AIDS awareness) or public safety (i.e. fire prevention) focused on subjects of concern to a community.
11	Public Health/Public Safety (Operating Budget over \$250,000)	In-depth treatment of public health (i.e. AIDS awareness) or public safety (i.e. fire prevention) focused on subjects of concern to a community.
12	Special Audience (Operating Budget to \$250,000)	Programs targeting specific audiences (non-English speaking, seniors, children, physically impaired, ethnic, etc.)
13	Special Audience (Operating Budget over \$250,000)	Programs targeting specific audiences (non-English-speaking, seniors, children, physically impaired, ethnic, etc.)

## AWARDS CATEGORIES *Continued*

<b>Category Number</b>	<b>Category Name</b>	<b>Description</b>
14**	Magazine Format Series (Operating Budget to \$250,000)	Programs entered in this category must be individual programs with the same title or theme; and be programs that contain a number of different production elements (interviews, how-to segments, features). Series must be produced on an on-going basis with at least <b>three</b> separately produced and scheduled episodes or segments within the awards year (includes news shows). The entry must consist of <b>one continuous excerpt from 3 different programs in the series. Each except not to exceed five minutes in length, must be separated by silent slates not to exceed five seconds in length, and must be briefly described on a separate log sheet.</b>
15**	Magazine Format Series (Operating Budget over \$250,000)	Programs entered in this category must be individual programs with the same title or theme; and be programs that contain a number of different production elements (interviews, how-to segments, features). Series must be produced on an on-going basis with at least <b>three</b> separately produced and scheduled episodes or segments within the awards year (includes news shows). The entry must consist of <b>one continuous excerpt from 3 different programs in the series. Each except not to exceed five minutes in length, must be separated by silent slates not to exceed five seconds in length, and must be briefly described on a separate log sheet.</b>
16	Promotion/Public Service Announcement (Operating Budget to \$250,000)	Short spots (under 5 minutes) related to local government agency supported or sponsored issue, topic or cause.
17	Promotion/Public Service Announcement (Operating Budget to \$250,000)	Short spots (under 5 minutes) related to local government agency supported or sponsored issue, topic or cause.
18	Video Text Bulletin Boards	Excerpts highlighting content, variety and timeliness of messages on channels delivering this service to the public. 10 minute maximum.
19**	Overall Excellence in Government Programming (Operating Budget to \$250,000)	Videotape up to 15 minutes, consisting of a minimum of one excerpt from at least ten different programs (PSAs, magazine shows, documentaries, bulleting board, public meetings, etc); must be separated by silent slates not to exceed five seconds in length. Include logsheet with brief description of each excerpt. <b>NO ADDITIONAL POST PRODUCTION WORK PERMITTED.</b>
20**	Overall Excellence in Government Programming (Operating Budget over \$250,000)	Videotape up to 15 minutes, consisting of a minimum of one excerpt from at least ten different programs (PSAs, magazine shows, documentaries, bulleting board, public meetings, etc); must be separated by silent slates not to exceed five seconds in length. Include logsheet with brief description of each excerpt. <b>NO ADDITIONAL POST PRODUCTION WORK PERMITTED.</b>

**\*\* Log sheets are REQUIRED for categories 14-15 and 19-20**

---

# COMCAST WILL LEAVE DALLAS AREA

---

April 21, 2005-- Time Warner Inc. and Comcast Corporation today announced that they have reached definitive agreements to acquire substantially all the assets of Adelphia Communications Corporation for a total of \$12.7 billion in cash and 16% of the common stock of Time Warner's cable subsidiary, Time Warner Cable Inc. Time Warner Cable and Comcast also will swap certain cable systems. In addition, Time Warner Cable will redeem Comcast's interests of 17.9% in Time Warner Cable and 4.7% in Time Warner Entertainment Company, L.P. (TWE) (together an effective 21% economic ownership of Time Warner Cable) in an efficient and mutually beneficial way.

These transactions will serve to expand both companies' cable footprints and improve the geographic clusters of their subscribers. Importantly, consumers in areas now served by Adelphia will benefit significantly from the accelerated deployment of video, high-speed data, voice and other advanced services.

As a result of these transactions, Time Warner Cable will gain systems passing approximately 7.5 million homes, with approximately 3.5 million basic subscribers. Time Warner Cable will then manage a total of approximately 14.4 million well-clustered basic subscribers. Time Warner will own 84% of Time Warner Cable's common stock, and the cable company will become a publicly traded company at the time of closing. Comcast will emerge from these transactions with approximately 1.8 million additional basic subscribers for a net cash investment of approximately \$1.5 billion. Following these transactions, Comcast will serve a total of approximately 23.3 million customers. Comcast's clusters in Washington, D.C., Florida, Massachusetts and Pennsylvania will be enhanced, and Comcast will divest its interests in Time Warner Cable and TWE in transactions designed to be tax-free to all parties. Comcast's attributable subscribers, as calculated under the Federal Communications Commission (FCC) rules, will remain under 30% of the multi-channel video subscribers in the United States.

Time Warner Chairman and Chief Executive Officer Dick Parsons said: "I'm very pleased that we're able to take full advantage of this unique opportunity to grow our company at a fair price and move it forward - strategically, operationally and financially. Consistent with our strategy, these transactions will better position us to compete, improve returns and create shareholder value. At Time Warner Cable, we'll gain important scale, enhance our subscriber clusters and accelerate growth. As we plan the smooth integration of these new cable systems, we'll stay focused on meeting all of Time War-

ner's financial and operational objectives, while evaluating how to best employ our significant remaining capacity to improve shareholder returns. My thanks to Brian Roberts and his Comcast team for being such fine partners in this process that produced beneficial results for both companies."

Brian L. Roberts, Chairman and Chief Executive Officer of Comcast, said: "These transactions underscore our belief that there has never been a better time to be in the cable business. Adding these subscribers, many of whom are in high-growth, geographically desirable areas, will allow us to roll out our new products and services rapidly. Our vision remains to provide customers with more choice and control of their entertainment and communication services, and to generate superior shareholder returns. I would like to thank Dick Parsons and everyone at Time Warner for helping to achieve such a positive outcome for all parties."

## Terms of Proposed Transactions:

- Time Warner Cable and Comcast will each acquire a portion of Adelphia's assets, representing approximately 5.0 million basic cable subscribers in the aggregate. Time Warner Cable will pay \$9.2 billion in cash and will issue common shares representing 16% of Time Warner Cable's outstanding common equity (taking into account the redemption transaction with Comcast) to Adelphia stakeholders in connection with its acquisition agreement. Comcast will pay \$3.5 billion in cash.
- Time Warner Cable and Comcast have agreed to swap certain cable systems to enhance their respective geographic clusters of subscribers.
- Time Warner Cable will redeem Comcast's 17.9% interest in Time Warner Cable, now held in an FCC-mandated trust, in exchange for a subsidiary holding Time Warner Cable systems serving nearly 600,000 subscribers, as well as approximately \$1.856 billion in cash.
- TWE will redeem Comcast's 4.7% interest in TWE, now held in an FCC-mandated trust, in exchange for cable systems serving more than 150,000 subscribers, as well as approximately \$133 million in cash.
- Comcast's net cash investment in these transactions will be \$1.5 billion.
- The purchase of the Adelphia assets is not dependent on the occurrence of the system swaps and redemption transactions between Time Warner and Comcast. *Continue on pg 10*



**TATOA**  
*Texas Association of Telecommunication  
Officers and Advisors*  
c/o City of Austin  
P.O. Box 1088  
Austin, TX 78767  
www.tatoa.org

## VOIP

continued from pg 3

talk to the dispatcher. Being transferred into the dispatcher will not provide this same information. Also what happens if the VOIP caller has plugged his phone into a computer in Chicago and calls for emergency help. Will the call go back to his hometown or will it be routed to Chicago? What happens if he can not speak? Who will know where he is?

Texas HB 3179 contains language that a VoIP provider may not enter into a contract to provide VoIP service unless the entity provides clear and conspicuous notice to customers disclosing whether or not the service provides access to E-911. A VoIP provider which does not provide access to E-911 or which requires a customer to take steps to activate access to E-911 may not enter into a contract to provide VoIP service unless the VoIP provider provides clear and conspicuous notice of the following:(1) the specific steps the customer must take to activate that service; and (2) an explanation of all material differences between E-911 service and the provider's system for accessing emergency services.

The notice required must be a separate document; and conspicuously state that the customer acknowledges that the customer will not be able to access E-911, or that the customer must separately activate access in order to receive it. It provides that a VoIP provider shall send an annual notice to each customer to whom it provides VoIP service.

## TIME WARNER SWAP

**continued from page 9** Taking into account the proposed acquisition, swaps and redemptions, on a net basis, Time Warner Cable will gain approximately 3.5 million basic video subscribers. Specifically, Time Warner Cable will add around 3 million Adelphia subscribers and more than 1 million Comcast subscribers, and will give Comcast approximately 750,000 current Time Warner Cable subscribers. It will then manage a total of approximately 14.4 million basic subscribers - 12.9 million consolidated and 1.5 million in 50%-owned continuing joint ventures with Comcast. That will make Time Warner Cable the second-largest multi-channel video provider in the U.S. - ahead of all other cable operators, except for Comcast, and ahead of both major satellite companies.

Once these transactions are complete, 85% of Time Warner Cable's managed subscribers will be located in five large clusters, including (in round numbers): 3.1 million in New York, 2.6 million in Texas, 2.4 million in California, 2.3 million in Ohio and 1.9 million in the Carolinas.

This article in its entirety can be found at [www.cmsk.com](http://www.cmsk.com)