



TATO A Newsletter

2009 TATO A CONFERENCE ALMOST HERE!

TATO A's 14th annual conference, "Energize Your Telecommunications" will be held at the Hilton Houston Post Oak on Thursday and Friday, August 6 and 7.

If you haven't registered yet there is still time! A full conference brochure and registration form are available on-line at www.tatoa.org. TATO A has requested 9.75 hours of continuing legal education for attorneys attending the Policy and Legal Track of the conference.

The Hilton Hotel Reservation deadline is July 22, 2009 so call (713) 961-9300 today to book your room! Be sure to say you are with TATO A to get the special \$148.00 per night rate.

Our Thursday night reception will be held at 6:00 pm at the Canyon Cafe, a Southwestern Grill on Westheimer. We will have the Sonora and Mojave party rooms to mix, mingle and enjoy cocktails and food. Don't forget - there will be drawings for door prizes as well!

Our evening menu will be as follows:

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Appetizers:

- Sedona Spring Rolls
- Shrimp Del Rio
- Cilantro Pesto Chicken
- Black & Bleu Quesadillas
- Chihuahua Queso Dip

Dessert:

- Chocolate Truffle Pie
- Homemade Cheesecake

Each attendee will receive two drink tickets good for any house cocktail. Coffee, tea, water and soda will also be provided.

We look forward to seeing you there!

PRESIDENT'S MESSAGE

By now the 14th Annual TATOA Conference should be on your calendar and travel plans already made. If not, there is still time. This conference is shaping up to be one of the best yet with speakers from around the country and the state. It's a first in our history to hold a conference in Houston and we're looking forward to it. Houston is the largest city in the state and has much to offer not only to our conference but to our attendees as well.

I know that travel budgets are tight or non-existent, but the board firmly believes that it is important to keep the conference cost low so that people can come and take information back to their cities. One of the main focuses of this conference is finding more money for city budgets. Experts will be speaking on how to audit city telecom bills, get discount telecommunication services as well as maximizing franchise revenues just to name a few. This conference will more than pay for itself if your local government implements one or more of the revenue maximizing strategies that will be presented.

On the programming side, Texas cities can be very proud of the programs they produce, but this year the sessions are aimed at "kicking it up a notch" to help take those award winning programs to a higher level as well as help the cities that are just starting out.

We are also planning our 8th annual Government Programming Awards, adding a new category - the Kurt Ugland Programming Impact Award. This award will celebrate long time City of Plano Programmer, Kurt Ugland whose life was tragically cut short last November in a rafting accident. Kurt has left quite an impact not only with his work but the people that knew him. The award is to demonstrate to our

membership, officials and our constituents that cable programming can have a positive impact in our communities. The award will honor a person who consistently influences viewers' perceptions in a positive way by touching their hearts and minds, or who, by participating and sharing in the creative process, has ignited community spirit in advancing the goals of local citizens.

On the legislative side, TATOA filed reply comments on April 1st along with the Texas Coalition of Cities for Utility Issues and a coalition of Texas Cities in the FCC Declaratory ruling regarding Public, Educational and Governmental programming (MB Docket 09-13). The FCC case combines the well-known case filed by Dearborn/Meridian Township about Comcast's providing PEG channels only in digital format on channels in the 900 range and a case filed by the City of Lansing and one filed by the Alliance for Community Media challenging AT&T's provision of PEG channels as Internet-style videos. We will keep you updated as the case proceeds.

If there is anything you would like to see the Board doing to help you please contact me.

I look forward to seeing you in Houston!

Margaret Somereve
President



TATOA Thanks Our Sponsors

TATOA's conference sponsors provide the resources that help make our conference possible and maintain low registration rates. We encourage you to visit this year's sponsors.

Alexander Utility Engineering, Inc.

www.alexutil.com

Alexander Utility Engineering, Inc. is a professional engineering and design firm, specializing in power, communications, GIS, AM/FM, and CAD services.

Carolyn Arnold-Communications Consultant, Inc. (CACC, Inc.)

www.caccinc.com

CACC provides telephone bill audits. They assist in the purchase of new telephone equipment, local service, and long distance services.

Fox, Smolen & Associates

www.foxsmolen.com

Fox, Smolen & Associates provides regulatory and financial support.

Lloyd Gosselink Rochelle & Townsend, P.C.

www.lglawfirm.com

Lloyd Gosselink Rochelle & Townsend, P.C. provides legal services.

SnapStream Media

www.snapstream.com/enterprise

SnapStream Media is a TV monitoring solution. The SnapStream server delivers a simple and powerful solution for recording and searching television.

Swagit Productions, LLC

www.swagit.com

Swagit Productions provides streaming media solutions for local government agencies.

TelVue Corporation

www.telvue.com

TelVue provides Princeton digital broadcast servers, the WEBUS bulletin board and digital signage systems, and PEG.TV streaming video and VOD.

Tightrope Media Systems

www.trms.com

Tightrope Media Systems provides digital broadcast and signage systems.

Rushworks

www.rushworks.tv

Rushworks provides automation and production systems, PEG servers, and bulletin board systems.





Legislative Update

By Cheryl Dunlop, Legislative Committee Chair

As the sun does down on another session of our Texas Legislature, our elected officials have spent countless hours sorting through and debating over 7,000 bills filed during this 140 day session. Here are the telecommunication related bills that have passed and signed by the Governor, or pending his signature. The 82nd Session of the Legislature will begin in January of 2011.

H.B. 1705 (Geren)

Filed: 02/24/09 Status:05/26/09

Passed – Sent to Governor

Effective: 09/01/09 – if signed by Governor

Relates to the Department of Information Resources, including the abolition of the telecommunications planning and oversight council, the electronic commerce network, and the electronic procurement marketplace.

The bill abolishes the telecommunications planning and oversight council (TPOC) and transfers to the Department of Information Resources (DIR) the TPOC's responsibilities regarding various telecommunication-related planning, reporting, and oversight activities, including the review of the status of all projects and the financial performance of the state's consolidated telecommunications system and centralized capitol complex telephone system.

Supporters of the bill say that it is time to eliminate the TPOC. This committee was established when the telecommunications program was transferred to DIR from what used to be the General Services Commission. Its purpose was to ensure that the DIR board of directors paid proper attention to TEX-AN, the state's telecommunications program. In order to have flexibility and manage more effectively the telecom program, DIR has indicated it will establish in place of TPOC a users group of state and local agency representatives that will provide feedback directly to the contractor managing TEX-AN. The bill would give state agencies flexibility in certain reporting requirements. Currently, state agencies must report to DIR about their planned technology purchase schedule. The bill will require agencies to report that information to DIR, if DIR requests it, when it would benefit the state in some way. The bill will eliminate several outdated mandates, including the biennial report required of DIR, the LBB and the State Auditor's Office assessing state agency data collection and reporting. The requirement is burdensome and no longer needed because of improvements in technology and the goals of streamlining data collection have been met.

Eliminating the information resources technology evaluation center also is necessary because agencies now have their own technology expertise and are able to evaluate software based on their own specific needs and goals. Likewise, current law requires DIR, in consultation with TBPC, to establish and manage the electronic infrastructure for an online travel and ticketing services for state agencies. This service no longer is needed and is not cost-effective because of the availability of similar services through airline, hotel, and other travel-related websites.

The responsibility of managing the electronic procurement marketplace and the electronic commerce network and its content was transferred to the Comptroller's Office in 2007 by the 80th Legislature. The comptroller also is now responsible for ensuring that small and historically underutilized businesses have maximum access to electronic commerce opportunities, so references to these responsibilities under DIR no longer are necessary.

There was no apparent opposition to this bill.

H.B. 1822 (Solomons)

Filed: 02/25/09 Status: 06/03/09 Passed – Sent to Governor

Effective: 09/01/09 – if signed by Governor

The Public Utility Commission of Texas must adopt rules consistent with this Act not later than December 1, 2009.

Relates to the uses of certain terms by certificated telecommunications utilities, retail electric providers, and electric utilities in retail bills.

Requires the PUC to identify a list of defined terms common to the telecommunications and electricity industries and require certificated telecommunications utilities, retail electric providers, and electric utilities to uniformly label and use these terms on each retail bill sent to a customer. A service provider, retail electric provider, or billing agent could submit charges for a new product or service on a telephone or retail electric bill only if it used the defined terms as required by PUC rules.

Telecommunications and electric service customers will be entitled to bills that uniformly defined and used the specified common terms. The bill would take effect September 1, 2009, and will apply only to utility bills issued on or after the effective date.

Supporters say that by requiring certain common terms and the definitions of those terms remain constant and uniform from one utility provider to the next, HB 1822 will help ensure that utility bills are more “customer friendly” and more easily understood. Currently, utility bills are lengthy and use confusing language that an average consumer might not comprehend. Also, different providers use the same terms in varying ways. Uniformly defining terms in plain language will help shorten and simplify utility bills and allow consumers to understand transactions and make informed decisions when selecting utility services and changing providers. Customers also can better see how to save money by consuming less, ultimately benefiting the environment. Additionally, requiring uniformly defined terms on each retail bill will not pose an additional cost to utility providers, and shorter bills will allow companies to use less paper.

There was no apparent opposition to this bill.

H.B. 3435 (Hamilton)

Filed: 03/11/09 Status: 05/26/09 Passed – Sent to Governor

Effective: 09/01/09 – if signed by Governor

Relating to exempting certain utility property from impact fees and assessments in certain water districts.

This bill requires that a district may not impose an impact fee, standby fee, or assessment on the property, including the equipment, rights-of-way, easements, facilities, or improvements, of a telecommunications provider as defined by Section 51.002, Utilities Code; or a cable service provider or video service provider as defined by Section 66.002, Utilities Code. And, further states that a district may impose an impact fee on property on the same terms as the district imposes an impact fee on other property if the owner of the property requests water or sewer services for that property from the District; however, it does not affect a district's authority to impose an ad valorem tax on property in the boundaries of the district under this chapter or other law.

S.B. 2565 (Averitt)

Filed: 04/28/09 Status: 06/01/09 Passed – Sent to Governor

Effective: 09/01/09 – if signed by Governor

Relating to adjustments of rates of certain telecommunications utilities for changes in certain tax liabilities.

S. B. 2565 is a “clean up” bill being presented at the recommendation of the Public Utility Commission (PUC). Its purpose is to take care of an outdated provision of the Public Utility Regulatory Act left over from the legislature's enactment of the new business tax. The legislature abolished the old tax when the new law was phased in; however, an oversight by the legislature left in place the calculation and reporting requirements to PUC under the old law. Section 53.202, Utilities Code, is repealed.

H.B. 1831 (Corte, Edwards)

Filed: 04/28/09 Status: 06/03/09 Passed – Sent to Governor

Effective: 09/01/09 – if signed by Governor

Relating to disaster preparedness and emergency management and to certain vehicles used in emergencies; providing a penalty.

Reference to Telecommunications: Sec. 418.113 establishes an emergency management council to advise and assist in all matters relating to disaster mitigation, preparedness, response, and recovery. The bill addresses the inclusion of representatives of the telecommunications industry and cable service providers in the Communications Coordination Group of a disaster preparedness and emergency management division during an emergency. Sec. 418.051.

The communications coordination group shall facilitate interagency coordination and collaboration to provide efficient and effective planning and execution of communications support to joint, interagency, and intergovernmental task forces. At the direction of the division, the communications coordination group shall assist with coordination and collaboration during an emergency. The communications coordination group consists of members selected by the division, including representatives of the telecommunications industry, including cable service providers, as defined by Section 66.002, Utilities Code.

Failed Bills

H.B. 412 (Isett) - Failed

Filed:12/15/08

Status:04/27/09

Referred to Ways & Means
Died in Committee.

Relating to the exemption from the sales and use tax for certain assessments and fees related to telecommunications services.

This bill states that the sales price of telecommunications services does not include a municipal franchise fee or right-of-way fee authorized by Chapter 283, Local Government code, if the assessment or fee is passed through to the purchaser of the service.

H.B. 1658 (King, Phil) – Failed

Filed: 02/23/09

Status:03/03/09

H.B. 468 (Paxton)

Referred to Ways & Means
Died in Committee

Relates to the exemption from the sales tax for certain telecommunications equipment.

Telecommunications equipment is exempted from the taxes imposed if the equipment is sold, leased, or rented to a provider of telecommunications services or used by a provider of telecommunication services.

S.B. 824 (Ellis)

Filed: 02/12/08

Status: 03/24/09

Failed

Relating to privacy of wireless telecommunications customer information; providing a civil penalty.

NATOA Mourns the Loss of Executive Director, Libby Beaty

Elizabeth (Libby) Beaty, Executive Director of the National Association of Telecommunications Officers and Advisors (NATOA), passed away on Friday, June 12 after a valiant battle with cancer. Libby was an extraordinary woman, a loving mother and a great friend to NATOA. Under Libby's leadership, NATOA developed into an influential communications policy organization representing hundreds of communities around the country. As the Executive Director, Libby was responsible for oversight and management of all aspects of NATOA's operations in coordination with its Board of Directors. Libby's tireless efforts at the FCC, NTIA, and before Congress gave communities a powerful voice in the debate over America's communications policy.

"Libby was an accomplished professional," said Mary Beth Henry, President of NATOA, "Yet nothing

in the world was more important to her than her husband Randy and her two adorable boys, Jonathan and Nicholas." NATOA is indebted to Libby for her exemplary leadership and her fierce advocacy on behalf of communities across America. "Those of us who had the honor and privilege to work with Libby will be forever grateful," said Ken Fellman, President-Elect of NATOA.

Prior to joining NATOA in 1999, Libby served in a variety of senior positions at the Federal Communications Commission. She earned her B.A. in Business Management and in Fine Arts from Warren Wilson College in Swannanoa, North Carolina and her J.D. from Brooklyn Law School in Brooklyn, New York.

To honor Libby, NATOA will be establishing an Education Fund for her children. Services have not yet been scheduled. Further details will be posted to www.natoa.org as they become available.

TATOA

FCC CONTINUES DTV OUTREACH ACROSS THE NATION

Call Center Receives Over 900,000 Calls In Days Surrounding Transition

June 15, 2009, Washington, D.C. (FCC) – The Federal Communications Commission’s consumer help line for the digital television (DTV) transition has received over 900,000 calls since last Monday regarding the switch by full-power television stations to all-digital broadcasts on June 12. By Sunday, however, call volumes had declined.

Calls to 1-888-CALL-FCC seeking assistance peaked Friday with 317,450 calls, followed by 145,403 calls on Saturday and 62,949 calls on Sunday. About 28 percent of callers who talked with an FCC agent Sunday sought help setting up digital converter boxes for

analog TVs, while nearly 26 percent reported difficulty receiving a specific station, and another 23 percent needed help resolving broader reception issues. The FCC’s call center also transferred over 235,000 calls requesting information about the National Telecommunications and Information Administration’s converter box coupon program to that agency’s call center.

Supplies of converter boxes and antennas continued to be adequate, according to reports to the FCC from retailers. While some stores may be out of or awaiting shipments, other stores in the same markets had boxes available; both antennas and converter boxes were available from on-line retailers.

Consumers continued to request free, in-home installation of converter boxes provided by FCC contractors. Other well-utilized resources include the FCC’s DTV web site, www.dtv.gov, which received over 3.5 million page views from June 6-14.

