



CITY OF TAMPA

Pam Iorio, Mayor

Office of the City Attorney

David L. Smith
City Attorney

January 5, 2007

The Honorable Kevin Martin, Chairman
Federal Communications Commission
445 – 12th Street, SW
Washington, DC 20554

RE: FCC Rules to Ensure Reasonable Franchising Process for New Video Market Entrants

Dear Chairman Martin:

I was disappointed to hear the question you read into the record for your staffer on December 20th before the Commission, as well as her blatantly inaccurate response, affirming that Tampa required Verizon to film math tutoring sessions in order to obtain a video franchise agreement. Your question was a leading one thereby presupposing the answer. I cannot imagine where you or the FCC obtained such errant information, as it has no basis in fact. How disappointing it was to learn that such a venerable institution as the FCC would embrace as truth an allegation in a rulemaking that has such far-reaching implications to so many, without doing any follow-up with the jurisdiction named to confirm its accuracy.

No requirement was made of Verizon to film math tutoring sessions in order to obtain a franchise agreement. In fact, no discussion of a requirement to film math tutoring sessions entered into the negotiations with Verizon, which were successfully completed in May of 2006. The franchise agreement is readily available for public reference on the City of Tampa's Cable Communication website: [http://www.tampagov.net/dept Cable Communications/verizon cable franchise.asp](http://www.tampagov.net/dept%20Cable%20Communications/verizon%20cable%20franchise.asp) where it can be easily confirmed that no such requirement was made. Additionally, math tutoring would fall into the category of programming. The City of Tampa produces most of its own government access programming and none is required of either cable/video franchisee. The City of Tampa has no control over programming on either the education or public access channels, so such a "requirement" would not have been suggested.

I am sure that you do not wish to further promulgate a blatantly inaccurate allegation. Consequently, I respectfully request that the official record be corrected and the misinformation provided in the December 20th meeting noted above be retracted. I assume you would also be interested in determining the source of the false testimony provided to your Commission. I am sure the integrity of the process is important to you. I know it will be to Congress. Thank you for your consideration in this regard.

Very truly yours,

David L. Smith
City Attorney

cc All Commissioners of the Federal Communications Commission
City of Tampa Mayor Pam Iorio
Nick Miller, Esquire
Sharon Fox, City of Tampa, Tax Revenue Coordinator, Revenue and Finance
Mindy Snyder, City of Tampa, Cable Television Manager, Cable Communications
Alan Ciamporcero, Vice President Southeast Region, Verizon

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