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MEMORANDUM

TO: NATOA Members
FROM: Gerry Lederer
DATE: September 1, 2004
RE: Legislative and Regulatory Update

I. Background

Good morning and thank you for the invitation to join NATOA for this very important meeting. I would like to congratulate Cor Wilson and the other NATOA officers on the completion of their first year in office and to congratulate each of them on their reelections. I look forward to working with each of them in the year to come and to being an active and loyal member of NATOA. I also offer my congratulations to Libby, the NATOA staff and the SCAN NATOA team for assembling such a wonderful meeting.

Now, while I know that the expression “very important meeting” can at times be overstated, this is not such an occasion. This meeting of NATOA, NLC’s meeting in December, and the Conference of Mayors’ meeting in January are the last occasions for local government to identify what we seek in any rewrite of federal communications policy, which is being modified, either directly or by means of a “domino” effect, to reflect the revolutionary changes caused by IP.

II. Handouts or “Teach versus Feed a Fish”

The topic of my talk today is: “The Industry’s Effort to Void the Contract: A 2004-5 Legislative and Regulatory Outlook.”

Most of my presentation is self-explanatory, but I did want to explain the two handouts in my materials that may not be: the search engine directory and the catalogue of local government statements/testimony. Rather than reprint the dozen or so pieces of legislation that would dramatically impact local government, the first handout is a self-help search vehicle that will assist all NATOA members stay informed on legislative and regulatory initiatives, including the

bills that are addressed in my presentation. The second handout is a collection of statements and testimony that were delivered by local government representatives in the telecommunications area in 2004. This presents some great language and research should you find yourself needing to formulate testimony or statements for use at the federal, state or local level. Again, rather than reprinting the materials in whole, I have provided download links to assist you in your efforts.

One of the nuggets from *Alice in Wonderland* is the admonition that if you don't know where you want to get, you'll never know when you get there. Therefore, I believe it is imperative that state and local governments identify their IP interests and develop both a short and long term advocacy program to preserve those interests. Below are my suggestions.

Local Governments' Interest in the IP Future

- Capture IP's capabilities as a means to enhance all citizens' quality of life;
- Ensure that all consumers, including local governments receive fair treatment as a customer or consumer of the service;
- Protect citizens in the absence of federal and or federal and state consumer protections as the regulator of last resort; and
- Ensure the public is adequately compensated for use of any public resources committed to IP endeavors.

Long Term Goals

Understanding these interests, local governments must develop an advocacy program that:

- Ensures local government is "at the table," which is not a given as we are not viewed as obvious players;
- Protects local governments' and consumers' interests in this changing world;
- Avoids being marginalized by industry by being labeled "Luddites;" and
- WINS.

Near Term Goals

While developing its long-term advocacy program, local government must also act to:

- Defeat H.R. 49 and if possible allow S. 150 to quietly go away;
- Maintain the pressure on the Sununu legislation and build on the victories achieved in the Commerce Committee;
- Mirror the Sununu effort in the House with the Pickering and Stearns/Boucher legislation; and
- Understand what the White House is saying when they say "regulation" is very much a part of their vision for an IP world.

III. Conclusion

Local government must and can be a major player in IP debate. In the near term we must project a comprehensive policy, based on current law (Titles II, III and VI), that provides a forum for discussion of the interests of local governments in the upcoming Congressional session, presidential campaigns, and parallel Hill and FCC proceedings. And yes, our response cannot be limited to Washington. We must be prepared to engage the issue at the state capital as well.