



National Organization of Black Elected Legislative Women

Annual Legislative Conference

June 24 – 27, 2010

Anchorage, Alaska

2010 Ratified Resolution

June 24, 2010

**Resolution Calling on the Federal Communications Commission to Reform Its Rules Governing
Retransmission Consent to Ensure Those Rules Protect Consumers**

WHEREAS, the National Organization of Black Elected Legislative Women (NOBEL/Women) recognizes the strong governmental interests in ensuring continued access to local broadcast signals for all consumers, including African American viewers, and in fostering a diverse television programming industry;

WHEREAS, the carriage of local broadcast signals on cable systems and other distribution platforms is governed by a regulatory regime referred to as “retransmission consent”;

WHEREAS, the retransmission consent rules, adopted nearly 20 years ago under significantly different competitive conditions than exist today, conferred a host of advantages on local broadcasters in their carriage negotiations with cable systems;

WHEREAS, broadcasters today enjoy far more distribution options—including cable, satellite, telco, and Internet platforms—and thus far more negotiating leverage over individual distributors than they had 20 years ago;

WHEREAS, the breakdowns in the retransmission consent system cause a number of harms to consumers, including consumer confusion surrounding the negotiations between the broadcasters and the distributors and the threats to “go dark” unless distributors meet their demands, the possible loss of these local signals, and the possible higher subscription prices;

WHEREAS, the negotiations are increasingly timed to coincide with major television events, as was clear during the March 2010 dispute involving ABC and Cablevision on the evening of the Academy Awards, and during the December 2009 dispute involving FOX and Time Warner Cable on the eve of the college bowl season;

WHEREAS, escalating retransmission consent fees are also soaking up funds that were once available for the carriage of diverse, independently owned networks, thus causing a large number of these independent programmers to be deprived of reasonable compensation or to be excluded from carriage altogether; shall it

THEREFORE BE RESOLVED, that NOBEL/Women calls upon the Federal Communications Commission (“the Commission”) to carry out its duty to protect the public interest by opening a rulemaking proceeding to update its rules governing retransmission consent to reflect current competitive realities; and

BE IT FURTHER RESOLVED, that NOBEL/Women calls on the Commission to establish a dispute-resolution or rate-setting mechanism and to provide for interim carriage while Commission proceedings are underway, in order to ensure that viewers are not held hostage by threats to withhold their signals and that retransmission fees do not unreasonably drive up rates for subscription television services; and

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BE IT FURTHER RESOLVED, that NOBEL/Women encourages the Commission to explore how other related conduct—such as the joint negotiation of retransmission consent by multiple stations, the use of program exclusivity agreements to limit the distribution of broadcast programming, and the interference by major national networks in the retransmission consent negotiations of their independent affiliates—are undermining the government’s interests in diversity, localism, and competition.

THEREFORE BE IT FINALLY RESOLVED, that NOBEL/Women send a copy of this resolution to the President of the United States, members of Congress, and the Federal Communications Commission.

Resolution Regarding Access To Wireless Lifeline Telephone Service

WHEREAS, “Lifeline” is a federal universal service program authorized by Congress that enables low-income households to save \$10.00 per month or more on their local telephone or wireless service costs; and

WHEREAS, Lifeline has been offered by hundreds of local telephone companies and some wireless carriers throughout the U.S. for many years, but has been greatly under-utilized by low-income households because of affordability and other considerations; and

WHEREAS, the Federal Communications Commission (FCC) and state public utility commissions, after exhaustive review, have granted approval to “SafeLink Wireless, Inc.” to provide wireless handsets and monthly blocks of airtime to eligible households in 29 states, Puerto Rico and the District of Columbia; and

WHEREAS, because the SafeLink handsets and airtime allotments are provided at no cost to the eligible families, most of whose incomes are at poverty level or below, Lifeline participation rates have increased significantly, a longstanding goal of Congress, the FCC and the states; and

WHEREAS, the success of the program has caused other phone carriers to improve their Lifeline offerings, and wireless Lifeline is benefiting millions of low-income families who are suffering unprecedented economic hardship; and

WHEREAS, Safelink and other federal Lifeline providers are reimbursed from the federal Universal Service Fund, which is administered by the FCC, and there is no cost to the states; and

WHEREAS, a few state public utility commissions have chosen either not to approve or to delay the free wireless program in their states, causing millions of eligible citizens not to have wireless Lifeline benefits equal to what citizens of other states receive, and it is undisputed that such benefits are badly needed;

WHEREAS, minorities and other economically disadvantaged groups are disproportionately burdened in those states that have not approved the free wireless handsets and free monthly airtime for low-income families; and

WHEREAS, state utility consumer advocates and state attorneys general should proactively support the federal wireless Lifeline program in their states and should oppose unfair taxes or fees on Lifeline recipients; and

WHEREAS, 3.8 percent of U.S. households have no phone service at all, and the problem is most acute among minority households;

WHEREAS, the National Organization of Black Elected Legislative Women recognizes and supports Lifeline’s key role in ensuring universal access by low-income consumers to local telephone and wireless services at rates that are just, reasonable and affordable; and

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THEREFORE BE IT RESOLVED by the 2010 Annual Legislative Conference of the NOBEL Women, assembled in Anchorage, Alaska, June 24, 2010, that NOBEL/Women respectfully urges all Governors and state public utility commissions to expedite approval of federal Lifeline benefits offered by SafeLink Wireless in those states where it is not already approved, just as these states have already authorized other competing phone carriers to offer Lifeline;

BE IT FURTHER RESOLVED, that NOBEL/Women commends Congress, the FCC and the majority of states that are making cellular phones and service available to millions of households who would not be able to afford mobile telecommunications services, if the wireless Lifeline program did not exist;

BE IT FINALLY RESOLVED, that NOBEL/Women will provide copies of this resolution to each member of the Federal Communications Commission, each of the state public utility commissions, and also to the leadership of the National Association of Regulatory Utility Commissioners.

Resolution to Promote the Free Over the Air Broadcasting

WHEREAS, local radio broadcasters provide entertainment programming to the public for free, jobs for a range of skilled workers, including songwriters, producers, engineers, technicians, radio announcers; and provide many hours of free news, emergency information, emergency weather and natural disaster emergency information, and free public service announcements, to promote local charities and support their causes, local sports events, all of which are put at risk if forced to pay more fees for a performance tax; and

WHEREAS, free over-the-air radio broadcast stations strive to reflect the rich diversity of their local audiences; and at the same time allow musicians, vocalists, and performers to share their talents with listeners across the nation to diverse populations; and

WHEREAS, small and minority owned broadcasters play a critical role in reaching underserved listeners and viewers around the country and contribute to the experience of creating and delivering music to people in their homes, cars, and places of work, introducing listeners to new music and increasing listeners' exposure to music; and

WHEREAS, local radio broadcasters have contributed billions of dollars in charitable giving and donated airtime; and

WHEREAS, local radio broadcasters have invested hundreds of millions of dollars in new digital technology and are committed to enhancing the programming services of local media, but due to a decrease in advertising revenue coupled with increased competition from unregulated audio platforms, the broadcast radio industry has experienced a decline in revenue, despite these investments; and

WHEREAS, continued access to free over-the-air broadcasting is a key element of the digital media and both the recording industry and the broadcast radio industry benefit from their current relationship; and

WHEREAS, local radio stations provide the public with access to free sports, music, and other entertainment programming, which in turn, provides free promotion and publicity for the recording industry and musical performers and also provides the performer with increased record sales and concert ticket sales.

THEREFORE BE IT RESOLVED, that the National Organization of Black Elected Legislative (NOBEL) Women, joins the National Association of Black Owned Broadcasters, the Minority Media and Telecommunications Council, and the International Black Broadcasters Association and request a thorough analysis of the economic impact that any new fees, royalties or other assessments would have on broadcasters including an analysis of the benefit or harm to entertainers and the public given the current economic environment where the public are struggling, but also relying on local radio for news, weather, and entertainment.

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THEREFORE BE IT RESOLVED, state-elected officials (NOBEL Women) supports policies to promote the continuation of free over-the-air broadcasting and the important services that it provides for our constituents and their local communities.

BE IT FINALLY RESOLVED, that NOBEL Women send a copy of this resolution to the President of the United States, members of Congress, members of the Federal Communications Commission, and State Legislatures and Regulatory agencies.

Resolution Promoting Government Intervention Ensuring Universal Broadband Opportunities

WHEREAS, the National Organization of Black Elected Legislative Women (NOBEL/Women) recognizes that America's promise can be fulfilled through the universal access, adoption and use of broadband high-speed Internet services; and

WHEREAS, broadband is widely understood to be a great equalizer and potential catalyst of social, political and economic growth, particularly for low-income people and communities of color; and

WHEREAS, America is presently in the throes of transitioning to an Information Economy, which is increasingly dependant on the emergence of a skilled workforce adequately trained in the use of advanced communications technologies to support efforts toward national growth and global competitiveness; and

WHEREAS, minority communities are a critical component to the success of America's Information Economy in view of the fact that the U.S. Census Bureau projects that minorities, who currently represent about one-third of the U.S. population, will become the majority by 2042, with people of color projected to be 54 percent of the nation's population by 2050; and

WHEREAS, people of color, particularly African Americans, though tending to over-index in the use of wireless technologies, are disproportionately underserved when it comes to home broadband adoption and use, and are therefore not often readily able to take full advantage of and leverage the myriad opportunities created by advanced communications technologies for economic development, educational attainment, and enhanced healthcare and preventative management services; and

WHEREAS, in order to guarantee opportunities for our nation's most vulnerable populations to adopt and use broadband technologies, NOBEL/Women believes that the government has a definite role in ensuring that consumers are able to access, adopt and use the content, applications, devices and services of their choosing when navigating online environments; and

WHEREAS, NOBEL/Women supports efforts by the federal government to encourage transparency among Internet content, applications and broadband service providers to protect the privacy, cyber-security and free speech interests of consumers; and

WHEREAS, NOBEL/Women are adamantly opposed to any type of regulatory regime that could result in a de facto deterrence of opportunities for entrepreneurial growth and expansion, or one that could increase consumer costs by way of unfair apportionments of financial liability for the maintenance and upkeep of broadband services that does not take into account volume or frequency of Internet use, thereby disadvantaging low-and-fixed income communities; and

THEREFORE BE IT RESOLVED, that NOBEL/Women encourages government, industry, and individual efforts to identify and leverage opportunities to increase home broadband adoption through the creation of culturally relevant content that helps people better understand and

value broadband as an essential service, and the proliferation of regulatory structures that truly keep the consumer interest in mind in promoting this goal; and

BE IT FURTHER RESOLVED, that members of NOBEL/Women will work to create new opportunities to incentivize broadband adoption by individuals and to enhance mobility and productivity by giving Americans instantaneous access to information and methods of communication and ensuring that communities of color reap the benefits associated with consistent, immediate access to the Internet; and

BE IT FURTHER RESOLVED, that NOBEL/Women call upon President Barack Obama and Congress to create a special commission comprised of government, industry and individuals who will contribute to a collective effort towards affecting ubiquitous broadband adoption across the United States to ensure universal broadband opportunities for all Americans; and

BE IT FURTHER RESOLVED, that NOBEL/Women supports a national Call To Action that will bring together government, business and the nonprofit sector to create affordable broadband access and adoption solutions, and spur new uses of computing technology with smart, easy to use interfaces to ensure that potential broadband users can receive digital literacy training; and

BE IT FINALLY RESOLVED, that NOBEL/Women send a copy of this resolution to the President of the United States, members of Congress, members of the Federal Communications Commission, and State Legislatures and Regulatory agencies.

RESOLUTION Promoting Fairness In The Taxation Of Wireless Service

WHEREAS, the National Organization of Black Elected Legislative (NOBEL) Women recognizes the integral role that wireless communications services plays in our society today, not only for voice communications but as a platform for broadband Internet access; and

WHEREAS, the NOBEL Women believes that it is important to ensure that all communities have access to wireless communications services; and

WHEREAS, the Pew Internet & American Life Project study published in March 2008 found that mobile access builds on the cell phone, a device that is easier to use and more affordable than a computer and is a key platform for “on the go” information access, and that cell phone users are more likely to be found in groups that have generally lagged in Internet adoption, such as senior citizens, blacks and Latinos; and

WHEREAS, the Pew study also showed that 56% of English-speaking Latinos and 50% of African Americans with cell phones, on a typical day do at least one of 10 non-voice data applications such as taking pictures, accessing the Internet for news, playing music, or text messaging, as compared with 38% of Caucasians; and

WHEREAS, a study on the “Excessive Taxes and Fees on Wireless Service” published in State Tax Notes in February 2008 cites the national average rate of taxes and fees on wireless service as 15.19% as compared to a 7.07% average rate for general sales taxes; and

WHEREAS, the same study concludes that state and local taxes on wireless increased at a rate four times faster than the retail sales tax increase from the period 2003 to 2007; and

WHEREAS, an economic study by Ingraham and Sidak found that each additional \$1.00 of tax on wireless service is estimated to decrease wireless consumption overall by \$1.23 to \$1.29; and

WHEREAS, an economic study by Austan Goolsbee found that each additional \$1.00 of tax on wireless service suppresses use of wireless data, including broadband Internet access, by an even greater amount , on average about \$2.75; and

WHEREAS, the NOBEL Women recognizes that excessive and discriminatory taxes and fees on wireless communications services have a disproportionate impact on the economically disadvantaged who often use these services for Internet access; and

WHEREAS, H.R. 1521, the Cell Tax Fairness Act of 2009, does not repeal existing state and local taxes but does preclude states from targeting wireless consumers for additional excess taxes and therefore keeps broadband access attainable at today’s levels.

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NOW, THEREFORE BE IT RESOLVED, that the National Organization of Black Elected Legislative (NOBEL) Women supports the federal legislation H.R. 1521, The Cell Tax Fairness Act of 2009, and urges Congress to pass it.

BE IT FURTHER RESOLVED, that the members of the NOBEL Women will promote studies in their respective states that evaluate the tax and fee burden on wireless consumers and will work to ensure the fair taxation of wireless service so as to preserve this gateway to broadband access for seniors, Latinos, African-Americans, and all constituents in our states.

BE IT FINALLY RESOLVED, that the NOBEL Women send a copy of this resolution to the President of the United States, members of Congress, members of the Federal Communications Commission, and State Legislatures and Regulatory agencies.

Resolution Supporting National Wireless Consumer Protection Standards

WHEREAS, the National Organization of Black Elected Legislative (NOBEL) Women strongly supports a competitive and open telecommunications marketplace for the benefit of consumers; and

WHEREAS, NOBEL Women supports the rapid deployment of advanced communications services and innovative products by way of consumer-driven models, which ensure universal access for all consumers; and

WHEREAS, NOBEL Women cautions against any government or corporate policies that increase cost to impede deployment, limit consumer access, and reduce affordability; and

WHEREAS, the Federal Communications Commission (FCC) recently reported that 95 percent of the U.S. population lives in a county with at least three wireless service providers demonstrating that consumers have clearly benefited from a highly competitive wireless marketplace; and

WHEREAS, a recent study by the international research firm Ovum and Indepens found that by 2016, combined mobile wireless voice and broadband productivity gains will generate an additional \$427 billion per year to the U.S. economy; and

WHEREAS, minorities constitute a growing proportion of total demand for wireless and according to the Pew Internet & American Life Project, 71 percent of African-Americans have cell phones, 74 percent of non-Hispanic white Americans and 84 percent of English-speaking Hispanics; and

WHEREAS, wireless consumers on average pay over 15 percent in federal, state, and local taxes and fees on their wireless bills, over twice the 7.1 percent imposed on other goods and services subject to sales taxes; and

WHEREAS, the National Conference of State Legislatures (NCSL) and the National Black Caucus of State Legislators (NBCSL) have encouraged states to reform their tax policies toward the wireless industry to reduce tax burdens on consumers; and

WHEREAS, NCSL and NBCSL have urged state and federal policy makers to work together to ensure that wireless industry targeted consumer protections can be applied within a national framework that ensures the continued ability of the state attorneys general to enforce such consumer protections; and

WHEREAS, uniform national wireless standards would give our families and communities throughout the nation a clear and consistent set of consumer rights; and

THEREFORE BE IT RESOLVED, that the National Organization of Black Elected Legislative (NOBEL) Women supports efforts to encourage mutually agreed upon, uniform national wireless

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consumer protection standards with a concurrent enforcement mechanism with the FCC that would act as a ceiling for states.

BE IT FURTHER RESOLVED, that NOBEL Women authorizes and directs its staff and members to promote, with the Federal Communications Commission, Congress, and other policymakers at the federal level, policies consistent with this statement; and

BE IT FINALLY RESOLVED, that the NOBEL Women send a copy of this resolution to the President of the United States, members of Congress, members of the Federal Communications Commission, State Legislatures and Regulatory agencies.

Resolution To Ensure African American Students Retain Fair and Equal Access to Financial Support for Career Training and Privately Funded Educational Institutions

WHEREAS, Private sector career colleges comprise 2,750 of the 6,750 postsecondary institutions across the United States; and

WHEREAS, Two and four year private sector colleges have a higher percentage of minority students than do other sectors. Over 50 percent of students attending career colleges are minority students, compared to approximately 34 percent at public and 32 percent at private, not-for-profit four-year institutions, while 26 percent of all current private-sector college students are African American; and

WHEREAS, Private-sector institutions offer a broad range of academic programs concentrated in the creative and applied arts, behavioral sciences, education, health sciences, and business fields, culminating in the award of associate's through doctoral degrees as well as non-degree programs; and

WHEREAS, In 2006-2007, six of the top 10 undergraduate institutions producing minority graduates with bachelor degrees in Computer and Information Sciences and five of the top 10 institutions awarding MBAs to minorities were career colleges. Two and four-year career colleges award 20 percent of their associate degrees and 14 percent of their bachelor's degrees to African American students, clearly identifying these proprietary schools as a valuable educational resource for African Americans aspiring to leadership roles in our society; and

WHEREAS, The U.S. Department of Education is considering a "Gainful Employment" rule that may limit education and economic opportunities for hundreds of thousands of Americans by making entire programs ineligible for Title IV financial aid if they fail to meet a single debt service-to-income ratio test; and

WHEREAS, A "Gainful Employment" rule may disproportionately harm low-income and minority populations by discriminating against students who must borrow the needed tuition to attend college; without such financial aid, higher education opportunities will be limited for thousands of student; and

WHEREAS, The U.S. Department of Education's "Gainful Employment" rule threatens a top source of highly-qualified graduates who are prepared to enter the workforce with the skills they need to begin their careers; and

WHEREAS, The need to provide every American who aspires to achieve a postsecondary education with the financial ability to do so is critical if we are to meet the President's goal of this nation once again having the highest proportion of college graduates in the world by 2020;

BE IT RESOLVED, that the U.S. Department of Education must support the goal of increasing the number of college graduates among students; that regulations promulgated by the U.S.

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Department of Education should promote fair and equal access to higher education and that career aspirations should be a matter of choice for those pursuing a higher education;

BE IT FURTHER RESOVED, that the U.S. Department of Education carefully study the impact of the debt service-to-income ratio included in proposed "Gainful Employment" language on African American and historically underserved communities before any such rule may be implemented.