

**TO THE COUNCIL OF THE
CITY OF LOS ANGELES**

Your **INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE**

reports as follows:

INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE REPORT relative to AT&T's Public, Educational and Governmental (PEG) access non-compliance with the Digital Infrastructure and Video Competition Act (DIVCA).

Recommendation for Council action:

REQUEST the City Attorney to initiate litigation with AT&T in the matter of AT&T's PEG access non-compliance with DIVCA (California Public Utilities Code Section 5800, et. Seq.).

Fiscal Impact Statement: Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement Submitted: No

(City Council may request closed session. pursuant to Government Code Section 54956.9(c) to confer with its legal counsel relative to the above matter.)

SUMMARY

On November 18, 2008 the Information Technology and General Services Committee considered an October 23, 2008 ITA report relative to AT&T's PEG access non-compliance with DIVCA (California Public Utilities Code Section 5800, et. Seq.). According to the Information Technology Agency (ITA), with the assistance of the City Attorney's Office, it conducted a review of AT&T's provision of Public, Educational and Governmental Access (PEG Access) programming and services under the Digital Infrastructure and Video Competition Act (DIVCA - CA Public Utilities Code § 5800, et. seq.).

Having found deficiencies in the provision of those PEG access services by AT&T, ITA issued a letter on July 31, 2008, to AT&T requesting compliance with the PEG Access provisions of DIVCA. A copy of the pertinent letter is included with the October 23, 2008 ITA report as Attachment 1 and is attached to the Council file. Subsequently, AT&T issued its letter response on August 18, 2008, setting forth its reasoning as to why it believes that AT&T complies with DIVCA in its provision of PEG Access services (Attachment 2 to the October 23, 2008 ITA report).

Additionally, AT&T requested that the ITA meet with AT&T representatives to further discuss any issues raised by ITA in ITA's letter of July 31, 2008. ITA has been meeting with AT&T in an attempt to seek AT&T's compliance with DIVCA and will provide the results of those meetings upon completion or when requested by the City Council and Mayor.

Subsequently, on January 27, 2009, the Committee once again considered the above issue. After consideration in open session, the Committee then met in closed session pursuant to Code Section 54956.9(c). After consideration in closed session and having provided an opportunity for public

comment, the Committee moved to recommend requesting the City Attorney to initiate litigation against AT&T in connection with the issues as detailed in October 23, 2008 ITA report.

This matter is now submitted to Council for its consideration.

Respectfully submitted,

INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
CARDENAS:	YES
PARKS:	YES
WESSON:	ABSENT

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- Not Official Until Council Acts -