SF Model Internet Franchise Ordinance:

https://docs.google.com/document/d/1ft2oGx2enTCUbih3F9LhrZZzpj1JBUNJk4a1MLHi8DA/pub

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|  | <h3 id="title">The Webpass Internet Franchise in the News</h3> |
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|  | <p><i><a href="<https://backchannel.com/the-new-payola-deals-landlords-cut-with-internet-providers-cf60200aa9e9#.q3syb056k>">New America Highlights Webpass (Again)</a><br>Update November 10, 2018</i></p> |
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|  | <p>New America again <a href="<https://ecfsapi.fcc.gov/file/10817788202976/FCC%20Fixed%20Broadband%20Competition%20Comments%20of%20OTI%20ILSR%20NLC%20NCC%20NATOA.pdf>">references </a> Webpass, this time over the barriers to competition in the ISP market. Some open internet advocates (excluding Tim Wu and Susan Crawford) are soldiering on, despite AT&T’s fearsome victory over any and all opposition to duopoly control over the internet infrastructure, kicking even Google to the ground (remember Google Fiber?). And <a href="<https://www.attpublicpolicy.com/fcc/broadband-investmentnot-for-the-faint-of-heart/>">rubbing </a> their face in it. Don't forget that way back in 2005, then-CEO Ed Whitacre <a href="<https://www.techdirt.com/articles/20171203/00372138727/att-whose-ex-ceo-promised-to-wreck-net-neutrality-insists-it-wont-do-anything-to-net-neutrality.shtml>"> predicted </a> that he would charge Google et al to use his pipes. </p> |
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|  | <p><i><a href="<https://backchannel.com/the-new-payola-deals-landlords-cut-with-internet-providers-cf60200aa9e9#.q3syb056k>">Dear Landlord: Don’t Rip Me Off When it Comes To Internet Access</a><br>Susan Crawford, Professor at Harvard Law School, June 27, 2016</i></p> |
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|  | <p>Webpass is a competitive ISP working to provide gigabit access in San Francisco, San Diego, and three other markets. Its president, Charles Barr, is deeply frustrated: “Tenants want us, but we can’t get in” he says. “The market for Internet access doesn’t work, because there aren’t a lot of choices for people.” Without permission from a landlord, a competitive ISP can’t enter the building to provide service. But the landlords are locked up. </p> |
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|  | "There’s got to be a way around this," Barr says, and he’s asking for a new compact among cities and ISPs that would ensure this access happens — what he’s calling an "Internet Franchise" — a set of standardized city ordinances and statutes aimed at giving residents choices. If a consumer wants access to a service, then that provider should be able to get into the building, subject to reasonable technical limitations. (After I interviewed Barr, Webpass was acquired by Google Fiber.)</p> |
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|  | <p><i><a href="<https://www.techdirt.com/articles/20160628/11020834847/kickbacks-legal-tricks-are-protecting-mega-isps-apartment-broadband-competition.shtml>">Kickbacks And Legal Tricks Are Protecting Mega-ISPs From Apartment Broadband Competition</a><br>Karl Bode, Techdirt, June 30, 2016</i></p> |
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|  | <p>If you live in an apartment complex, there's still a pretty good chance you've only got the choice of one broadband provider, thanks in part to payola schemes between owners and ISPs preventing competitors from entering the building. The FCC passed rules in 2007 prohibiting such exclusive broadband deals, and the FCC's rules even <a href=[”https://arstechnica.com/tech-policy/2009/05/federal-court-upholds-fcc-ban-on-exclusive-cable-deals/”](http://k-band.us/%E2%80%9Dhttps://arstechnica.com/tech-policy/2009/05/federal-court-upholds-fcc-ban-on-exclusive-cable-deals/%E2%80%9D)>held up to a 2009 legal challenge</a> by cable providers and real estate companies. But because of the overly vague language used in the rules, broadband providers have been tap dancing over, around and under the rules ever since, giving incumbent broadband ISPs yet another avenue to stifle real broadband competition -- even in rare markets where said competition actually exists.</p> |
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|  | <p>Susan Crawford has penned a very interesting read detailing all the creative ways Comcast, AT&T and other large ISP lobbyists have managed to bypass the FCC's rules....Webpass (a wireless focused urban broadband ISP recently acquired by Google Fiber) President Charles Barr puts it this way: "The FCC’s rule is nonsensical. They’re saying you can’t have exclusive agreements, but, at the same time, a landlord gets to say yes or no to anyone coming into the building, and you have to have the landlord’s permission....They’re under no obligation to let everyone in, so they’ll extract a rent payment from one provider." And that's probably the least creative trick ISP lawyers use. Crawford notes that carriers also convince landlords to sign deals that prohibit any other ISP from even advertising their services on the property. </p> |
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|  | <p><i><a href="<http://muninetworks.org/content/webpass-and-its-fixed-wireless-seek-fix-landlord-abuses-community-broadband-bits-episode-197>">Webpass and Its Fixed Wireless Seek Fix for Landlord Abuses</a><br>Community Broadband Bits Episode 197, April 12, 2016</i></p> |
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|  | <p>San Francisco is one of the rare cities that has multiple high quality ISPs competing for market share, though the vast majority of people still seem to be stuck choosing only between Comcast and AT&T. This week, we talk to a rising ISP, Webpass...We discuss the Webpass model, which uses fixed wireless and fiber to serve high density apartment buildings where they are allowed in by the landlord. Unfortunately, they have been locked out of many of these buildings and are looking to the city of San Francisco to adopt better policies to ensure a single provider like AT&T cannot monopolize the building.</p> |
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|  | <p>Though the FCC has made exclusive arrangement unenforceable, the big providers are still finding ways to lock out competition. We also talk a little about the role of fiber and fixed wireless technologies, chokepoints more generally, and why Webpass is so sure it could succeed if residents were all able to to choose the ISP they wanted.</p> |
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|  | <p><i><a href="<https://www.youtube.com/watch?v=PGbye66ZOKM&feature=youtu.be>">Interview with Webpass President Charles Barr</a><br>RealClear Radio Hour, May 20, 2016</i></p> |
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|  | <p>Charles Barr, founder and president of Webpass, describes how his company is building an organic network of wireless Internet service in cities across the country. One of few competitors to legacy network providers, Barr details the challenges of entering a market that answers to four regulatory regimes: telephone, video, cellular, and fiber. Barr proposes a preemptive Internet franchise solution to encourage greater competition and better, broader service.</p> |
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|  | <p><i><a href="<http://www.prweb.com/releases/2016/04/prweb13320063.htm>">Webpass Advocates for Comprehensive Approach to Faster Internet Speeds</a><br> |
|  | PRWEB, April 7, 2016</i></p> |
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|  | <p>“On March 17th, Charles Barr, President of Webpass, a San Francisco-based Internet Service Provider, addressed the San Francisco Planning Commission with a proposal for a new Internet Franchise Ordinance that provides a comprehensive and standardized process for all Internet infrastructure.</p> |
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|  | <p>The current regulatory environment for Internet Service Providers in San Francisco was actually established for phone and cable providers. Since those regulations were established pre-Internet, they were not designed with Internet access in mind, and consequently inhibit ISPs, many with better Internet services than the phone and cable providers, from competing effectively. By adopting the proposed Internet Franchise Ordinance, San Francisco would be creating a legal landscape designed for Internet, effectively lifting roadblocks and ensuring a level playing field for all competition.</p> |
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|  | <p>‘Unfortunately, there is no competition in this market, other than companies like Webpass, because it is incredibly difficult to navigate four different regulatory schemes. We have to navigate the telephone regulatory scheme, the cable regulatory scheme, the fiber regulatory scheme and the wireless regulatory scheme to deliver one product, which is the Internet,’ stated Mr. Barr to the Planning Commission.</p> |
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|  | <p>The Internet Franchise Ordinance proposed by Webpass would allow Internet providers who have been approved for a city franchise to benefit from a streamlined permit process, the details of which would be developed by the Planning Commission. The permit process would not be applied on a case-by-case basis, but would apply equally to all approved franchised Internet providers for all Internet infrastructure deployment. </p> |
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|  | <p>Included in the Internet Franchise Ordinance is that Internet service would be declared a competitive public utility in San Francisco and would require developers and property owners to include Internet-grade cabling in their buildings, just as they must include electric wiring. The ordinance would also require landlords to give any Internet company approved for a city franchise the access to provide service to tenants who request their Internet service, effectively banning exclusionary practices by landlords, such as revenue share agreements that limit a person’s rights to the Internet service of their choice. . . .</p> |
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|  | <p>While there have been piecemeal proposals presented to the Planning Commission that may be of some benefit to the existing process, Webpass continues to champion a comprehensive and standardized process for San Francisco not just modifications to a fragmented regulatory system. “Our Internet Franchise Ordinance proposal is the best method to improve Internet connection speeds at the city level so that excellent Internet service is no longer confined to a few cities in the US," committed Mr. Barr.”</p> |
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|  | <p><i><a href="<http://www.xconomy.com/san-francisco/2016/04/08/the-case-for-an-internet-franchise-model/>">The Case For An Internet Franchise Model</a><br>OPINION by Charles Barr, Xconomy, April 8, 2016</i></p> |
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|  | <p>Internet service in America is not what it should be. . . .There is a lot more to the story and a lot more we can do as a society to improve the competitive environment and Internet service overall. The first point to examine is that the United States has all the same technology as all the other countries that we hear about with great Internet service. Japan, South Korea, and the like don’t have any unique access technology. So, technology is not the difference. Perhaps it’s geography? South Korea and Japan are home to newer, denser cities, and that significantly lowers the cost of building and deploying a network. But that is still not the whole story.</p> |
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|  | <p>Let’s look at the history of technology as it developed in the United States. Way back when, lots of small companies launched small telephone networks that served a geographic area. The trouble was those networks did not have the legal authority to provide service to the entire area. They needed to enter buildings and use the public rights of way for manholes, poles, and other structures to build the network efficiently.</p> |
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|  | <p>The problem was solved by creating new “telephone franchise” laws, which still apply today. A city, county, or state enters into a contract with a telephone company to provide service inside that jurisdiction. In fact, the phone companies are required to provide service to everyone in the jurisdiction under the concept of universal service, which also still applies today. Almost every structure in the United States has access to a landline phone connection, even though nobody really uses them anymore!</p> |
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|  | <p>Fast forward to the early 1970s, when the cable television industry started. Same problem, same solution. Many small cable companies needed access to public rights of way to build video networks. Again, new laws were created, forming the foundation of video franchises (sometimes referred to as cable franchises). Over time, cable service spread to a majority of homes in the U.S. Interestingly, the concept of universal service was not applied to video franchises, so the cable companies can typically only install equipment in buildings with an owner’s permission.</p> |
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|  | <p>Fast forward in time again to today, when Internet connectivity is required for modern life. Companies have been building Internet networks for 20 years, but the concept of an “Internet franchise” has never taken root. That means every Internet Service Provider (ISP) must forge its own path to market without a clear legal framework. Meanwhile, the companies that hold voice or video franchises dominate the market, due to their established networks that were built for a franchised service and retrofitted for Internet.</p> |
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|  | <p>New ISP competitors (like my company, Webpass) can also obtain a voice or video franchise, but that requires them to offer those services. . . . So what about the other two big ISP categories, cellular and fiber? Cellular phone companies are also Internet companies in everything but name. Since the introduction of the iPhone, they pass much more Internet traffic than voice traffic, and they market their services accordingly. Unfortunately, they are bound by a third set of regulations that has not adapted to the realities of consumer choice. </p> |
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|  | <p>Meanwhile, fiber companies promise unlimited Internet bandwidth, but they are regulated under a fourth set of rules that render fiber networks the most expensive to build. Google Fiber is the poster child for that fact. Since launching six years ago with vast resources, Google has rolled out the service slowly to a relatively small geographic footprint.</p> |
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|  | <p>Clearly, the idea that you can regulate Internet companies in four distinct regimes—landline phone service, video service, cellular carriers, and fiber providers—is destined for the dustbin of history. Enter the Internet franchise. Cities should create an Internet franchise legal framework to unite the regulatory environment. Grant ISPs access to public rights of way and to buildings—like other utilities—and the ability to deploy wireless services in a timely fashion. Government must accept that technology will change and demand for the Internet will continue to grow. The Internet is the Internet regardless of which technology is used to reach it. Ubiquitous connectivity for everyone is achievable....</p> |
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|  | <p><i><a href="<https://webpass.net/blog/the-cure-for-our-internet-heartburn>">The Cure for Our Internet Heartburn</a><br>Webpass blog, February 10, 2016 </i></p> |
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|  | <p>“It’s common knowledge that Internet service in the US is far behind that of other countries— clearly something needs to be done to improve our Internet infrastructure. The city of San Francisco has attempted to address this in the past, to little avail. For a city like San Francisco, the epicenter of technology and innovation— this causes a particularly acute heartache.</p> |
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|  | <p>When providers come forward with solutions, they face countless roadblocks. They end up packing up and with their sights set on other cities, or they fold before they can become profitable and compete. Some of the roadblocks in San Francisco are:</p> |
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|  | <li>Landlords who create exclusive agreements for large cable and phone Internet providers in return for revenue share, effectively preventing better options for to their residents</li> |
|  | <li>Service providers who impose contracts on customers, locking them in to poor service, and creating no incentive for improvement</li> |
|  | <li>Established players who are stagnant, using antiquated infrastructure and repurposing it to provide Internet service</li> |
|  | <li>A 2-year process for getting certified for right-of-way access, the pace of which prevents small companies from penetrating the market and competing</li> |
|  | <li>Competitive ISPs being blocked from equal access to poles and conduit</li> |
|  | <li>An unfair advantage given to providers who enjoy cable and phone franchise rights bestowed upon them to provide Cable and Phone, not Internet </li> |
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|  | <p>If Internet service is so important, why are there so many roadblocks? The existing regulatory environment is not designed for providing Internet access. It was inherited from other services, and prevents ISPs with better approaches and better service from competing with those that simply got there first. Competition is essential— it levels the playing field, it puts the consumer first, and it ensures that providers deliver great service, or they do not last. </p> |
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|  | <p>The cure for our Internet heartburn, in San Francisco (and beyond) is to create a legal landscape designed for Internet, effectively lifting roadblocks and ensuring competition. This is done by adopting an Internet Franchise. This means the city of San Francisco declares Internet service a public utility, and offers franchise status to approved ISPs, effectively eliminating current regulatory and incumbent roadblocks.</p> |
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|  | <p>Highlights of an Internet Franchise: internet service provider franchisees would be granted the right to access utility poles and conduit to build their infrastructure, landlords would be required to provide access to any franchised internet service provider requested by tenants, and landlords and developers of new buildings, or those undergoing major renovations, would be required to include internet-grade cable in their building plans.</p> |
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|  | <p>At Webpass we have been able to overcome many of the current roadblocks, expanding beyond San Francisco, to five cities and counting. We continue to be proponents for competition and putting the consumer first, whether it be our early stance in favor of Net Neutrality, the simple mission that we were founded on, or our current call to action for effective regulatory change granted through Internet Franchise.”</p> |
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|  | <p><i><a href="<https://www.regulations.gov/document?D=HUD-2016-0050-0007>">Comment on HUD Proposed Rule FR 5890-P-0</a><br>Submitted by Charles Barr, Webpass, Inc., July 18, 2016</i></p> |
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|  | <p>“Webpass is a San Francisco-based internet access service provider. We own and operate our own Ethernet network and currently serve San Francisco, Oakland, San Diego, Miami, Chicago, and Boston. Google Fiber recently agreed to acquire our company.</p> |
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|  | <p>We urge HUD to adopt the Internet Franchise policy framework. Webpass's proposed Internet Franchise policy directly addresses the issues in this rulemaking. Creating a new set of rules for a small subset of properties--those supported by HUD--is not helpful. HUD should adopt broadly applicable internet access rules that can be a model for the whole country. </p> |
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|  | <p>The Internet Franchise declares internet access service a public utility and offers franchise status to approved providers, creating a legal landscape where the best options flourish. The proposed rules include: high-speed internet-grade cabling in new buildings and major renovations, access to properties for any franchisee requested by a tenant, no kickback agreements or discriminatory riser management policies, access to poles and conduit for approved franchisees, streamlined local permitting….” </p> |
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