



General Manager
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Ketchikan, AK. 99901

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7b(3)

TRANSMITTAL MEMORANDUM

TO: The Honorable Mayor and City Council

FROM: Lacey G. Simpson, Acting General Manager

DATE: September 28, 2022

RE: **Resolution No. 22-2861 – Expressing Commitment to Comply with Net Neutrality in Respect to the USDA’s Online Application Program and Community Connect Grant Program; and Establishing an Effective Date**

At its meeting of September 15, 2022, the City Council approved Resolution No. 22-2860 - Assigning a Representative-Signature-Certifier, Assigning Administrators in Respect to the USDA’s Online Application Program for ReConnect Program and Community Connect Grant Program. The resolution authorized Telecommunications Division staff to submit a funding application to the United States Department of Agriculture’s (USDA) ReConnect Program and Community Connect Grant Program.

The below motion prepared at the request of Acting Telecommunications Division Manager Dan Lindgren, who asked that it be placed before the City Council for consideration at its meeting of October 6, 2022. If approved, Resolution No. 22-2861 formally commits the City of Ketchikan d.b.a. Ketchikan Public Utilities to net neutrality for the purposes of the City’s application to the ReConnect Program and Community Connect Grant Program. As detailed by Mr. Lindgren, the Telecommunications Division already adheres to net neutrality, and the proposed resolution does not pose any new mode of operation for the division and may make the application more competitive.

The Acting Telecommunications Division Manager will attend the City Council meeting of October 6, 2022, in order to address any questions and/or concerns that Councilmembers may have.

A motion has been prepared for City Council consideration.

RECOMMENDATION

It is recommended that the City Council adopt the motion approving Resolution No. 22-2861 – Expressing Commitment to Comply with Net Neutrality in Respect to the USDA’s Online Application Program and Community Connect Grant Program; and Establishing an Effective Date.

Recommended Motion: I move that the City Council approve Resolution No. 22-2861 – Expressing Commitment to Comply with Net Neutrality in Respect to the USDA’s Online Application Program and Community Connect Grant Program; and Establishing an Effective Date.



KPU Telecommunications

2970 Tongass Avenue
Ketchikan, AK 99901

Phone (907) 225-1000

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Memorandum

To: Lacey Simpson, Acting KPU General Manager

From: Dan Lindgren, Acting KPU Telecommunications Division Manager

Date: September 23, 2022

Subject: **Resolution No. 22-2861 – A Resolution of the Council of the City of Ketchikan, Alaska; Expressing Commitment to Comply with Net Neutrality in Respect to the USDA’s Online Application Program and Community Connect Grant Program; and Establishing an Effective Date**

The purpose of this memorandum is to seek City Council approval of Resolution No. 22-2861 – A Resolution of the Council of the City of Ketchikan, Alaska; Expressing Commitment to Comply with Net Neutrality in Respect to the USDA’s Online Application Program and Community Connect Grant Program; and Establishing an Effective Date.

Background:

At the September 1, 2022 City Council Meeting the City Council met in executive session to discuss KPU’s potential application to broadband grant funding opportunities. As a result of that discussion, KPU-Tel is proceeding with applying for a Reconnect Program or Community Connect Program grant.

At the September 15, 2022 City Council Meeting the City Council approved Resolution No. 22-2860 - A Resolution of the Council of the City of Ketchikan, Alaska; Assigning a Representative-Signature-Certifier, Assigning Administrators in Respect to the USDA’s Online Application Program for Reconnect Program and Community Connect Grant Program and Establishing an Effective Date.

We would score additional points for our project by formally committing to net neutrality. Net neutrality was previously a regulatory requirement, so we already operate our service provider network under that framework which states that we shall not:

1. Block lawful content, applications, services, or non-harmful devices, subject to reasonable network management;
2. Impair or degrade lawful internet traffic on the basis of internet content, application, or service, or use of a non-harmful device, subject to reasonable network management; and

3. Engage in paid prioritization, meaning the management of a broadband provider's network to favor some traffic over other traffic directly or indirectly, including through use of techniques such as traffic shaping, prioritization, resource reservation, or other forms of preferential traffic management, either (a) in exchange for consideration (monetary or otherwise) from a third party, or (b) to benefit an affiliated entity

Resolution No. 22-2861 was created to formally commit to net neutrality and is presented herewith for approval by the City Council.

Recommended Motion: I move that the City Council approve Resolution No. 22-2861 – A Resolution of the Council of the City of Ketchikan, Alaska; Expressing Commitment to Comply with Net Neutrality in Respect to the USDA's Online Application Program and Community Connect Grant Program; and Establishing an Effective Date.

Cc: Michelle Johansen, Finance Director

CITY OF KETCHIKAN, ALASKA

RESOLUTION NO. 22-2861

A RESOLUTION OF THE COUNCIL OF THE CITY OF KETCHIKAN, ALASKA EXPRESSING COMMITMENT TO COMPLY WITH NET NEUTRALITY IN RESPECT TO THE USDA'S ONLINE APPLICATION PROGRAM FOR RECONNECT PROGRAM AND COMMUNITY CONNECT GRANT PROGRAM; AND ESTABLISHING AN EFFECTIVE DATE

Whereas, it is required by the United States Department of Agriculture Rural Utilities Service ("RUS") to pledge and to demonstrate the commitment to net neutrality as a condition of receiving funding through the Rural eConnectivity ("ReConnect ") Round IV program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Ketchikan, Alaska as follows:

Section 1: RESOLVED The City of Ketchikan, Alaska is a first class home rule municipal corporation organized and existing under the laws of the State of Alaska (hereinafter the "Corporation") which as the owner and operator of a public telecommunication utility desires to participate in USDA's ReConnect Program and Community Connect Grant Program.

Section 2: RESOLVED that the City of Ketchikan will implement net neutrality provisions effective on the date the city accepts funding from the ReConnect Round IV program.

The City of Ketchikan shall ensure the city's service provider networks will not:

1. Block lawful content, applications, services, or non-harmful devices, subject to reasonable network management;
2. Impair or degrade lawful internet traffic on the basis of internet content, application, or service, or use of a non-harmful device, subject to reasonable network management; and
3. Engage in paid prioritization, meaning the management of a broadband provider's network to favor some traffic over other traffic directly or indirectly, including through use of techniques such as traffic shaping, prioritization, resource reservation, or other forms of preferential traffic management, either (a) in exchange for consideration (monetary or otherwise) from a third party, or (b) to benefit an affiliated entity.

Section 3: This resolution shall become effective immediately upon adoption.

PASSED AND APPROVED by a duly constituted quorum of the City Council for the City of Ketchikan on this 6th day of October, 2022.

Dave Kiffer, Mayor

ATTEST:

Kim Stanker, City Clerk

CITY CLERK'S CERTIFICATE

I, Kim Stanker do hereby certify that: I am the City Clerk of the City of Ketchikan, Alaska, a first class home rule municipal corporation organized and existing under the laws of the State of Alaska (hereinafter the "Corporation"); that the following are true and correct copies of resolutions duly adopted by the City Council of the Corporation at the regular meeting held on October 6, 2022, and entered in the records of the Corporation; that the meeting was duly and regularly called and held in accordance with the ordinances of the Corporation; and that none of the following resolutions have been rescinded or modified:

THE CITY OF KETCHIKAN, ALASKA

RESOLUTION NO. 22-2861

A RESOLUTION OF THE COUNCIL OF THE CITY OF KETCHIKAN, ALASKA EXPRESSING COMMITMENT TO COMPLY WITH NET NEUTRALITY IN RESPECT TO THE USDA'S ONLINE APPLICATION PROGRAM FOR RECONNECT PROGRAM AND COMMUNITY CONNECT GRANT PROGRAM; AND ESTABLISHING AN EFFECTIVE DATE

Whereas, it is required by the United States Department of Agriculture Rural Utilities Service ("RUS") to pledge, and to demonstrate the commitment to net neutrality as a condition of receiving funding through the Rural eConnectivity ("ReConnect ") Round IV program.

BE IT RESOLVED by the Council of the City of Ketchikan, Alaska as follows:

Section 1: RESOLVED The City of Ketchikan, Alaska is a first class home rule municipal corporation organized and existing under the laws of the State of Alaska (hereinafter the "Corporation") which as the owner and operator of a public telecommunication utility desires to participate in USDA's ReConnect Program and Community Connect Grant Program.

Section 2: RESOLVED that the City of Ketchikan will implement net neutrality provisions effective on the date the city accepts funding from the ReConnect Round IV program.

The City of Ketchikan shall ensure the city's service provider networks will not:

1. Block lawful content, applications, services, or non-harmful devices, subject to reasonable network management;
2. Impair or degrade lawful internet traffic on the basis of internet content, application, or service, or use of a non-harmful device, subject to reasonable network management; and
3. Engage in paid prioritization, meaning the management of a broadband provider's network to favor some traffic over other traffic directly or indirectly, including through use of

techniques such as traffic shaping, prioritization, resource reservation, or other forms of preferential traffic management, either (a) in exchange for consideration (monetary or otherwise) from a third party, or (b) to benefit an affiliated entity.

I FURTHER CERTIFY THAT each member of the City Council of the Corporation was furnished with notice of said meeting in compliance with the ordinances of the Corporation.

IN WITNESS WHEREOF, I hereunto set my hand and affix the seal of the Corporation this 6th day of October, 2022

Kim Stanker
City Clerk

**Budget Transfer – Public Works-Wastewater Division’s 2022
Travel-Business Account**

Moved by Flora, seconded by Bradberry the City Council authorize the Acting City Manager to transfer \$3,500 from the Appropriated Reserves of the Wastewater Fund to the Public Works – Wastewater Division’s 2022 Travel-Business Account No. 600.01 to fund travel expenses related to filling the Wastewater Division Supervisor position.

Motion passed with Mahtani, Kistler, Gass, Gage, Zenge, Bradberry and Flora voting yea.

**Budget Transfer – Acquisition of FCC Auction No. 108 2.5 GHz
Mid-Band Spectrum Licenses for Next Generation Wireless
Services**

Moved by Flora, seconded by Bradberry the City Council authorize the Acting General Manager to create a 2022 FCC Auction 108 License capital project account for the Telecommunications Division, transfer \$68,850 from Appropriated Reserves of the KPU Enterprise Fund to the Telecommunications Division’s 2022 FCC Auction 108 License Capital Account, and authorize funds in the amount of \$68,500 from the Telecommunications Division’s 2022 FCC Auction 108 License Capital Account to acquire FCC Auction No. 108 2.5 GHz mid-band spectrum licenses for the next generation wireless services at a total cost of \$68,850.

Motion passed with Mahtani, Kistler, Gass, Gage, Zenge, Bradberry and Flora voting yea.

**Resolution No. 22-2860 – Assigning a Representative-Signature-
Certifier -Assigning Administrators in Respect to the USDA’s
Online Application Program for ReConnect Program and
Community Connect Grant Program**

Moved by Flora, seconded by Bradberry the City Council approve Resolution No. 22-2860, Assigning a Representative-Signature-Certified, Assigning Administrators in Respect to the USDA’s Online Application Program for ReConnect Program and Community Connect Grant Program; and establishing an effective date.

Motion passed with Mahtani, Kistler, Gass, Gage, Zenge, Bradberry and Flora voting yea.

**Three-Year Memorandum of Agreement for Berth III Off-
Season Berthing – The State of Alaska, Department of
Transportation & Public Facilities, Alaska Marine Highway
System**

Moved by Gass, seconded by Mahtani the City Council approve the three-year Memorandum of Agreement between the City of Ketchikan and the State of Alaska, Department of Transportation & Public Facilities, Alaska Marine Highway System for Berth III off-season berthing and direct the Acting City Manager and Port & Harbors Director to execute the agreement on behalf of the City Council.

Councilmember Gass questioned if this is tied to the moorage rates, and asked if staff could refresh the Council on the status of our current rates and when those are set to increase.