

08-00115

DATE: July 24, 2008

TO: Lisa Cooper
Tennessee Regulatory Authority
ATTN: Docket Rom (08-00115)
460 James Robertson Parkway
Nashville, TN 37243
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FROM: Matt Gulotta
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RE: Request for information regarding (A) PEG channels and (B) support payments.

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Ms. Cooper, I have attached the applicable sections from the Franchise Ordinance. Section 6 (F) and (G) are the relevant portions. Please contact me if you require any further information. Thank you.

- D. The Grantee shall maintain and operate its broadband telecommunications network in accordance with the rules and regulations as are incorporated herein or may be promulgated by the Federal Communications Commission, the United States Congress or the State.
- E. The Grantee shall install a bi-directional network having a minimum initial bandwidth of 450 MHz and a minimum reverse bandwidth capability of 25 MHz. Whenever a reverse or feedback circuit is activated at a subscriber location, it shall be installed so as to permit subscriber notification and deactivation.
- F. The Grantee shall provide at least one dedicated, noncommercial public access channel to be made available to local customers of the Grantee at all times on a non-discriminatory basis.
- G. The Grantee shall provide in addition to Subsection (F) above, three additional access channels; one for education; one for library use; and one for general governmental use. For the life of the franchise and from the date these channels are initially made available, there shall be no charge unless prohibited by Federal Communications Commission Regulations or, if not prohibited, in accordance with the schedule of charges filed and maintained with the Chief Administrative Officer or his designee. If the Federal Communications Commission prohibits the number of channels as set forth above, such failure shall not be construed to eliminate the provisions herein requiring the approval of rates or lease of said channels for municipal and educational purposes. The Grantee shall not be responsible for the production

[costs of programs prepared for transmission for the channels as set forth in Section 6, Paragraphs (F) and (G).

- H. The channels required in Section 6, Paragraphs (F) and (G) may be shared between Shelby County and the City of Memphis until such time as additional channel space is required in accordance with Section 39.
- I. Whereas local programming is of interest to the County, voluntary efforts to provide a local origination programming channel are encouraged.
- J. In addition, the system shall be equipped with an all channel emergency alert system which shall be made available at no cost to the County for emergency purposes at the request of the Mayor.
- K. The Grantee, whenever it is necessary to interrupt service over the broadband telecommunications network for the purpose of network maintenance, alteration or repair, shall do so at such time as will cause the least amount of inconvenience to its subscribers, and unless such interruption is unforeseen and immediately necessary, it shall give reasonable notice thereof to the affected subscribers.
- L. The Grantee shall provide the County frequency spectrum of 6 MHz upstream and 6 MHz downstream for data transmission by the County. Grantee shall make no transmission or tariff charge to County for said frequency spectrum or the use thereof; however, the County shall first enter into a contract with Grantee with regard to any such specific use. The contract may also include details of any construction, activation, or on-going maintenance which may be necessary.