

Mike Steele
Mayor

Tom Card
Councilmember

Larry Sewell
Councilmember



RECEIVED

2008 JUL 31 AM 8:24

T.R.A. DOCKET ROOM

Jerry Petty
Vice Mayor

Denny Manning
Councilmember

Eddie Phillips
Deputy City Manager

City of East Ridge
1517 Tombras Avenue
East Ridge, TN 37412
(423)-867-7711

July 28, 2008

Tennessee Regulatory Authority
ATTN: Docket Room (08-00115)
460 James Robertson Parkway
Nashville, TN 37243

Dear Ms. Cooper:

I am attaching a memo from Russell Byrd at Comcast with the information you requested regarding PEG channels for the City of East Ridge. I received the information this morning via e-mail. I am very sorry for the delay.

Sincerely,

A handwritten signature in cursive script that reads "Janet Middleton".

Janet Middleton
City Recorder
City of East Ridge



MEMORANDUM

DATE: July 28, 2008

TO: Janet Middleton

FROM: Russell E. Byrd

RE: Comcast Public, Educational, and Government ("PEG") Franchise Obligations in the **City of East Ridge, Tennessee**

Pursuant to the Competitive Cable and Video Services Act (the "CCVSA"), which was enacted on July 1, 2008, once a local government receives notice from a cable or video services provider that an application for a state-issued certificate of franchise authority has been filed, local governments are required to provide certain information to the Tennessee Regulatory Authority related to PEG access channels provided by the incumbent provider that have been activated and are authorized to be activated and the amount of any fee or other payment for PEG support required under the terms of the franchise agreement with the incumbent cable service provider with the most subscribers in the municipality or county on January 1, 2008, whether or not such agreement had expired. *See* CCVSA § 10.

Accordingly, Comcast's PEG obligations pursuant to the Franchise Agreement with the City of East Ridge are:

1. The number of activated PEG channels for the City of East Ridge are, as well as the number authorized to be activated, if different.

Response: There is NO PEG requirement in the franchise agreement

2. The terms of any PEG support payments being provided by Comcast to the City of East Ridge

Response: There is NO PEG payment requirement in the franchise agreement

If you have any questions or require further assistance, please do not hesitate to contact me at 865-862-5001.

RECEIVED

2008 JUL 31 AM 8:24

T.R.A. DOCKET ROOM

DATE: July 24, 2008

TO: Lisa Cooper
Tennessee Regulatory Authority
ATTN: Docket Rom (08-00115)
460 James Robertson Parkway
Nashville, TN 37243

FROM: Matt Gulotta
Shelby County Attorney's Office
160 N. Main, Suite 660
Memphis, TN 38103
(901) 545-4913
matthew.gulotta@shelbycountyttn.gov

RE: Request for information regarding (A) PEG channels and (B) support payments.

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.

1000 1908
02

TENNESSEE REGULATORY AUTHORITY



July 3, 2008

460 James Robertson Parkway
Nashville, Tennessee 37243-0505

To: Mayor P. Bk 7/8

Shelby County
ATTN: County Mayor A.C. Wharton
160 North Main Street
Suite 850
Memphis, Tennessee 38103

RE: **NOTICE** of TRA Receipt of Application for Certificate of Franchise Authority and
OFFICIAL REQUEST for Information

Brian
Heas
advis
TRK
7/7/08

Dear Mayor Wharton:

On July 1, 2008, Public Chapter 932,¹ also known as the Competitive Cable and Video Services Act (the "CCVSA"), which was enacted by the 105th Tennessee General Assembly became effective. Pursuant thereto, on July 1, 2008, the Tennessee Regulatory Authority ("TRA" or "Department") received an application for a state-issued certificate of franchise authority to provide cable or video service in your municipality or unincorporated area from BellSouth Telecommunications, Inc. d/b/a AT&T Tennessee ("AT&T").

In addition to conferring certain benefits, the CCVSA imposes specific obligations upon applicants, municipalities and counties, and the TRA. First, pursuant to § 6(a) and § 18(1) of the CCVSA, the applicant/service provider is required to provide a notice, contemporaneously with the filing of its application for a state-issued certificate of franchise authority with the TRA, to the local governments encompassed within its intended service area. Therefore, as an initial matter, you should have already received a notice from AT&T advising that it has filed such an application with the TRA.

Next, in order for the affected local governments to receive or continue receiving certain benefits related to public, educational, and governmental ("PEG") access channels, § 10(a) of the CCVSA states,

A county or municipality shall, within ten (10) days following receipt of an application for a state-issued certificate of franchise authority from a cable or video service provider seeking approval to provide cable or video service to the county or municipality, provide notice to the [TRA] regarding the number of [PEG] access channels. . . that have been activated and are authorized to be activated and the amount of any fee or other payment for PEG support required under the terms of the franchise agreement with the incumbent cable service provider with the most subscribers in the municipality or county on January 1, 2008, whether or not such agreement had expired. . .²

Further, § 15(b)(1) of the CCVSA requires the TRA upon receipt of an application for a state-issued certificate of franchise authority to notify all municipalities or counties identified as part of the applicant's service area to obtain certain information related to PEG access channels. The TRA is required to "compile and keep current the information it receives from municipalities, counties, or local

¹ 2008 Tenn. Pub. Acts 932.

² CCVSA § 10(a).

- 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.

TENNESSEE REGULATORY AUTHORITY

RECEIVED



July 3, 2008

2008 JUL 31 AM 8:24

460 James Robertson Parkway
Nashville, Tennessee 37243-0505
T.R.A. DOCKET ROOM

City of Greenbrier
ATTN: Mayor Billy Wilson
202 West College Street
P.O. Box 466
Greenbrier, Tennessee 37073

RE: **NOTICE** of TRA Receipt of Application for Certificate of Franchise Authority and
OFFICIAL REQUEST for Information

Dear Mayor Wilson:

On July 1, 2008, Public Chapter 932,¹ also known as the Competitive Cable and Video Services Act (the "CCVSA"), which was enacted by the 105th Tennessee General Assembly became effective. Pursuant thereto, on July 1, 2008, the Tennessee Regulatory Authority ("TRA" or "Department") received an application for a state-issued certificate of franchise authority to provide cable or video service in your municipality or unincorporated area from BellSouth Telecommunications, Inc. d/b/a AT&T Tennessee ("AT&T").

In addition to conferring certain benefits, the CCVSA imposes specific obligations upon applicants, municipalities and counties, and the TRA. First, pursuant to § 6(a) and § 18(1) of the CCVSA, the applicant/service provider is required to provide a notice, contemporaneously with the filing of its application for a state-issued certificate of franchise authority with the TRA, to the local governments encompassed within its intended service area. Therefore, as an initial matter, you should have already received a notice from AT&T advising that it has filed such an application with the TRA.

Next, in order for the affected local governments to receive or continue receiving certain benefits related to public, educational, and governmental ("PEG") access channels, § 10(a) of the CCVSA states,

A county or municipality shall, within ten (10) days following receipt of an application for a state-issued certificate of franchise authority from a cable or video service provider seeking approval to provide cable or video service to the county or municipality, provide notice to the [TRA] regarding the number of [PEG] access channels. . . that have been activated and are authorized to be activated and the amount of any fee or other payment for PEG support required under the terms of the franchise agreement with the incumbent cable service provider with the most subscribers in the municipality or county on January 1, 2008, whether or not such agreement had expired. . .²

Further, § 15(b)(1) of the CCVSA requires the TRA upon receipt of an application for a state-issued certificate of franchise authority to notify all municipalities or counties identified as part of the applicant's service area to obtain certain information related to PEG access channels. The TRA is required to "compile and keep current the information it receives from municipalities, counties, or local

¹ 2008 Tenn. Pub. Acts 932.

² CCVSA § 10(a).

governments for the use of holders of state-issued certificates of franchise authority”³ and the Tennessee General Assembly.

IT IS IMPORTANT TO NOTE THAT, according to the CCVSA, if a municipality or county fails to provide PEG information after being requested to do so by the TRA, a holder of a state-issued certificate of franchise authority shall not be held in violation or noncompliance with the requirements of § 10 of the CCVSA, as to any such municipality or county, until the TRA has received the information requested and the holder has been given adequate time to comply with such PEG provisions.⁴ A notice in compliance with the requirements of § 10(a) of the CCVSA acts to trigger the franchise authority holder’s obligation to make PEG access support payments,⁵ starts the clock running on the deadline for designating PEG channels,⁶ and initiates any other duties or obligations required of the state-issued franchise authority holder encompassed within § 10 of the CCVSA.

In light of the provisions of the CCVSA noted above, it is imperative that you respond promptly to this Notice by providing the TRA with the following information:

- (A) **The number of activated PEG channels for such municipality or county, as well as the number authorized to be activated, if different; and** 0
- (B) **The terms of any PEG support payments being provided by the incumbent service provider.**⁷

Please send the above information to:

**Tennessee Regulatory Authority
ATTN: Docket Room (08-00115)
460 James Robertson Parkway
Nashville, TN 37243**

If you have already forwarded this information to the TRA upon receipt of the notice from the applicant service provider in accordance with § 10(a) of the CCVSA, please disregard this request. Should you have any questions or concerns regarding this matter, please feel free to contact me at (615) 741-2904 x150 or at the address listed above. Thank you for your cooperation and prompt attention in this matter.

Sincerest Regards,

Lisa Cooper

Lisa Cooper
TRA Programs Manager

** We don't have any PEG channel agreement.
Rachel Shusser*

³ CCVSA § 15 (b)(2).

⁴ CCVSA § 15 (b)(2).

⁵ See, CCVSA § 10(j).

⁶ Pursuant to § 10(b) of the CCVSA, a state-issued franchise holder must designate PEG channels within 90 days of beginning to offer service.

⁷ CCVSA § 15(b)(1).



RECEIVED

2008 JUL 31 AM 8:24

ASSISTANT CITY MANAGER

G. William Hammon, Jr.

223 Associates Boulevard, Alcoa, Tennessee 37701-5040

Office: (865) 380-4795 Fax: (865) 380-4797

E-mail: bhammon@cityofalcoa-tn.gov

July 25, 2008

Ms. Lisa Cooper
TRA Programs Manager
460 James Robertson Parkway
Nashville, TN 37243

Re: Response to Request for Information

Dear Ms. Cooper:

Thank you for your time recently and the explanation of the information you are requesting relative to being compliant with the new Competitive Cable and Video Services Act.

The City of Alcoa is a member of the Blount County Cable Authority. Currently, there are two PEG channels assigned to the three jurisdictions, Alcoa, Maryville and Blount County. There are no channels being held in reserve for future use.

Contributions to the participating jurisdictions from the provider, Charter Communications, have been in the way of studio time and equipment.

If I may provide any additional information or clarification, please advise.

Sincerely,

G. William Hammon, Jr.
Assistant City Manager

/bhs

c: Ms. Shelly Wilson, City Attorney
Mr. Norman Newton, Counsel, Blount County Cable Authority

TENNESSEE REGULATORY AUTHORITY

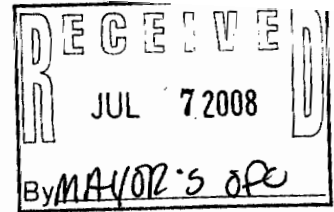


RECEIVED

JUL 31 AM 8:24

TRA DOCKET ROOM

July 3, 2008



460 James Robertson Parkway
Nashville, Tennessee 37243-0505

City of Gallatin
ATTN: Mayor Jo Ann Graves
132 West Main Street
Gallatin, Tennessee 37066

RE: **NOTICE of TRA Receipt of Application for Certificate of Franchise Authority and
OFFICIAL REQUEST for Information**

Dear Mayor Graves:

On July 1, 2008, Public Chapter 932,¹ also known as the Competitive Cable and Video Services Act (the "CCVSA"), which was enacted by the 105th Tennessee General Assembly became effective. Pursuant thereto, on July 1, 2008, the Tennessee Regulatory Authority ("TRA" or "Department") received an application for a state-issued certificate of franchise authority to provide cable or video service in your municipality or unincorporated area from BellSouth Telecommunications, Inc. d/b/a AT&T Tennessee ("AT&T").

In addition to conferring certain benefits, the CCVSA imposes specific obligations upon applicants, municipalities and counties, and the TRA. First, pursuant to § 6(a) and § 18(1) of the CCVSA, the applicant/service provider is required to provide a notice, contemporaneously with the filing of its application for a state-issued certificate of franchise authority with the TRA, to the local governments encompassed within its intended service area. Therefore, as an initial matter, you should have already received a notice from AT&T advising that it has filed such an application with the TRA.

Next, in order for the affected local governments to receive or continue receiving certain benefits related to public, educational, and governmental ("PEG") access channels, § 10(a) of the CCVSA states,

A county or municipality shall, within ten (10) days following receipt of an application for a state-issued certificate of franchise authority from a cable or video service provider seeking approval to provide cable or video service to the county or municipality, provide notice to the [TRA] regarding the number of [PEG] access channels. . . that have been activated and are authorized to be activated and the amount of any fee or other payment for PEG support required under the terms of the franchise agreement with the incumbent cable service provider with the most subscribers in the municipality or county on January 1, 2008, whether or not such agreement had expired. . .²

Further, § 15(b)(1) of the CCVSA requires the TRA upon receipt of an application for a state-issued certificate of franchise authority to notify all municipalities or counties identified as part of the applicant's service area to obtain certain information related to PEG access channels. The TRA is required to "compile and keep current the information it receives from municipalities, counties, or local

¹ 2008 Tenn. Pub. Acts 932.

² CCVSA § 10(a).

governments for the use of holders of state-issued certificates of franchise authority"³ and the Tennessee General Assembly.

IT IS IMPORTANT TO NOTE THAT, according to the CCVSA, if a municipality or county fails to provide PEG information after being requested to do so by the TRA, a holder of a state-issued certificate of franchise authority shall not be held in violation or noncompliance with the requirements of § 10 of the CCVSA, as to any such municipality or county, until the TRA has received the information requested and the holder has been given adequate time to comply with such PEG provisions.⁴ A notice in compliance with the requirements of § 10(a) of the CCVSA acts to trigger the franchise authority holder's obligation to make PEG access support payments,⁵ starts the clock running on the deadline for designating PEG channels,⁶ and initiates any other duties or obligations required of the state-issued franchise authority holder encompassed within § 10 of the CCVSA.

In light of the provisions of the CCVSA noted above, it is imperative that you respond promptly to this Notice by providing the TRA with the following information:

- (A) The number of activated PEG channels for such municipality or county, as well as the number authorized to be activated, if different; and **1**
- (B) The terms of any PEG support payments being provided by the incumbent service provider.⁷ **NONE**

Please send the above information to:

Tennessee Regulatory Authority
ATTN: Docket Room (08-00115)
460 James Robertson Parkway
Nashville, TN 37243

If you have already forwarded this information to the TRA upon receipt of the notice from the applicant service provider in accordance with § 10(a) of the CCVSA, please disregard this request. Should you have any questions or concerns regarding this matter, please feel free to contact me at (615) 741-2904 x150 or at the address listed above. Thank you for your cooperation and prompt attention in this matter.

Sincerest Regards,



Lisa Cooper
TRA Programs Manager

³ CCVSA § 15 (b)(2).

⁴ CCVSA § 15 (b)(2).

⁵ See, CCVSA § 10(j).

⁶ Pursuant to § 10(b) of the CCVSA, a state-issued franchise holder must designate PEG channels within 90 days of beginning to offer service.

⁷ CCVSA § 15(b)(1).