

TENNESSEE REGULATORY AUTHORITY

Tre Hargett, Chairman
Eddie Roberson, Director
Sara Kyle, Director
Mary Freeman, Director

2008 OCT 17 PM 3:57
T.R.A. BUSINESS ROOM

460 James Robertson Parkway
Nashville, Tennessee 37243-0505

September 19, 2008

City of Monterey
ATTN: Mayor William K Wiggins
302 East Commercial Avenue
Monterey, TN 38574

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

Dear Mayor Wiggins:

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 September 9, 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 Charter Communications Operating LLC ("Charter").

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 Charter 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 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

¹ 2008 Tenn. Pub. Acts 932.

² CCVSA § 10(a).

³ CCVSA § 15 (b)(2).

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:

- Do Not have any*
- (A) The number of activated PEG channels for such municipality or county, as well as the number authorized to be activated, if different; and
- (B) The terms of any PEG support payments being provided by the incumbent service provider.⁷
- do not get payment.*

Please send the above information to:

**Tennessee Regulatory Authority
ATTN: Docket Room (08-00169)
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

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).



August 22, 2008

Office of the Mayor
P.O. Box 97
Monterey, TN 38574

Dear Office of the Mayor :

In accordance with the recently enacted State of Tennessee's "Competitive Cable and Video Service Act", effective July 1, 2008, and as required by Section 6 (A), you are hereby notified that, Charter Communications Operating, LLC has applied for a state-issued certificate to operate its cable system in your community.

Upon receipt by Charter Communications Operating, LLC of its certificate of approval by the Tennessee Regulatory Authority, Charter Communications Operating, LLC shall immediately operate its cable system under the guidelines set forth by the "Competitive Cable and Video Service Act."

Please feel free to contact me with any questions or concerns you may have @865-273-2712.

Regards,

A handwritten signature in black ink that reads "Nick Pavlis". The signature is fluid and cursive, with the first name "Nick" and last name "Pavlis" clearly distinguishable.

Nick Pavlis
Director of Government Relations
Tennessee/Louisiana Operations

Enclosure: Application

Columbia/83531000/Monterey/750

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

In Re: Application of Renaissance Media, LLC(RML), Rifkin Acquisition Partners, LLC (RAP), Charter Communications, LLC (CC LLC), Tennessee, LLC(TN LLC), H PI Acquisition Co., LLC(HPI), Marcus Cable Associates, LLC(MCA), Robin Media Group, Inc.(ROBIN), Interlink Communications Partners, LLC(ICP), d/b/a Charter Communications Operating, LLC, For State-Issued Certificate of Franchise Authority

Docket No. _____

AFFIDAVIT OF JOSH JAMISON

**STATE OF TENNESSEE
COUNTY OF DAVIDSON**

I, Josh Jamison, in accordance with the requirements of the Competitive Cable and Video Services Act, Public Chapter 932 (the "Act"), state as follows:

1. Name of Applicant:

I Josh Jamison Do hereby attest to being an officer of Charter Communications Operating LLC, and furthermore am authorized to make this affidavit on behalf of Charter Communications Operating LLC. (hereinafter referred to in this application as "Applicant").

2. Application Fee For a service area of over two million (2,000,000) as set forth in (Section 6(b)(1) of the Act):

The following application fee of fifteen thousand (\$15,000.00) is submitted in accordance with the aggregate population of the service area(s) applied for in this application in accordance with the most recent decennial census (check applicable box):

- ☐ \$500.00 -- aggregate service area(s) population of 50,000 or less;
- ☐ \$1,000.00 -- aggregate service area(s) population of 50,001 to 100,000;
- ☐ \$2,000.00 -- aggregate service area(s) population of 100,001 to 500,000;
- ☐ \$5,000.00 -- aggregate service area(s) population of 500,001 to 1,000,000;

- ☐ \$10,000.00 -- aggregate service area(s) population of 1,000,000 to 2,000,000; or
- x ☐ \$15,000.00 -- aggregate service area(s) population of over 2,000,000.

3. Compliance with applicable laws (Section 6(c)(2) of the Act):

Applicant agrees to comply with all applicable federal and state laws and regulations to the extent that such state laws and regulations are not in conflict with or superseded by the provisions of this part or other applicable law and will timely file with the FCC all forms required by the FCC in advance of offering video services or cable services.

4. Description of municipalities and/or unincorporated counties to be served (Section 6(c)(2) of the Act):

Attachment 1 to this application lists the service areas applied for by Applicant. Unless otherwise indicated on Attachment 1, Applicant currently provides cable service in each of the identified service areas. Attachment 1 is incorporated by reference into this affidavit.

5. Provision of cable service to service areas (Section 6(c)(3) of the Act):

Applicant is currently providing cable service for purchase in each of the municipalities and/or unincorporated areas of counties identified in Attachment 1. Accordingly, Applicant currently satisfies the requirements of Section 6(c)(3) of the Act.

6. Indemnification (Section 6(c)(4) of the Act):

Applicant agrees to indemnify and hold harmless, in accordance with Section 19 of the Act, the state, municipality, county and any employee or representative of the state, municipality or county, as well as any political subdivision of the state and any employee or representative of the political subdivision, individually and collectively, referred to in Section 19 as the "indemnatee."

7. Applicant Contact Information (Section 6(c)(5) of the Act):

- a. Applicant's principal place of business is located at: 12405 Powers Court Drive ST. Louis, Missouri 63131.
- b. Contact telephone number is 865-273-2712
- c. The principal executive officers of the Applicant are:

- d. Neil Smit President, CEO
- e. Mike Lovett EVP, COO
- f. Marwan Fawaz, EVP, CTO
- g. Ted Shremp, EVP, CMO
- h. Eloise Schmitz EVP, CFO
- i. Grier Raclin EVP, General Counsel
- c. The following persons are authorized to represent the Applicant before the Tennessee Regulatory Authority:

Vice President or General Manager for Tennessee Operations
 Director or Manager of Government Relations Tennessee Operations
 Divisional Vice President of Government Relations North East Division

8. Charter Communications meets the requirements of having the Managerial, Financial and Technical Qualifications of Applicant to Provide Cable Service (Sections 6(c)(6) and 6(d)(2) of the Act):

Section 6(d)(3) of the Act provides that an incumbent cable service provider (as defined by Section 4(13) of the Act) is deemed by operation of law to have the managerial, financial and technical qualifications to obtain a state-issued Certificate of Franchise Authority; provided that the incumbent is not seeking a new service area which would double its current size of operations and the incumbent does not have cable assets of at least ten million dollars (\$10,000,000.00) in the state.

Applicant is an incumbent cable service provider as defined in Section 4(13) of the Act in each of the areas listed on Attachment 1 and therefore is deemed by operation of law to have the managerial, financial and technical qualifications to obtain a state-issued franchise. Applicant is not seeking any new service area in this application. Accordingly, no review of Applicant's managerial, financial and technical qualifications is required or permitted by the Act.

9. Customer Service Complaint Handling Process (Section 6(c)(7) of the Act):

- a. Policies on addressing customer service issues, billing adjustments and communication with government officials regarding customer complaints:

Subscribers that have questions or complaints regarding their subscription to Charter services may contact Charter Communications Customer Care at 1-888-829-3018 or

WWW.Charter.com. Charter will address customer questions or complaints in a timely manner. Should a customer not feel their request has not been properly handled they may contact the Tennessee Regulatory Authority.

- b. Local or toll free telephone number at which customers may contact the Applicant regarding customer service issues and billing adjustments:

1-888-829-3018

10. Notice to Affected Local Governing Authority (Section 6(c)(8) of the Act):

Notice has been provided to the affected local governing authorities for the areas listed on Attachment 1 of their right to receive a franchise fee consistent with the Act. Notice will be provided to other entities with facilities in the rights-of-ways in the areas listed in Attachment 1 to the extent required by applicable local ordinances or resolutions.

11. Non-discrimination and Service Deployment Requirements (Section 6(c)(9) of the Act):

Applicant agrees to comply with the requirements of the Act, expressly including the applicable non-discrimination and service deployment requirements of Section 12 of the Act. Applicant acknowledges the provisions of Section 13 of the Act relative to the enforcement of non-discrimination and deployment requirements.

In accordance with Section 12(a)(2) of the Act, Applicant certifies that it will deploy its cable system to all the households located within the proposed "new area(s)" identified in Attachment 1, which includes all households in such areas that have a density of at least 20 homes per mile measured from the Applicant's existing distribution plant.

In accordance with Section 12(a)(3) of the Act, Applicant certifies that it will provide cable service to all homes within the proposed new area(s) identified in Attachment 1 that have a density of at least 20 homes per mile measured from the Applicant's existing distribution plant.

12. Notice to Affected Local Governing Entity (Section 6(c)(10) of the Act):

Applicant is an incumbent cable service provider as defined in Section 4(13) of the Act and is currently providing cable service to each of the areas listed on Attachment 1. Accordingly each of the applicable local governing entities has received notice that Applicant is providing cable service.

3. Minority Owned Business Participation Plan (Section 6(c)(11) of the Act):

Attachment 2 is Applicant's minority owned business participation plan and Applicant agrees to comply with the provisions of the plan in accordance with Section 14 of the Act.

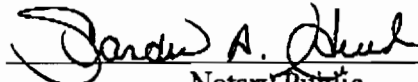
FURTHER AFFIANT SAYETH NOT

Connecticut
STATE OF ~~TENNESSEE~~
COUNTY OF New Haven



Josh Jamison

Sworn to and subscribed before me, this 8th day of Sept., 2008.



Notary Public

My Commission Expires: _____
Sandra A. Hurd
NOTARY PUBLIC
State of Connecticut
My Commission Expires 1/31/2012