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Mr. Tre Hargett  
Chairman, Tennessee Regulatory  
Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

The City of Cookeville approved a Cable Television Franchise agreement with Charter Communications in January, 1995. On September 9, 2008, Charter Communications applied for a state issued cable and video franchise certificate with the Tennessee Regulatory Authority which was issued on October 7, 2008. As set forth in T.C.A. §7-59-301, et.seq., the City of Cookeville adopted Resolution #R09-02-02 on February 19<sup>th</sup>, 2009, that invokes certain provisions of that act as it relates to franchise fees. The Resolution provides for implementation 45 days after a copy of the Resolution is delivered to your agency and Charter Communications.

In accordance with T.C.A. §7-59-303(11)(A)(i), Charter will be required to include franchise fees in the definition of “gross revenue”, among other items, as part of the franchise fee payment to the City. Although the local franchise agreement provides a franchise fee of 3%, this Resolution resolves to require Charter Communications to pay the new State franchise fee of 5% as set forth in the provisions of T.C.A. §7-59-306. Additionally, the new State franchise fee is to be paid quarterly, rather than annually. The franchise fee must be paid 45 days from the close of the quarter and must be accompanied by a statement showing the revenues attributable to Cookeville subscribers.

Also, as required, enclosed is a certified copy of this Resolution that is being provided to the Tennessee Regulatory Authority as its notice, pursuant to T.C.A. §7-59-303(11)(A)(i) and Charter Communications. Should you have any questions or require additional information, please don't hesitate to contact me.

Sincerely,  
  
Jim Shipley

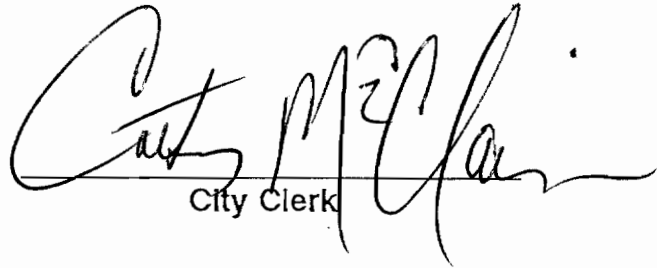
Jim Shipley  
City Manager

cc: Charter Communications  
Nick Pavlis, Maryville, TN Office  
Steve Lottmann, Divisional Controller, St. Louis, MO Office

STATE OF TENNESSEE)  
COUNTY OF PUTNAM )  
CITY OF COOKEVILLE )

I, CATHY MCCLAIN, City Clerk, being the legal  
custodian of Ordinances and Codes of Cookeville, Tennessee, and as such  
do further certify that the attached hereto is a true and exact copy of  
Resolution Number R09-02-02 adopted by the City Council on  
FEBRUARY 19, 2009.

Witness my official signature and official seal of said Municipality  
this 20TH day of FEBRUARY, 2009.

  
City Clerk

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# RESOLUTION

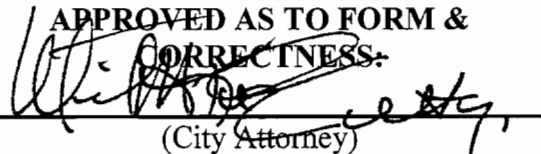
A RESOLUTION OF THE CITY  
COUNCIL OF THE CITY OF  
COOKEVILLE REGARDING T.C.A.  
§7-59-301, ET SEQ., THE  
COMPETITIVE CABLE AND VIDEO  
SERVICES ACT, AS IT RELATES TO  
FRANCHISE FEES

RESOLUTION NUMBER: R09-02-02

REQUESTED BY: JIM SHIPLEY

PREPARED BY: JIM SHIPLEY

APPROVED AS TO FORM &  
CORRECTNESS:

  
(City Attorney)

ADOPTED:

2-19-09

MINUTE BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

**WHEREAS**, the City of Cookeville approved a Cable Television Franchise agreement with Charter Communications in January, 1995; and

**WHEREAS**, On September 9, 2008, Charter Communications applied for a state issued cable and video franchise certificate with the Tennessee Regulatory Authority, which was issued on October 7, 2008; and

**WHEREAS**, an incumbent cable or video service provider who terminates its existing local franchise by obtaining a state-issued certificate of franchise authority shall continue to pay the franchise fee required under the terminated local franchise until the date upon which the local franchise would have naturally expired; and

**WHEREAS**, T.C.A. §7-59-303(11)(A)(1) requires a municipality to adopt a resolution that requires gross revenue to include, among other items, franchise fees, as part of the quarterly franchise fee payments and to provide such notice to the Tennessee Regulatory Authority in order for these amounts to be included in any state issued cable and video franchise.

**WHEREAS**, while the local Franchise Agreement approved between Charter Communications and the City of Cookeville in January, 1995, provides a franchise fee equal to three percent (3%) of gross revenues, the new State statute requires that a holder of a state-issued certificate of franchise authority shall be required to pay a franchise fee equal to five percent (5%) of such holder's gross revenues.

**WHEREAS**, the City of Cookeville is required by statute to approve by resolution raising the franchise fee from 3% to 5%.

**NOW, THEREFORE**, upon Motion duly made and seconded, the City of Cookeville, hereby resolves as follows:

1. All cable and video service providers operating in the City of Cookeville and using our public rights of way are required to include franchise fees in the definition

# RESOLUTION

of "gross revenue", among other items, as part of the quarterly franchise fee payment to the City in accordance with T.C.A. §7-59-303(11)(A)(i).

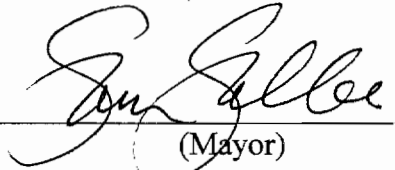
2. As set forth in the provisions of TCA §7-59-306, a holder of a state-issued certificate of franchise authority shall be required to pay a franchise fee equal to five percent (5%) of such holder's gross revenues and although the local franchise agreement provides a franchise fee of 3%, this Resolution resolves to require Charter Communications to pay the new State franchise fee of 5%.

3. Additionally, the new State franchise fee is paid quarterly, rather than annually, as it is delineated under the City's original franchise. The franchise fee must be paid 45 days from the close of the quarter and must be accompanied by a statement showing the revenues attributable to Cookeville subscribers.

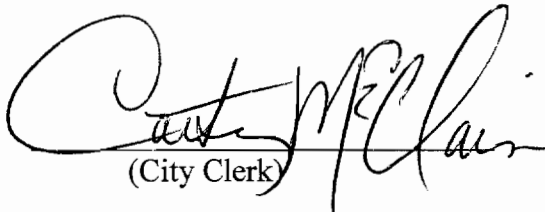
4. The City Recorder shall send a certified copy of this Resolution to the Tennessee Regulatory Authority as its notice, pursuant to T.C.A. §7-59-303(11)(A)(i) and Charter Communications.

5. This Resolution shall be effective immediately upon its passage and shall be implemented 45 days after a copy of the Resolution is delivered to the Tennessee Regulatory Authority and Charter Communications.

**Adopted** this the 19<sup>th</sup> day of February, the public welfare requiring it.

  
(Mayor)

**ATTEST:**

  
(City Clerk)