

02/24/2009 TUE 0:49 FAX 8658625098

002/002

**MEMORANDUM**

DATE: February 24, 2009
TO: Cheryl Collins
FROM: Russell E. Byrd
RE: Comcast Public, Educational, and Government ("PEG") Franchise Obligations in the City of Wartburg, Tennessee

REC'D
2009 FEB 24 PM 3:48
T.R.A. DOCKET ROOM

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 Rockford are:

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

Response: There are NO PEG requirements in the franchise agreement.

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

Response: There are NO PEG payment requirements in the franchise agreement.

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

City of Wartburg

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:

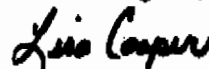
- * (A) The number of activated PEG channels for such municipality or county, as well as the number authorized to be activated, if different; and
- * (B) The terms of any PEG support payments being provided by the incumbent service provider.⁷

Please send the above information to:

Tennessee Regulatory Authority
ATTN: Docket Room (09-00016)
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

Amie Reed 2/27

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).

FAX TRANSMISSION

CITY OF WARTBURG

P.O. BOX 386

WARTBURG, TN 37887

423/346-2323

FAX: 423/346-2262

TO: Arnie Reed DATE: 2/24/09
FAX #: (615) 741-5015 PAGES: 3, including cover
FROM: Cheryl Collins
SUBJECT: PEG Channels

COMMENTS:

Dear Mr. Reed
Following is a letter from Comcast
Cable stating that we have no PEG
Channels.