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Mr. Kenneth C. Hill, Chairman  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243

Re: Complaint of Community Television of Knoxville and Community Television of Knox  
County  
Docket Number: 12-00082

Dear Chairman Hill:

We are in receipt of a letter sent to you dated August 2, 2012 from Bill Ketron, Chairman of the Republican Caucus and Steve McDaniel, Deputy Speaker of the House with regard to the issue at hand. The consolidated complaint of Knoxville and Knox County have to do with the provision of PEG services within the franchise of AT&T. The applicable statute is T.C.A. § 7-59-304(f)(1)(B) which provides as follows:

Transmission of the signal from each PEG channel programmer's local origination point, at the holder's expense, such expense to include any equipment necessary for the holder to transmit the signal from PEG channels activated as of July 1, 2008, if the origination point is in the holder's service area.

The letter from Senator Bill Ketron and Representative Steve McDaniel, dated August 2, 2012, the legislators represent they were the sponsors of the Bill and argue that it was not the legislative intent that the franchise holder be required to maintain the PEG equipment.

Respectfully Knox County submits that said statement whether it is sworn or unsworn by the legislators is totally inadmissible for consideration on the intent of the statute.

First of all, as a general rule, statutory construction, if the statute is unambiguous, there is no need to look further to interpret its meaning. In this case, the statute clearly is unambiguous in that the franchise holder is required to transmit a PEG channel by one of two methods. One of those methods is transmission from each PEG channel programmer's local origination point (under the statute that is to be provided at the franchise holder's expense which includes any equipment necessary for the holder to transmit the signal). Therefore, it is clear that under all

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circumstances, while as long as that franchise holder is authorized to submit, it must transmit the signal and make the equipment available.

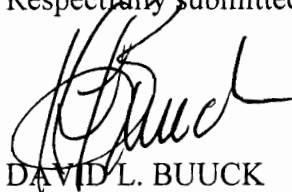
Therefore no matter what AT&T says and no matter what two legislators say, it is clear that AT&T must provide the transmission and the equipment for the transmission of the PEG signal.

Testimony of the sponsors of the bill as to what they intended is not admissible in any way.

Our appellate courts have held in *James Cable Partners v. City of Jamestown*, 818 S.W.2d 338 (Tenn. App. 1991) "it is a well settled principle in this state that while documents and reports evidencing legislative intent and purpose have been freely admitted into evidence when construing statutes, we cannot resort 'to opinions of legislators or others concerned in the enactment of the law, for the purpose of ascertaining the intent of the legislator' even when there is ambiguous language used therein. *Levy v. State Board of Examiners, etc.*, 553 S.W.2d 909, 913 (Tenn. 1977) quoting *Bowaters Carolina Corp. v. Smith*, 257 S.C. 563, 186 S.E.2d 761, 764 (1972)"

To that end we respectfully would move that the letter from the Honorable Legislators be stricken from consideration of the record.

Respectfully submitted,



DAVID L. BUUCK  
Knox County Chief Deputy Law Director

DLB/prm

cc: Mayor Tim Burchett  
Mayor Madeline Rogero  
David Vogel, Community Television of Knoxville  
Janet Wright, Director of Information Systems, City of Knoxville  
Ronald E. Mills, Deputy Law Director, City of Knoxville