



Metropolitan Government of Nashville and Davidson County

Karl Dean, Mayor

Information Technology Services Department

Keith Durbin, CIO/Director of IT Services

August 28, 2012

Hon. 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 No. 12-00082

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2012 SEP -6 AM 9:30
T.R.A. DOCKET ROOM

Dear Chairman Hill:

As the Director of the Department of Information Technology of The Metropolitan Government of Nashville and Davidson County, which Department includes among its responsibilities the operation of a PEG Channel, I have reviewed the correspondence filed with the TRA in the above-referenced matter, and by this letter advise the TRA that like the City of Murfreesboro, the Metropolitan Government of Nashville and Davidson County concurs with the Complainant's interpretation of the Competitive Cable and Video Service's Act's provision, as follows, found at TENN. CODE ANN. § 7-59-309(f)(1)(B), and disagrees with AT&T's interpretation of it:

A holder of a state-issued certificate of franchise authority must transmit a PEG channel by one (1) of the following methods:...(B) 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.

A nonfunctioning piece of equipment is not only not necessary to transmit the PEG channel signal, it is useless for this purpose. Therefore, providing a nonfunctioning piece of equipment would not satisfy AT&T's obligation to provide what's necessary to transmit the signal. It is the obligation of the holder of the state-issued certificate of franchise authority to provide transmission of a PEG Channel signal, and nothing in the Act suggests that that obligation is fully satisfied and terminated via the provision of a piece of equipment that subsequently breaks, whether or not it was under warranty at the time it was provided. The obligation of the certificate holder at the point when a piece of equipment necessary for

transmission breaks would be, once again, to provide what is necessary for transmission, i.e., a functioning replacement, or alternatively, to cover the cost of repairing the piece of equipment, if it is able to be repaired. Since the plain language of the CCVSA is clear and unambiguous that the certificate holder has the obligation to provide transmission of a PEG Channel's signal, at the holder's expense, resort to legislative history is unnecessary and immaterial. That the Act specifies that the holder's obligation to bear the expense of transmission *includes* equipment, further makes it clear that it is not limited thereto.

Accordingly, the Metropolitan Government would urge the TRA to find in favor of the Complainant in the above-referenced matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Keith Durbin', is written over a circular stamp or seal.

Keith Durbin

CIO/Director of IT Services

cc: Mayor Karl Dean
Vice Mayor Diane Neighbors
Councilmember Brady Banks
Mr. Richard McKinney, Chair of Metro Cable TV Special Committee
Mr. T. C. Weber, Chair of Nashville Educational & Community Access Television