



TENNESSEE REGULATORY AUTHORITY
460 James Robertson Parkway
Nashville, Tennessee 37243-0505

November 20, 2012

The Honorable Mark H. Luttrell Jr.
Shelby County Mayor
160 N Main, Suite 850
Memphis, TN 38103

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

Dear Mayor Luttrell:

On November 16, 2012, Millington CATV, Inc. ("Millington") applied with the Tennessee Regulatory Authority ("TRA" or "Department") for a state-issued franchise to serve portions of unincorporated Shelby County. Millington asserts that it already serves this area and wishes to convert its existing local franchise to a state cable franchise.¹ By this time, you should have already received notice from Millington of its intention to serve your area. This and other related filings may be found on the TRA's website at <http://www.tn.gov/tra/dockets/1200141.htm>. The Department is required to send this notice so that you may act to preserve your Public, Educational and Governmental ("PEG") channels and PEG access support payments under Tenn. Code Ann. § 7-59-309.²

If the local franchise with Millington that existed as of July 1, 2008 required it to provide PEG channels or access payments, then you may be able to receive the same number of PEG channels and equivalent support payments from Millington under the state cable franchise.³ However, in order to claim these benefits, you must provide the TRA with information about the PEG channels and support payments negotiated under the incumbent provider's franchise *within ten (10) days* from the date you received notice from Millington that it intended to provide cable or video service to your municipality, specifically:

- (1) The number of PEG channels that have been activated by the incumbent;
- (2) The number of PEG channels that are authorized to be activated under the incumbent franchise; and,
- (3) The amount of any fee or other payment for PEG access support required under the incumbent franchise.⁴

Please use the enclosed self-addressed envelope to send the above information to:

Tennessee Regulatory Authority
ATTN: Docket Room (12-00141)
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 or state-issued franchise service provider in accordance with Tenn. Code Ann. § 7-59-309(a), please disregard this request. Should you have any questions or concerns regarding this matter, please feel free to contact me at (615) 741-2904 x153 or at the address listed above. Thank you for your cooperation and prompt attention in this matter.

Sincerest Regards,

Jerry Kettles,
Chief, Economic Analysis & Policy Division

¹ See Tenn. Code Ann. § 7-59-314.

² See Tenn. Code Ann. § 7-59-314(b)(1).

³ This applies whether or not the local franchise agreement had expired on July 1, 2008 (Tenn. Code Ann. § 7-59-309(a)(1)).

⁴ See Tenn. Code Ann. § 7-59-309(a)(1).