



16-00009

RECEIVED

2016 FEB 16 AM 10:58

T.R.A. DOCKET ROOM

CITY OF BRENTWOOD

ROGER A. HORNER
CITY ATTORNEY

February 9, 2016

Tennessee Regulatory Authority
ATTN: Docket Room (16-00009)
502 Deaderick Street, 4th Floor
Nashville, Tennessee 37243

RE: Crystal Clear Technologies, LLC Application for Certificate of Franchise Authority; Notice to TRA Regarding PEG channels

The City of Brentwood has received the Tennessee Regulatory Authority's (TRA's) letter dated January 28, 2016, referencing the application of Crystal Clear Technologies, LLC for a state-issued certificate of franchise authority. However, to my knowledge and after checking with other City personnel who might have received correspondence of this nature, we have *not* received a notice from Crystal Clear of its intention to serve our area. Nonetheless, in response to TRA's request for certain information regarding activated PEG channels and terms of any PEG support payments provided by the incumbent service provider, we are providing the following information:

- Cable television service is currently provided throughout the City of Brentwood ("the City") under a local franchise held by Comcast Cablevision of Nashville II, L.L.C. ("Comcast") and under a state franchise held by BellSouth Telecommunications, Inc. d/b/a AT&T Tennessee. Comcast serves the majority of subscribers within the City.
- The terms of the franchise held by Comcast require Comcast to provide two PEG channels for the City's use, and there are currently two such PEG channels in use.
- Under the current terms of the Comcast franchise, Comcast is required to allow each customer within the City the option to voluntarily pay a contribution of \$.50 per month in support of PEG programming.
- Comcast is required to provide service, without charge, to public educational institutions and governmental buildings within the City, including basic cable, all news channels and all PEG channels.

Pertinent provisions from the Brentwood Municipal Code and the City's franchise agreement with Comcast are included with this letter. Please let us know if any further information is needed.

Sincerely,

Roger A. Horner

**Public, Educational and Governmental ("PEG") Channel/Service Requirements
Applicable to Comcast in the City of Brentwood**

Brentwood Municipal Code, Section 20-18:

Sec. 20-18. Service to government buildings.

The grantee shall, upon request therefor, provide and furnish without charge to all public educational institutions and governmental buildings within the service area and within 150 feet of a public street, one service outlet, provided that the city shall assist with the coordination of placement of cable lines along the existing public right-of-way to avoid conflict with existing utilities. The institutions shall be entitled to receive the grantee's basic cable service, all news channels and all public, educational and governmental channels.

Brentwood Municipal Code, Section 20-30:

Sec. 20-30. Public educational and governmental access channels and emergency broadcast services.

(a) The grantee shall provide, without charge and subject to the rules and regulations of the FCC, public emergency broadcast capabilities whereby the city can interrupt service and/or insert announcements on all channels in order to make such public emergency communications as it deems necessary.

(b) At such time as the grantee's cable plant attains the channel capacity requirements of section 20-16¹, the grantee shall reserve a minimum of two channels for public, educational and governmental (PEG) access use. Such channels shall be dedicated exclusively and subject to the exclusive control of the city; however, with prior approval of the city, such channels may be used by the grantee for other purposes when not required by PEG users. The grantee shall make available to PEG users, subject to advance scheduling and during the grantee's normal business hours, its modulators, override equipment and tape playback equipment at no charge. The city or its designee shall assume responsibility for regulation and/or scheduling the use of PEG channels by any and all users.

(c) The franchise agreement may require the provision by the grantee of such additional services, facilities or equipment for PEG use as may be agreed upon by the city and the grantee.

Franchise Agreement, Section 10:

10. Public, educational and governmental access channels. At such time as the Grantee is required by the Cable Television Franchise Ordinance to reserve a minimum of two channels for public, educational and governmental (PEG) access use, such channels, or at least the two channels required, shall be included in the Grantee's basic cable service. Until such time, the Grantee shall continue to make the existing local educational channel available within its service area without interruption. To further provide for PEG programming, the Grantee shall furnish its ongoing support and shall submit an annual report indicating the type, amount and recipients of any donations of funds, equipment, materials or labor to benefit PEG programming efforts. Said report shall be filed with the City Manager at the same time as the filing of the certification of gross revenues required under the Cable Television Franchise Ordinance. Furthermore, the Franchisee shall allow each customer the option to voluntarily pay an additional amount for support of PEG programming. The amount of such optional monthly customer contribution shall be fifty cents (\$.50). Such amounts shall be designated as a separate line item on customer billings and shall be collected and forwarded to the City each month. All existing customers shall be advised in writing of the program prior to implementation, which shall take effect with billings after June 30, 1993. New customers shall be advised of the program upon applying for service. Contributions so received shall be separated from other revenues collected by the City and shall be designated for PEG programming and expended pursuant to the approval of the Board of Commissioners.

¹ Section 20-16 provides that the cable television system must carry at least 54 channels within three years after the effective date of a franchise agreement.