

Ectory R. Lawless

From: John Hutton
Sent: Tuesday, February 12, 2019 8:06 AM
To: Ectory R. Lawless
Subject: FW: Attached Image
Attachments: 2007_001.pdf

Tory,

Please file the attached r-mail with attachment thereto in doc. No. 19-00014. "PEG info for Johnson City".

Thanks,
John

From: Stahl, Charlie [<mailto:cstahl@johnsoncitytn.org>]
Sent: Tuesday, February 12, 2019 7:37 AM
To: John Hutton
Subject: FW: Attached Image

*** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. ***

RE: TPUC Correspondence of 31 January 2019 application for state franchise from Johnson City Authority

Hello John: Thanks for speaking with me yesterday. Johnson City has two active cable providers within the City: Comcast and Charter Communications. It is my understanding that both now operate under a state-issued franchise (see attached related correspondence) and maintain one government access (PEG) channel.

The City has its city commission meetings broadcast by Charter but carried by Comcast thru an electronic feed. For your information, in 2011, when Comcast applied for and received a state-issued franchise, the company informed us that it was relieved from paying the remaining \$ 15,000.00 of the \$ 30,000.00 government access channel capital grant the company agreed to in the local franchise that was in effect from 2007 until the state franchise was issued.

With respect to the application for a state issued franchise from the Johnson City Energy Authority, the City would request that provision of a PEG channel and payment of applicable franchise fees (& related support payments) to the City be included in the franchise requirements subsequently approved by the TPUC.

Thank you. Please contact me if any questions, Charlie Stahl

From: Admin-Copier@johnsoncitytn.org [<mailto:Admin-Copier@johnsoncitytn.org>]
Sent: Tuesday, February 12, 2019 8:16 AM
To: Stahl, Charlie
Subject: Attached Image



TENNESSEE PUBLIC UTILITY COMMISSION
Andrew Jackson Building
502 Deaderick Street 4th Floor
Nashville, Tennessee 37243-0505

Rec'd.
05 FEB 2019

January 31, 2019

City of Johnson City
ATTN: Mayor Jenny Brock
Municipal & Safety Bldg.
601 East Main St.
Johnson City, TN 37601

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

Dear Mayor Brock:

On January 24, 2019, Johnson City Energy Authority filed with the Tennessee Public Utility Commission ("TPUC" or "Department") an application for a State-Issued Certificate of Franchise Authority to provide cable and/or broadband service in an area that includes your city. By this time, you should have already received notice from Johnson City of its intention to serve your area. You may access this and other related filings on the TPUC's website at <http://www.tn.gov/tra/dockets/1900014.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. § 7-59-309.¹

If an incumbent cable TV provider currently serves your municipality,² and that provider's franchise requires that it provide PEG channels or access payments, then you may be able to receive the same number of PEG channels and equivalent support payments from HC. But, in order to claim these benefits, you must provide the TPUC with information about the PEG channels negotiated under your incumbent provider's franchise *within ten (10) days* from the date you received notice from HC 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.³

Please send the above information to:

Tennessee Public Utility Commission
ATTN: Docket Room (19-00014)
502 Deaderick Street 4th Floor
Nashville, TN 37243

If you have already forwarded this information to the TPUC 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) 770-6889 or at the address listed above. Thank you for your cooperation and prompt attention in this matter.

Sincerest Regards,

John Hutton
Telecommunications Consultant

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

² This means the franchised cable service provider with the most subscribers in your municipality on January 1, 2008, whether or not the local franchise agreement had expired on July 1, 2008 (Tenn. Code Ann. § 7-59-309(a)(1)).

³ See Tenn. Code Ann. § 7-59-309(a)(1).



July 24, 2018

Mr. M. Denis Peterson
City Manager
City of Johnson City
601 East Main Street
Johnson City, Tennessee 37601

RE: Government Accounts

Dear Mr. Peterson:

As you know, Comcast has operated under a state-issued certificate of franchise authority in the City of Johnson City since 4/19/2011. This franchise, which is granted under T.C.A. § 7-59-301, *et. seq.*, and authorizes Comcast to operate in your community, does not require Comcast to provide complimentary video services to any government facilities.

Comcast has conducted an audit of all complimentary services currently provided to the City of Johnson City. At this time, a total of 7 accounts receive complimentary Comcast services through 16 outlets. An inventory of these video outlets by facility is attached to this letter. Although Comcast's state-issued franchise imposes no such requirement, we are pleased to continue to provide complimentary video service through one outlet at each public primary or secondary school and public library within 125 feet of our existing facilities. All other outlets will be transitioned to standard commercial accounts on August 31.

In the coming days, we will contact your office to schedule a follow-up conversation regarding this transition. Should you have any questions or concerns, please don't hesitate to contact me at 770.559.2130.

Sincerely,

C. Scott McDonald
Director, Government Affairs

Enclosure



April 26, 2016

Mr. M. Denis Peterson
City of Johnson City
601 East Main Street
Johnson City, Tennessee 37601

RE: Government Accounts

Dear Mr. Peterson:

As you know, Comcast has operated under a state-issued Certificate of Franchise Authority in the City of Johnson City since April 19, 2011. This franchise, granted by the Tennessee Regulatory Authority pursuant to Tennessee Code § 7-59-301, *et. seq.*, does not require Comcast to provide complimentary video services to City facilities.

Comcast has conducted an audit of all complimentary services currently provided to the City of Johnson City. At this time, a total of 1 City accounts receive complimentary Comcast services through 2 outlets with separate digital boxes (DTAs, DCTs, or Dig Boxes). An inventory of these video outlets, by City facility, is attached to this letter. Although Comcast's state-issued franchise imposes no such requirement, we are pleased to continue to provide complimentary video service through one outlet at each public primary or secondary school and public library within 125 feet of our existing facilities in the City. All other outlets will be transitioned to non-complimentary accounts, as outlined below:

1. Before May 16, 2016, City staff should review the enclosed inventory and confirm that the listed outlets are still needed. If the City wishes to disconnect service to any of the existing outlets or to add additional outlets, Comcast will work with the City to set up a day or days to either pick up or install equipment, as requested.
2. Beginning May 17, 2016, the City's IT Director, or another officer designated by you, shall be the only City official with authority to request additional outlets. Comcast cannot bill for any new outlet absent a request for services from the IT Director or designated official.
3. Beginning June 1, 2016, Comcast will provide basic cable service and associated equipment to Johnson City government facilities on a discounted basis, at the prevailing rate for commercial additional outlets, which currently is \$9.95 per DTA/DCT/Dig Box).

4. Comcast will invoice the City for services by means of a single invoice, in advance, on a monthly basis.
5. The City shall be entitled to all of the benefits and safeguards, including credits, that are provided to commercial customers under federal and state law as well as in Comcast's standard contract with commercial customers within the City.

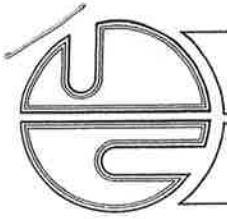
In the coming days, we will contact your office to schedule a follow-up conversation regarding the proposed arrangements above. Should you have any questions or concerns, please don't hesitate to contact me at 865.862.5001.

Sincerely,

A handwritten signature in cursive script that reads "Russell Byrd".

Russell Byrd
Senior Director, Government Affairs

Enclosure



City of Johnson City Tennessee

601 East Main Street • P.O. Box 2150 • Johnson City, TN 37605 • 423/434-6003

ASSISTANT CITY MANAGER

COPY

29 April 2011

Tennessee Regulatory Authority
460 Robertson Parkway
Nashville, TN 37243

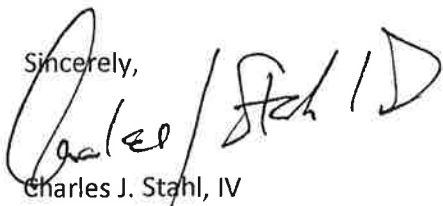
RE: Correspondence from Charter Communications

Ladies and Gentlemen:

Recently, the City of Johnson City received correspondence from Charter Communications that upon expiration of the current franchise the City would no longer be qualified to receive ' free video services to public facilities '. As this is a fairly broad statement, please be advised that the City of Johnson City receives under its current franchise:

- (1) One governmental access (PEG) channel which has been activated by the incumbent;
- (2) One governmental access (PEG) is authorized to be activated under the current franchise;
- (3) One connection and free monthly service for one connection to ' all public and parochial schools within the Franchise area and municipal buildings including City Hall and City Fire Halls...'
- (4) The current franchise expires November 15, 2011.

Sincerely,



Charles J. Stahl, IV



City of Johnson City Tennessee

601 East Main Street • P.O. Box 2150 • Johnson City, TN 37605 • 423/434-6003

ASSISTANT CITY MANAGER

13 April 2011

Tennessee Regulatory Authority
ATTN: Docket Room (09-00137)
460 James Robertson Parkway
Nashville, TN 37243

RE: NOTICE OF TRA RECEIPT OF APPLICATION for or amendment to Certificate of Franchise Authority
Comcast Cable Communications Management LLC

Ladies and Gentlemen:

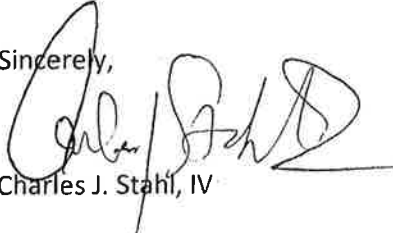
Per your NOTICE of 7 April to the Mayor of Johnson City, regarding Comcast Cable Communications Management, please find enclosed herein a copy of the current franchise between the City of Johnson City and Comcast .

Specifically, per TRA's request, is the information specifically requested from the City of Johnson City to preserve the PEG channel and the access support payment:

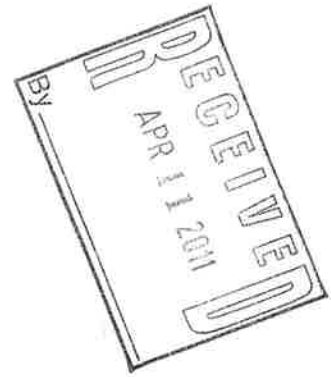
- (1) One governmental access (PEG) channel has been activated by the incumbent;
- (2) One governmental access (PEG) channel is authorized to be activated under the incumbent franchise;
- (3) The franchise provides for a Government Access Channel Capital Grant in the amount of thirty thousand dollars (\$ 30,000) to upgrade existing Government Access Channel production equipment. Fifteen thousand dollars has been paid in accordance with the terms of the current franchise. Fifteen thousand dollars remains to be paid no later than the fifth anniversary of the date of the current franchise.

Please see Section 13 of the enclosed franchise agreement.

Sincerely,



Charles J. Stahl, IV



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

April 7, 2011

Johnson City
Mayor Jane Myron
601 East Main Street
P. O. Box 2150
Johnson City, TN 37605

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

Dear Mayor Myron:

On March 29, 2011, Comcast Cable Communications Management, LLC ("Comcast"), on behalf of its affiliates operating in Tennessee¹, filed with the Tennessee Regulatory Authority ("TRA" or "Department") an amendment, which includes your municipality, to expand its state-issued franchise service area. By this time, you should have already received notice from Comcast of its intention to serve your area. You may access this and other related filings on the TRA's website at <http://www.tn.gov/tra/dockets/0900137.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 an incumbent cable TV provider currently serves your municipality,³ and that provider's franchise requires that it provide PEG channels or access payments, then you may be able to receive the same number of PEG channels and equivalent support payments from Comcast. But, in order to claim these benefits, you must provide the TRA with information about the PEG channels negotiated under your incumbent provider's franchise *within ten (10) days* from the date you received notice from Comcast 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 send the above information to: **Tennessee Regulatory Authority**
ATTN: Docket Room (09-00137)
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 x207 or at the address listed above. Thank you for your cooperation and prompt attention in this matter.

Sincerest Regards.

Arnold Reed,
Consultant, Policy & Economic Analysis Division

¹ The affiliates of Comcast Cable Management, LLC operating in Tennessee include Comcast of Arkansas/Florida/Louisiana/Minnesota/Mississippi/Tennessee, Inc., Comcast of Indiana/Kentucky/Utah, Comcast of Kentucky/Tennessee/Virginia, LLC, Comcast of Michigan/Mississippi/Tennessee, Inc., Comcast of Nashville I, LLC, Comcast of Nashville II, LLC, Comcast of Tennessee, LP, Comcast of the South and Comcast of Southern Tennessee, LLC.

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

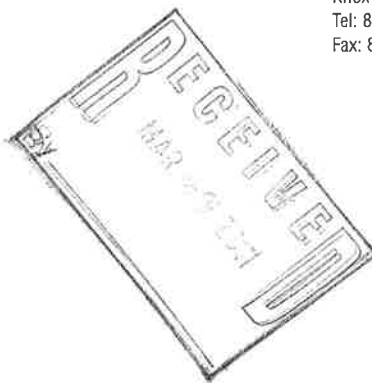
³ This means the franchised cable service provider with the most subscribers in your municipality on January 1, 2008, whether or not the local franchise agreement had expired on July 1, 2008 (Tenn. Code Ann. § 7-59-309(a)(1)).

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



Comcast Cable Communications, Inc.
5720 Asheville Highway
Knoxville, TN 37924
Tel: 865.637.5411
Fax: 865.862.5092

March 24, 2011



Mayor Jane Myron
City of Johnson City
601 East Main Street
Johnson City, TN 37605

Re: Comcast Application for State-Issued Certificate of Franchise Authority

Dear Mayor Myron,

As you may be aware, the Competitive Cable and Video Services Act (Tennessee Public Chapter 932) (the "Act") establishes a new franchise process for cable and video service providers. In accordance with the Act, Comcast is providing you with a copy of its application for a State-Issued Certificate of Franchise Authority to provide cable service in the **City of Johnson City** (the "Community"). This letter will also constitute notice to the Community of its right to receive a franchise fee consistent with the Act.

Should you have any questions concerning this, please contact the undersigned.

Very truly yours,

Russell E. Byrd
Senior Director of Government and Public Affairs

Attachment



City of Johnson City Tennessee

601 East Main Street • P.O. Box 2150 • Johnson City, TN 37605 • 423/434-6003

ASSISTANT CITY MANAGER

22 September 2008

Tennessee Regulatory Authority
ATTN: DOCKET ROOM (08-00169)
460 James Robertson Parkway
Nashville, TN 37243-0505

RE: OFFICIAL REQUEST FOR INFORMATION
CHARTER COMMUNICATIONS- PEG CHANNELS

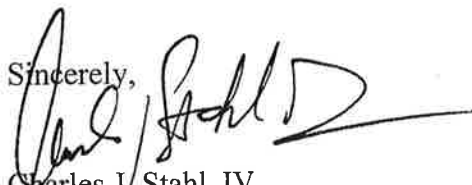
Ladies and Gentlemen:

Today this office received correspondence from Lisa Cooper of the Tennessee Regulatory Authority requesting information pertaining to the PEG channels currently in operation or authorized by the franchise agreement with Charter Communications.

Please be advised that one (1) PEG channel is authorized under the terms of the current franchise agreement with Charter Communications and that channel is active. No PEG support payments are currently being provided by Charter Communications.

Please contact this office should you have any questions or require further information.

Sincerely,


Charles J. Stahl, IV
Assistant City Manager

Xc: Becky Hilbert
Director of Community Relations