

RESOLUTION NO. 25471

A RESOLUTION ENDORSING THE CONCEPT OF STATEWIDE FRANCHISING IN ORDER TO BRING COMPETITION INTO THE MARKET FOR TELEVISION, INFORMATION AND DATA SERVICES THROUGHOUT THE STATE OF TENNESSEE.

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WHEREAS, Various entities, including those within industries that provide utilities in this State, have expressed to the Tennessee General Assembly a desire to be allowed to provide television, information and other such data services to the general public within the State of Tennessee; and

WHEREAS, The Chattanooga City Council and City Mayor agree that there exists a need for competition in the area of providing television options to the many households within this State, and generally finds favor with the concept presently under study in the Tennessee General Assembly to provide authorization to provide said competitive service in this State; and

WHEREAS, The City of Chattanooga, acting through the action of a majority of the City Council and with the endorsement of the Mayor hereby desires to advise the Tennessee General Assembly of its wishes to authorize other entities - especially those engaged in the providing of utilities - to compete in the providing of television service in the State of Tennessee.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That the concept of statewide franchising as a means of obtaining a more favorable environment for the exercise of free enterprise and to facilitate business competition in the providing of television, information and other data services is endorsed and approved, subject to the following provisions:

1. Provided that the definition of gross revenues in the body of the law adopted by the Tennessee General Assembly is consistent with that contained in the present franchise

agreement between the City of Chattanooga and Comcast of the South, franchisee, or that it has the same effect in assuring that revenues will not be diminished and the delivery of such revenues to the local government is not interrupted or impeded by such state action;

2. Provided that the local government shall retain rights to control rights-of-way and public infrastructure that might be utilized in the provision of new services and reasonably restrict such impact on private property; and

3. Provided that local government shall retain the power and responsibility to regulate the visual impact and aesthetics of installations of electrical boxes and other such appliances associated with such new services that might negatively affect neighborhoods - especially residential neighborhoods.

ADOPTED: April 1, 2008