

**10-18-203 Feasibility study on providing cable television or public telecommunications services -- Public hearings.**

- (1) If a feasibility consultant is hired under Section 10-18-202, the legislative body of the municipality shall require the feasibility consultant to:
  - (a) complete the feasibility study in accordance with this section;
  - (b) submit to the legislative body by no later than 180 days from the date the feasibility consultant is hired to conduct the feasibility study:
    - (i) the full written results of the feasibility study; and
    - (ii) a summary of the results that is no longer than one page in length; and
  - (c) attend the public hearings described in Subsection (4) to:
    - (i) present the feasibility study results; and
    - (ii) respond to questions from the public.
- (2) The feasibility study described in Subsection (1) shall at a minimum consider:
  - (a)
    - (i) if the municipality is proposing to provide cable television services to subscribers, whether the municipality providing cable television services in the manner proposed by the municipality will hinder or advance competition for cable television services in the municipality; or
    - (ii) if the municipality is proposing to provide public telecommunications services to subscribers, whether the municipality providing public telecommunications services in the manner proposed by the municipality will hinder or advance competition for public telecommunications services in the municipality;
  - (b) whether but for the municipality any person would provide the proposed:
    - (i) cable television services; or
    - (ii) public telecommunications services;
  - (c) the fiscal impact on the municipality of:
    - (i) the capital investment in facilities that will be used to provide the proposed:
      - (A) cable television services; or
      - (B) public telecommunications services; and
    - (ii) the expenditure of funds for labor, financing, and administering the proposed:
      - (A) cable television services; or
      - (B) public telecommunications services;
  - (d) the projected growth in demand in the municipality for the proposed:
    - (i) cable television services; or
    - (ii) public telecommunications services;
  - (e) the projections at the time of the feasibility study and for the next five years, of a full-cost accounting for a municipality to purchase, lease, construct, maintain, or operate the facilities necessary to provide the proposed:
    - (i) cable television services; or
    - (ii) public telecommunications services; and
  - (f) the projections at the time of the feasibility study and for the next five years of the revenues to be generated from the proposed:
    - (i) cable television services; or
    - (ii) public telecommunications services.
- (3) For purposes of the financial projections required under Subsections (2)(e) and (f), the feasibility consultant shall assume that the municipality will price the proposed cable television services or public telecommunications services consistent with Subsection 10-18-303(5).

- (4) If the results of the feasibility study satisfy the revenue requirement of Subsection 10-18-202(3), the legislative body, at the next regular meeting after the legislative body receives the results of the feasibility study, shall schedule at least two public hearings to be held:
  - (a) within 60 days of the meeting at which the public hearings are scheduled;
  - (b) at least seven days apart; and
  - (c) for the purpose of allowing:
    - (i) the feasibility consultant to present the results of the feasibility study; and
    - (ii) the public to:
      - (A) become informed about the feasibility study results; and
      - (B) ask questions of the feasibility consultant about the results of the feasibility study.
- (5)
  - (a) Except as provided in Subsection (5)(b), the municipality shall publish notice of the public hearings required under Subsection (4):
    - (i) at least once a week for three consecutive weeks in a newspaper of general circulation in the municipality and at least three days before the first public hearing required under Subsection (4); and
    - (ii) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks, at least three days before the first public hearing required under Subsection (4).
  - (b)
    - (i) In accordance with Subsection (5)(a)(i), if there is no newspaper of general circulation in the municipality, for each 1,000 residents, the municipality shall post at least one notice of the hearings in a conspicuous place within the municipality that is likely to give notice of the hearings to the greatest number of residents of the municipality.
    - (ii) The municipality shall post the notices at least seven days before the first public hearing required under Subsection (4) is held.

Amended by Chapter 90, 2010 General Session