

Senator Curtis S. Bramble proposes the following substitute bill:

**STATE FRANCHISING AUTHORITY FOR
VIDEO SERVICES**

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: _____

LONG TITLE

General Description:

This bill addresses the regulation of cable television rates if a requirement for service coverage is imposed by a local franchising authority.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the Public Service Commission to regulate rates for basic cable service of an incumbent cable operator providing service in a local franchising authority's area if the local franchising authority imposes a requirement for service coverage on a proposed cable operator; and
- ▶ clarifies the franchising authority of the commission and the local franchising authority.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



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ENACTS:

- 54-18-101, Utah Code Annotated 1953
- 54-18-102, Utah Code Annotated 1953
- 54-18-201, Utah Code Annotated 1953
- 54-18-202, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 54-18-101 is enacted to read:

CHAPTER 18. STATE VIDEO FRANCHISE ACT

Part 1. General Provisions

54-18-101. Title.

This chapter is known as the "State Video Franchise Act."

Section 2. Section 54-18-102 is enacted to read:

54-18-102. Definitions.

As used in this chapter:

- (1) "Basic cable service" is as defined in 47 U.S.C. Sec. 522.
- (2) "Incumbent cable operator" means a person providing basic cable service under a local franchise agreement.
- (3) "Local franchise agreement" means an agreement with a local franchising authority to provide basic cable service to the geographic area in the local franchising authority's territory.
- (4) "Local franchising authority" means a local government operating as a franchising authority as defined in Section 47 U.S.C. Sec. 522.
- (5) "Proposed cable operator" means a person who applies to a local franchising authority for the right to provide basic cable service within the geographic area covered by the local franchising authority.
- (6) "Requirement for service coverage" means a requirement that a proposed cable operator serve a given amount of the area or population covered by the local franchising authority.

Section 3. Section 54-18-201 is enacted to read:

Part 2. Commission Regulation

57 **54-18-201. Rate regulation for cable service.**

58 If a local franchising authority proposes any requirement for service coverage for a
59 proposed cable operator, the commission shall regulate the rates of any incumbent cable
60 operator, in a manner consistent with this title and 47 U.S.C. Sec. 543.

61 Section 4. Section **54-18-202** is enacted to read:

62 **54-18-202. Franchise authority.**

63 For purposes of 47 U.S.C. Sec. 543:

64 (1) the commission constitutes a franchising authority for the regulation of rates under
65 this chapter; and

66 (2) the local franchising authority remains a franchising authority for all purposes other
67 than the regulation of rates.