

**STATE-BY-STATE CHART
STATEWIDE VIDEO FRANCHISING LAWS**

STATE	STATE WIDE FRANCHISES	INCUMBENT TERMINATION/ ABANDONMENT	LOCAL MANAGEMENT OF ROW	BUILDOUT	CUSTOMER SERVICE STANDARDS	FRANCHISE FEES	PEG	INET	LOCAL EAS
CALIFORNIA Passed 9/29/2006 Effective 1/1/2008	10 YEARS	YES	Limited Utilities Law Supercedes	BO Trigger Benchmarked High	Limited to State & Federal Law	5% or Incumbent % if less GAAP	CH, PS Match Incumbent up to 3% or 1% if no fee exists	Until Expiration or 1/1/2009 (later date)	Until Expiration or 1/1/2009 (later date)
FLORIDA Passed 5/18/2007 Effective 7/1/2007	NO TERM¹	YES	Very Limited	Prohibited	Limited to FCC regulations After 7/1/2009 all complaints go to the state	Ad-Valorem Tax Applies	CH ² , PS to match incumbent until expiration or 1/1/2012 (earlier date)	NO	NO
GEORGIA Passed 5/14/2007 Effective 1/1/2008	10 YEARS	YES	Limited (must be "reasonable")	Prohibited	Limited to FCC regulations, Local Government shall handle complaints ³	Up to 5% GAAP MR!	CH match until expiration or 7/1/2012 (later date). PS ends 7/1/2012	NO	NO
ILLINOIS Passed 6/30/2007 Effective 6/30/2007	Law Sunsets 10/1/2013	YES ⁴	YES	Limited BO Must match other state's legislation if more stringent, incumbent levels remain ⁵	Comprehensive	5% or match incumbent, good definition, GAAP	CH ⁶ PS match incumbent 1% or greater	NO	Provide information on submitting alerts or match incumbent (greater applies)

¹ Must update information on application every 5 years.
² Formula based on incumbent, usage and push polling.
³ State establishes rules that apply until 50% threshold is met.
⁴ Prior to Termination 180 days notification to state, local and PEG
⁵ Incumbent must provide same level of service effective the date of the Act.

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INDIANA Passed 3/9/2006 Effective 3/14/ 2006	NO TERM	YES	NO	Prohibited	NO	Up to 5%	CH, PS to match incumbent ⁷	Until expiration or 1/1/2009 (later date)	NO
IOWA Passed 5/26/2007 Effective 5/29/2007	10 YEARS	YES Competition Trigger	Limited	BO Trigger Benchmarked High	47 C.F.R. § 76.309(c)	Match incumbent until expiration, then up to 5% less HS & maybe AD ⁸ MR!	Match incumbent up to 3 CH ⁹ PS to match incumbent until franchise expires	No new, existing until first statewide expires	NO
KANSAS Passed 4/7/2006 Effective 7/1/2006	NO TERM	Yes Expiration of Existing Franchise	Very Limited	BO VSP defined footprint within 5 years, NO RL	47 C.F.R. § 76.309(c)	5% less AD, HS MR!	2 CH, NO PS	NO	NO
MICHIGAN Passed 12/21/2006 Effective 1/1/2007	10 YEARS	YES	YES Subject to Metro Act ¹⁰	BO Trigger Benchmarked High	47 C.F.R. § 76.309(c) & MI consumer protection Act	Match incumbent up to 5% less Metro Act GAAP	CH match incumbent ¹¹ PS match incumbent until expiration & then up to 2%	NO	YES as required of cable operator

⁶ Good requirements for provision, carriage and transmission of PEG channels.

⁷ Local government may petition IURC for additional channels and support on renewal or issuance of franchise, however, the law does not provide a term limit for franchises.

⁸ Advertising is included if in existing franchise 1/1/2007.

⁹ If no channels existed, based on population.

¹⁰ See: <http://legislature.mi.gov/doc.aspx?mcl-484-3108>

¹¹ Match channels in actual use, benchmark for programming.

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MISSOURI Passed 3/22/2007 Effective 8/28/2007	NO TERM	YES	YES	BO Trigger Benchmarked High	YES	Match incumbent until expiration, then up to 5% less HS GAAP	Match incumbent up to 3 CH ¹² PS until expiration, termination or 1/1/2012 (earlier date)	Until expiration or 1/1/2009 (earlier date)	NO
NEVADA Passed 6/4/2007 Effective 6/4/2007	NO TERM ¹³	YES	Very Limited	Prohibited	47 C.F.R. § 76.309(c) (1601, 1604 & 1618 to 1622)	Equally applied up to 5% MR!	2 or 3 CH Aggregated ¹⁴ No PS	Capacity can be reclaimed after 12 months	NO
NEW JERSEY Passed 8/4/2006 Effective 10/26/2006	7 Years for Statewide 15 for Municipal Consent Certificate	NO	Limited (must be reasonable)	Provide service to County seat & cities w/7,111 + per sq. mile within 3 years Complete residential BO in 6 years ¹⁵	YES (state law applies)	Up to 2% Upon 60% BO Up to 3.5% ¹⁶ 1.5% to Universal Access Fund ¹⁷	2 or more CH based on need, No PS equipment & training to users w/o charge	NO	NO
NORTH CAROLINA Passed 7/20/2006 Effective 1/1/2007	60 YEARS	YES ¹⁸	YES	NO	47 C.F.R. 76.309 (C)	Telecommunications Tax ¹⁹	Up to 3 based on criteria, plus matching up to 7 ²⁰ PS, capital & match franchise ²¹	NO	NO

¹² If no channels existed, based on population.

¹³ The state issued Certificate of Authority can be suspended on court order

¹⁴ Up to 2 for less than 50k, 3 for over 50k. May be aggregated to this total for multiple governments, based on headend or hub office. On any tier viewed by more than 50% of subscribers. High benchmark for substantial utilization.

¹⁵ Only applicable to companies with 40% or more local exchange service in state.

¹⁶ Franchise fees must be based on actual cost to municipality for regulation, supervision or other expense.

¹⁷ Paid by subscribers eligible for Pharmaceutical Assistance to Aged and Disabled.

¹⁸ When one home is passed by competitor.

¹⁹ To include satellite.

²⁰ Dependent on whether it is a city or county and size of population. Activated is 8 hours per day, no more than 15% repeat programming. Municipalities served by same head-end must cooperate in sharing capacity.

²¹ Tax on telecommunications to provide up to \$25,000 per channel for capital. Municipality must match previous PEG funding from their share of a tax on telecommunications.

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OHIO Passed 6/25/2007 Effective 6/26/2007	10 YEARS	YES ²²	NO	BO Trigger Benchmarked High	Minimal	Up to 5% less AD unless requested MR! GAAP	CH-Match franchise on 1/1/2007, If no CH criteria applies ²³ PS until expiration, termination or 1/1/2012 (earlier date)	Obligations on 1/1/2007 continue until expiration, termination or 1/1/2012 (earlier date)	NO
SOUTH CAROLINA Passed 5/23/2006 Effective 5/23/2006	NO TERM	YES ²⁴	YES	Prohibited	47 C.F.R. 76.309 (c)	Match lesser of incumbent rate up to 5% or 2% if no Incumbent MR!	Match incumbent CH or 3, NO PS ²⁵	NO	NO
TEXAS Passed 9/7/2005 Effective 9/7/2005	NO TERM	NO ²⁶	YES	Prohibited	47 C.F.R. 76.309 (c) ²⁷	Statewide certificate holder 5%, otherwise existing franchise terms	Match incumbent CH or up to 3 ²⁸ PS 1% at expiration or per subscriber fee	Capacity remains the same as franchise ²⁹	NO

²² On expiration or notice from new provider.

²³ If no channels, up to 3 depending on population, aggregated at headend. Strict definition of “substantially utilized.

²⁴ 3 conditions to include one household being passed by state franchise holder.

²⁵ City or County has 65 days to notify certificate holder of number of channels.

²⁶ Unless they are not the incumbent and serve fewer than 40% of total subscribers.

²⁷ Until 2 or more providers offer service.

²⁸ If no channels existed dependent on population.

²⁹ Municipality must pay cost for INet.

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VIRGINIA Passed 3/10/2006 Effective 7/1/ 2006	15 YEARS	May opt-in to ordinance franchise	Limited on Phone Companies	YES	YES set by locality	Match incumbent up to 5% GAAP	Match incumbent for CH ³⁰ PS match up to 1.5% (lesser)	PEG Capital Fee to support INet	NO
WISCONSIN Passed 12/21/2007 Effective 1/8/2008	NO TERM	YES	Very Limited	BO Trigger Benchmarked High	47 C.F.R. 76.309 (c) until competition, customer service rules by DATC ³¹	Up to 5% or match incumbent or lesser of multiple operators MR! GAAP	CH-Match franchise on 1/1/2007, If no CH criteria applies ³² Match PS for 36 months ³³	NO	NO

KEY

AD--Advertising

BO—Build Out

CH—Channel (s)

HS—Home Shopping

MR!—Municipality MUST Affirmatively Request Franchise Fee Through Notification and/or Ordinance

PS—PEG Support

RL—Anti-Redlining Provisions

VSP—Video Service Provider/Cable Operator

³⁰ If less than 3 up to 3, if more than 3 up to 7. Requirement for “substantially utilized.”

³¹ Department of Agriculture, Trade and Commerce.

³² If no channels, up to 3 depending on population, aggregated at headend. Strict definition of “substantially utilized.”

³³ PEG funding ends 36 months after effective date of Act.