

Chapter 430. Cable Communications Service*

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***Editor's note**--This chapter is derived from Ord. No. 16661, adopted May 29, 1980. The numbers in the article titles of this chapter are derived from the numbers given to several sections in this chapter by the city and have been retained herein at the discretion of the editor for ease of reference by the user.

Cross reference(s)--Steam franchise, App. A; gas franchise, App. B; electric franchise, App. C; district heating franchise, App. F; Energy Park Energy System franchise, App. G; Continental Cablevision franchise, App. H.

ARTICLE I. 430.01. STATEMENT OF INTENT; DEFINITIONS; FRANCHISE REQUIREMENT,
TERMS AND CONDITIONS

Sec. 430.011. Statement of legislative findings, intent and purpose.

The council finds that the orderly regulation of cable communications within the City of Saint Paul will help ensure the most effective distribution of quality cable service at acceptable rates to the subscribers and reasonable return to the system operators.
(C.F. No. 98-277, § 1, 4-29-98)

Sec. 430.012. Definitions.

For the purpose of this chapter and any franchise granted subject to the conditions of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein, except as otherwise specified in a franchise. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meanings. To the extent that the rate regulation terms or provisions herein conflict with the rate regulation provisions of the Cable Communications Policy Act of 1984, 47 U.S.C. § 521 et seq. as amended (hereinafter "Cable Act"); or with rate regulations prescribed by the Federal Communications Commission pursuant thereto (hereinafter the "FCC Rate Regulations"), the Cable Act and the FCC Rate Regulations shall control.

Access channels means those channels dedicated by law, rule, regulation or commitment of a company to the programs of the general public, local government, educational institutions or the leased use of commercial or noncommercial entities.

Basic service or *basic cable service* shall have the same meaning as the term "basic service" under federal law.

Cable communications company or *company* means any person owning, controlling, operating, managing or leasing a cable system within the city.

Cable communications officer means that individual, official or employee of the city charged with the responsibility of administering the terms and conditions and for the planning and development of cable services of a cable franchise.

Cable service means the one-way transmission to subscribers of (A) video programming, or (B) other programming service, and the subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

Cable system has the same meaning as the term cable system under federal law, and shall include all equipment, facilities, and devices appurtenant to such cable system.

City is the City of Saint Paul, a municipal corporation, in the State of Minnesota, as it exists and as its borders may from time to time be changed. Where this ordinance requires that an action be taken by the city, that action may be taken by any person authorized to act on the city's behalf.

Company means the grantee of rights under a franchise, or its permitted successor, transferee or assignee.

Connection shall mean the attachment of the drop to the first radio or television set or to an electronic terminal device or converter of the subscriber.

Converter shall mean an electronic device, which converts signals from cable distribution system frequencies to standard broadcast frequencies.

Cost of service regulation shall mean the method of determining rate increases contained in this ordinance, as modified or superseded by the Cable Act or FCC Rate Regulations.

Council is the city council of the City of Saint Paul.

Drop shall mean the coaxial cable that connects the facility to the nearest feed cable of the cable network.

FCC shall mean the Federal Communications Commission and any legally appointed, designated or elected agent or successor.

Franchise shall mean a grant of rights and privileges to provide cable service made pursuant to this chapter to construct and operate a cable system.

Gross revenues shall mean all revenue derived directly or indirectly by the company, its affiliates, subsidiaries, parent and any person in which the company has a financial interest from or in connection with the operation of the company's cable system to provide cable services. Gross revenues shall include, by way of example and not limitation, revenues from basic service, other cable service tiers, monthly fees for programming offered on a per-channel or per-program basis, installation and reconnection, leased channel fees, converter rentals, studio rental, production equipment and personnel fees, interactive cable service, advertising, cable store sales, late payment service fees and other services offered over the system, subject to such exclusions as may be specified in a franchise.

Installation shall mean the connection of a cable system from feeder cable to subscribers' facilities.

Local shall mean within the City of Saint Paul.

Make-ready shall mean the rearrangement of existing wires on utility poles performed by telephone and electric utility companies to allow for the addition of cable plant on such poles.

Person includes any individual, corporation, partnership, association, joint stock company, trust, or any other legal entity, including the city.

Program shall mean any signal, message, graphics, data, communication content service or broadcast-type program.

Public property is any property owned by the city other than a street or sidewalk.

Sidewalk shall mean that portion of a highway, other than the roadway, set apart by curbs, barriers, markings or other delineation for pedestrian travel, including parkways, not on private lands.

Subscriber means the city, any government entity or any other person who legally receives any cable service delivered over a cable system.

Street shall mean the surface of and the space above and below any public street, road, highway, freeway, lane, path, public way or place, alley, court, sidewalk, boulevard, parkway, drive or other easement now or hereafter held by the city for the purpose of public travel and shall include such other easements or right-of-way as shall be now held or hereafter held by the city which shall within their proper use and meaning entitle the city and a company to use thereof for the purpose of installing or transmitting cable transmissions over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments and other property as may be ordinarily necessary and pertinent to a cable system.

User shall mean any individual, institution, organization, or business that purchases any portion of a cable system's bandwidth for delivery of programming or services or for receipt of programming or services, or which is entitled to use any portion of the bandwidth at no charge.

Walkout shall mean the process whereby a company and telephone and electric utility companies inspect utility poles throughout the city to determine the amount of make-ready to be performed by the utility companies.

(Ord. No. 17364, § 1, 6-17-86; C.F. No. 92-1374, § 30, 9-22-92; C.F. No. 93-1829, § 1, 3-30-94; C.F. No. 98-277, § 1, 4-29-98)

Sec. 430.013. Franchise requirement.

No person shall construct or operate or participate in the construction or operation of a cable system within the City of Saint Paul without first obtaining a franchise issued by the city.

(C.F. No. 98-277, § 1, 4-29-98)

Sec. 430.014. Requirement for certificate of confirmation, state approval and compliance with all state and federal laws.

No person shall operate or construct, or participate in the construction or operation of a cable system within the City of Saint Paul without first obtaining any certificate required by state law, rule or regulation.

Any cable system within the city shall at all times comply with all state laws and rules regarding cable communications not later than one (1) year after they become effective unless otherwise stated and with all federal laws and regulations regarding cable as they become effective; provided that, nothing herein shall be read to permit a company to avoid any obligation it owes under a franchise, to the extent that the obligation is grandfathered, or to the extent that the obligation may be enforceable.

(Ord. No. 17364, § 2, 6-17-86; C.F. No. 98-277, § 1, 4-29-98)

Sec. 430.015. Franchise; terms and conditions.

(a) A nonexclusive franchise of up to fifteen (15) years may be granted by ordinance to a person to construct and operate a cable system to provide cable service in the City of Saint Paul. Every franchise shall be subject to and incorporate the provisions of this chapter. A franchise of less than fifteen (15) years in duration may include a provision for extension of the term by the city acting unilaterally, or upon request of the company, if the city, in its sole discretion, determines that the public interest would be served thereby; or the company has satisfactorily complied with its obligations hereunder; and the cable system is meeting the cable-related needs and interests of the community, and the enforceable commitments of the company are such that the cable system is expected to meet the needs and interests of the community over the extension term. The city and a company may agree to additional terms and conditions as may be deemed necessary in the public interest; providing, that said terms and conditions are consistent with the provisions of this chapter and applicable law. While each franchise shall be subject to this Chapter 430, this chapter is not a contract.

(b) No franchise shall be awarded by the city which does not meet the minimum requirements set forth in Minnesota Statutes, Section 238.084, attached hereto as Appendix A and incorporated herein, and every franchise shall be deemed to require satisfaction of those minimum conditions.

(Ord. No. 17364, § 3, 6-17-86; C.F. No. 98-277, § 1, 4-29-98)

Editor's note--The state statute, Section 238.084, referred to in paragraph (b) of § 430.015 above, and attached as an Appendix A to Ord. No. 17364, has not been set out herein, but can be found on file for public inspection in the city clerk's office.

ARTICLE II. 430.02. OFFICE OF CABLE COMMUNICATIONS

Secs. 430.021, 430.022. Reserved.

Editor's note--C.F. No. 97-53, § 21, adopted Feb. 12, 1997, repealed §§ 430.021 and 430.022, which pertained to establishment and office functions, respectively, of the office of cable communications, which sections derived from Ord. No. 17364, §§ 4, 5, adopted June 17, 1986.

Sec. 430.023. Reserved.

Editor's note--Section 6 of Ord. No. 17364, adopted June 17, 1986, deleted § 430.023 in its entirety. Prior to its deletion, § 430.023 pertained to the cable communications commission of the city, and was derived from Ord. No. 16661, adopted May 29, 1980.

ARTICLE III. 430.03. ADMINISTRATION AND REGULATION

Sec. 430.031. Rules and regulations.

(a) *City may promulgate.* In addition to the powers of the city to regulate and control the franchise, and those powers expressly reserved by the city, or agreed to within a franchise, the right and power is hereby reserved by the city to promulgate such additional reasonable regulations as it shall find necessary in the exercise of its lawful powers and in furtherance of the terms and conditions of this chapter and a franchise.

(b) *Request of company.* The city may also adopt such regulations at the request of a company upon application to the city.

(c) *Access channels, administration.* The city reserves the right to determine how the public, educational and governmental access channels will be administered; to establish rules and procedures for use of that access channel capacity or to delegate responsibility for establishing those rules to another entity; and to establish rules and procedures under which a company may use such channel capacity when it is not being used for the purposes designated, and rules and procedures under which such permitted use shall cease.

(C.F. No. 98-277, § 1, 4-29-98)

Sec. 430.032. Public notice.

Public notice of any city public meeting relating to amendments to the franchise ordinance, franchise renewal, performance evaluation sessions and hearings at which adverse action may be taken against a company pursuant to its franchise shall be by publication in a local newspaper of general circulation at least ten (10) days prior to the meeting, and posting at City Hall.

(Ord. No. 17364, § 7, 6-17-86; C.F. No. 98-277, § 1, 4-29-98)

Sec. 430.033. Performance evaluation sessions.

In addition to such other remedies and procedures as may be provided for in this Chapter 430 or a franchise, the city shall have the right to conduct evaluation seminars as provided in this section 430.033.

(a) *Evaluation.* The city may hold periodic cable system performance evaluation sessions on its own initiative or at the request of a company to review the performance of any or all companies. All such evaluation sessions shall be open to the public. Notice of all evaluation sessions shall be given in accordance with the procedure set out in section 430.032.

(b) *Topics of discussion.* Topics which may be discussed at any scheduled or special evaluation session may include, but not be limited to, service rate structures, franchise fee, penalties, free or discounted services, application of new technologies, system performance, services provided, programming offered, customer complaints, privacy, amendments to this chapter, judicial and FCC rulings, line extension policies, and company or city rules.

(c) *Additional topics.* Members of the general public may request that additional topics be considered as part of the evaluation sessions.

(d) *Cooperation with city.* During a review and evaluation by the city, each company shall fully cooperate with the city and shall provide such information and documents as the city may request to reasonably perform the review. Nothing in this section shall be read to limit a company's obligation to provide information under other provisions of this Chapter 430, or a franchise.

(g) *Tests and analyses.* If at any time during its review the city council determines that reasonable evidence exists of inadequate cable system performance, it may require a company to perform tests and analyses directed toward such suspected inadequacies at the company's own expense. Each company required to perform tests and analyses shall fully cooperate with city in performing such testing and shall prepare results and a report, if requested, within thirty (30) days after notice. Such report shall include the following information:

- (1) The nature of the complaint or problem which precipitated the special tests.
- (2) What system component was tested.
- (3) The equipment used and procedures employed in testing.
- (4) The method, if any, in which such complaint or problem was resolved.
- (5) Any other information pertinent to said tests and analysis which may be required.

The council may require that tests be supervised, at company's expense, by a professional engineer not on the permanent staff of the company. The engineer shall

sign all records of special tests and forward to the city such records with a report interpreting the results of the tests and recommending actions to be taken.

(h) *Tests, when required.* Tests required pursuant to this section 430.033 shall only be performed in response to specific complaints or problems that give the city reason to believe that such tests are necessary to protect the public against substandard cable service.

(C.F. No. 98-277, § 1, 4-29-98)

Sec. 430.034. Complaints procedure.

Every company shall comply with such customer service standards as the city may adopt from time to time, whether by regulation pursuant to this ordinance, or by ordinance or resolution. At a minimum, every company shall satisfy the following standards, unless its franchise provides otherwise.

(a) *Local office; telephone access; hours; requirements; records.* During the term of the franchise, and any renewal thereof, each company shall maintain within the city a local business office or offices for the purpose of receiving and resolving all complaints regarding the quality of service, equipment malfunctions, billings disputes and similar matters. The office must be reachable by a local, toll-free telephone call, and each company shall provide the city with the name, address and telephone number of a person who will act as the company's agent to receive complaints regarding quality of service, equipment malfunctions, billings and similar matters. The local office shall be open to receive inquiries or complaints from subscribers during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays. The company shall provide the means to accept complaint calls twenty-four (24) hours a day, seven (7) days a week. Inquiries and complaint calls shall be accepted by customer service representatives between 8:00 a.m. and 10:00 p.m., seven (7) days a week. Any service complaints from subscribers shall be investigated and acted upon within twenty-four (24) hours. Any service complaint shall be resolved within three (3) calendar days. Upon notification by a subscriber and verification by the company, the company shall credit a subscriber's account on a pro rata basis for loss of service exceeding four (4) hours within a twenty-four-hour period, or for a loss of service that exceeds forty-eight (48) hours within a thirty-day period, except as otherwise may be provided in the franchise. Each company shall keep a maintenance service log which will indicate the nature of each service complaint, the date and time it was received, the disposition of said complaint and the time and date thereof. This log shall be made available for periodic inspection by the city.

(b) *Information concerning procedures, etc.* As subscribers are connected or reconnected to the system, the company shall, by appropriate means, such as a card or brochure, furnish information concerning the procedures for making inquiries or complaints, including the name, address and local telephone number of the employee or employees or agent to whom such inquiries or complaints are to be addressed, and furnish information concerning the city office responsible for administration of the franchise with the address and telephone number of the office.

(C.F. No. 98-277, § 1, 4-29-98)

Sec. 430.035. Arbitration of disputes.

(a) *Demand for arbitration.* A franchise may provide that, in the event the city and company cannot resolve a dispute which arises as a result of the construction, operation or management of the cable system and which is not governed by section 430.036, either party may give notice of a demand to the other for arbitration.

(b) *Procedures.* Any arbitration provision shall provide that all disputes decided by arbitration shall be pursuant to the provisions of the Uniform Arbitration Act, Minnesota Statutes, Sections 572.08 through 572.30, except the parties shall each, within fifteen (15) days of the notice of a demand, appoint (1) one arbitrator who is experienced in cable communications and not employed by or in any manner affiliated with either the

city or company. Arbitrators shall each agree upon the selection of a third arbitrator, similarly qualified, within fifteen (15) days.

(Ord. No. 17364, § 8, 6-17-86; C.F. No. 98-277, § 1, 4-29-98)

Sec. 430.036. Penalties.

Every franchise shall provide for the deposit of a letter of credit to insure faithful performance by the company. For the violation of any of the following provisions of the franchise, penalties shall be chargeable to the letter of credit and a company as follows:

(1) For failure to complete system construction or upgrade in accordance with the construction or upgrade plan provided in the franchise (as that plan may have been modified by the cable communications officer in writing in accordance with a franchise), unless the city council specifically approves the delay by motion or resolution, due to the occurrence of conditions beyond the company's reasonable control, the company may be fined as follows:

- a. Up to two hundred fifty dollars (\$250.00) per day for the first sixty (60) days or part thereof the deficiency continues;
- b. Between sixty (60) days and six (6) months, up to five hundred dollars (\$500.00) per day or part thereof the deficiency continues;
- c. After six (6) months, up to one thousand dollars (\$1,000.00) per day or part thereof the deficiency continues.

(2) For failure to provide data, documents, reports, information or to cooperate with the city during an application process or cable system review, the company shall pay fifty dollars (\$50.00) per day for each day, or part thereof, the violation occurs or continues.

(3) For failure to test, analyze and report on the performance of the system following a request pursuant to the franchise, the company shall pay to the city fifty dollars (\$50.00) per day for each day, or part thereof, that such noncompliance continues.

(4) Forty-five (45) days following adoption of a resolution of council determining a failure of the company to comply with construction, operational, maintenance standards or material provisions of the franchise, the company shall pay to the city two hundred dollars (\$200.00) per day for each day, or part thereof, that such noncompliance continues.

(5) For initiating or using a procedure or device for procuring information or data from a subscriber's terminal, dwelling or business without the prior valid authorization of the affected subscriber as required by section 430.043, the company shall pay fifty dollars (\$50.00) per day for each day, or part thereof, the violation continues or occurs.

(6) For selling, providing or otherwise making available to anyone any information about subscribers obtained by monitoring transmission of any type of signal from a subscriber's terminal, dwelling or place of business without the specific written authorization of the subscriber as required by section 430.044, the company shall pay five thousand dollars (\$5,000.00) for each such violation. In addition, the total amount of funds paid the company for this information shall be forfeited to the city by the company.

(7) For tapping, monitoring or for arranging to tap or monitor, or knowingly permitting the tapping of, any cable, line, signal, input device or subscriber outlet or receiver for any purpose whatsoever without the specific written authorization of the subscriber or pursuant to court order, the company shall pay ten thousand dollars (\$10,000.00) per day for each day, or part thereof, the violation occurs or continues.

(8) Each violation of each provision shall be considered a separate violation for which a separate penalty can be imposed.

(9) Exclusive of the penalties set out above in this section, a violation of any provision of this chapter is by Saint Paul Legislative Code, section 1.05 deemed to be a misdemeanor.

(10) The rights reserved by the city herein are in addition to all other rights and remedies the city may have under this chapter, the franchise or any other law and are not intended to be exclusive.

(Ord. No. 17364, § 9, 6-17-86; C.F. No. 92-1374, § 31, 9-22-92; C.F. No. 98-277, § 1, 4-29-98)

Sec. 430.037. Procedure upon determination of violation.

(a) *Notice, remedy.* Whenever the cable communications officer shall find that the company has violated one (1) or more of the terms, conditions or provisions of section 430.036, a written notice shall be sent to the company by registered mail, return receipt requested, informing them of such violation or violations. Such notice shall be entitled a "Violation Notice." The company may remedy violations of subsections (1) through (3) of section 430.036 within three (3) days of tender of the registered letter bearing the "Violation Notice." If the company fails to remedy the violation within three (3) days after tender of the registered letter, penalties shall be assessed in accordance with the provisions in section 430.036 and paragraph (b) of this section.

Violation of section 430.036, subsections (4) through (7) shall not be subject to remedy and shall be assessed from the first day of occurrence.

(b) *Disputed violation, hearing; findings.* The company may, within ten (10) days of the tender of written notice as provided for in paragraph (a), notify the cable communications officer by registered mail that (i) there is a dispute as to whether or not a violation has, in fact, occurred or that a penalty is owed; or (ii) the violation has been cured and all amounts owed have been paid. Such notice shall specify with particularity the matters disputed by the company, and the basis for any claims made by the company as to support any claim that the default has been cured.

The cable communications officer shall, upon receipt of the company's letter, cause the matter to be referred to the city council for a hearing if there is a dispute under (i), or the cable communications officer is not satisfied that the cure is complete. A hearing shall be held within thirty (30) days of receipt of the company's letter by the council (or a committee thereof) or, if mutually agreed to by the parties, by an independent hearing examiner appointed by the council to determine if there is reason to believe the company has committed a violation of section 430.036 or to determine whether the violation has been cured. After the hearing and review of the committee's report or hearing examiner's report, the council shall determine if there is reason to believe the company has committed a violation of section 430.036, and whether the violation has been cured, and shall make written findings of fact relative to their determination.

(c) *Satisfaction of penalties.* Upon a determination by the council that there is reason to believe a violation has taken place or has not been cured (with all amounts owed paid); or in the event the company chooses not to dispute the finding of the cable communications officer, the city director of the office of technology shall immediately make withdrawals against the letter of credit provided for in the franchise ordinance in accordance with the penalties specified for such violations in section 430.036. The city director of the office of technology may continue to make withdrawals without further authorization from the city council until the company has satisfactorily remedied the term, condition or provision violated.

(C.F. No. 97-53, § 18, 2-12-97; C.F. No. 98-277, § 1, 4-29-98; C.F. No. 04-158, § 1, 3-3-04)

Sec. 430.038. Reports and records.

A company shall fully cooperate in making available at reasonable times, and the city shall have the right to inspect and copy, the books, records, maps, plans and other like materials applicable to its Saint Paul system at any time during normal business hours; these materials shall be produced to the city at a location designated by the city, provided that, where volume or security necessitate, the company may require inspection to take place on a company's local premises, or such other mutually agreed location, in accordance with procedures set out in the franchise. This section shall be read expansively to include information in whatever format stored.

(b) Each company shall prepare such reports regarding its cable system and the operation, construction, maintenance (including management) thereof as the city may request.

(C.F. No. 98-277, § 1, 4-29-98)

ARTICLE IV. 430.04. RIGHTS OF INDIVIDUALS

Sec. 430.041. Equal opportunity for service.

A company shall not deny service, deny access or otherwise discriminate against subscribers, channel users or general citizens on the basis of race, color, creed, religion, ancestry, national origin, sex, affectional preference, disability, age, marital status or status with regard to public assistance. Each company shall comply at all times with all other requirements of federal, state and local laws and regulations, and all executive and administrative orders relating to nondiscrimination which are hereby incorporated and made a part of this chapter by reference.

(C.F. No. 98-277, § 1, 4-29-98)

Sec. 430.042. Equal opportunity employment.

Each company shall strictly adhere to the equal employment opportunity requirements of the federal government as well as state and local laws and regulations and shall keep a record of employment statistics which shall be available for public inspection during normal business hours.

(C.F. No. 98-277, § 1, 4-29-98)

Sec. 430.043. Subscriber privacy.

No signals, including signals of an interactive communications channel, shall be transmitted from a subscriber terminal for purposes of monitoring individual viewing patterns or practices without the express written permission of the subscriber. Neither a company, the city nor any other person shall initiate or use any procedure or device for procuring information or data from a subscriber's terminals or terminal by any means without the prior valid authorization of the affected subscriber. "Valid authorization" shall mean written approval from the subscriber which shall not have been obtained from the subscriber as a condition of service, except in those situations in which authorization is needed for billing, and which may be revoked by the subscriber at any time without penalty of any kind whatsoever. The request for such permission shall be contained in a separate document with a prominent statement that the subscriber is authorizing the permission with full knowledge of its provisions. Such written permission shall not extend longer than one (1) year; provided, that the subscriber shall have the option to renew upon expiration. No penalty shall be invoked for a subscriber's failure to provide or renew such authorization. Such authorization shall be required for each type or classification of signals transmitted from a subscriber terminal.

(Ord. No. 17364, § 11, 6-17-86; C.F. No. 98-277, § 1, 4-29-98)

Sec. 430.044. Prohibit compilation of subscriber lists for sale.

A company shall not collect, compile or retain subscriber data except as necessary for internal business purposes. Neither a company, the city nor any of their agents or employees shall, without the specific written authorization of the affected subscriber, provide data identifying or designating any subscriber to any party other than to the company and its employees or agents for internal business use. This shall include, but not be limited to, lists of the names and addresses of such subscribers or any lists that identify the viewing habits of subscribers. Written permission from the subscriber shall not be required for the systems conducting systemwide or individually addressed electronic sweeps for the purpose of verifying system integrity or monitoring for the purpose of billing. Confidentiality of such information shall be subject to the provisions of this section.

(Ord. No. 17364, § 12, 6-17-86; C.F. No. 98-277, § 1, 4-29-98)

Sec. 430.045. Monitoring prohibited.

Neither a company, the city nor any of their agents shall tap or monitor, arrange for the tapping or monitoring of, or permit any other person to tap or monitor any cable, line, signal, input device or subscriber outlet or receiver for any purpose whatsoever without the prior valid authorization of the affected subscriber.

(C.F. No. 98-277, § 1, 4-29-98)

ARTICLE V. 430.05. FRANCHISE FEE

Sec. 430.051. Payment.

(a) Each company shall pay to the city a franchise fee of five (5) percent of gross revenues. Each franchise shall permit the city to increase the franchise fee to the maximum that may be charged consistent with state and federal law, should the federal law limit change or be eliminated. However, the city shall not increase the franchise fee charged to a company except after providing that company ninety (90) days advance written notice, and providing that company the opportunity to comment on the proposed change within that ninety-day period. Payments shall be made on a quarterly basis. The installment payment for each quarter shall be due no later than forty-five (45) days after expiration of the quarter when due and shall be made to the city office of technology, or such other department as the city may designate. A franchise may exclude bad debt from gross revenues.

(b) A franchise may provide for advance payment of franchise fees. The city shall use all advance franchise fees only for cable-related purposes. All other franchise fees collected by the city shall be utilized primarily to support the city's administration of the franchise ordinance and the planning and development of cable services and secondarily for deposit in the general fund or for other such uses as specified by the city.

(c) The franchise fee payment is not a payment in lieu of any tax, fee or other assessment except as specifically provided in a franchise, or as required by applicable law.

(Ord. No. 17364, § 13, 6-17-86; C.F. No. 92-1374, § 32, 9-22-92; C.F. No. 97-53, § 19, 2-12-97; C.F. No. 98-277, § 1, 4-29-98; C.F. No. 04-158, § 1, 3-3-04)

ARTICLE VI. 430.06. RATES AND RATE ADJUSTMENT

Sec. 430.061. Rates.

(a) On or within five (5) days of the effective date of its franchise (or any renewal or replacement thereof), a company shall place in a public file for inspection and submit to the city a list of all rates and charges charged within the city (including late fees), which listing shall be updated when any rate or charge is changed, added or eliminated. Where a list of all the current rates and charges of the operator are already on file as of the effective date of a renewal or replacement franchise, that list shall be deemed to satisfy the obligation to provide a list within five (5) days of the effective date of the franchise.

(b) Every rate or charge shall be subject to regulation by the city, except as prohibited by state or federal law.

(c) In cases where regulation of a rate or charge is permitted but governed by state or federal law, the city shall regulate in conformity with the applicable law and regulations. The cable communications officer shall have the authority to issue any order, regulation or finding permitted or required by those applicable regulations including any subsequent amendments, other than a rate order establishing rates or ordering refunds, which orders shall be issued by the city council.

(d) Residential subscriber contracts, if any, may not exceed twelve (12) months unless after twelve (12) months the contract may be terminated without penalty at the option of the subscriber.

(Ord. No. 17364, § 14, 6-17-86; C.F. No. 93-1829, § 2, 3-30-94; C.F. No. 98-277, § 1, 4-29-98)

Sec. 430.062. Request for rate adjustment.

For areas in which state and federal law permit rate and charge regulation by the city, the company may make application for a revision of the rate schedule at any time.

(Ord. No. 17364, § 15, 6-17-86; C.F. No. 93-1829, § 2, 3-30-94; C.F. No. 98-277, § 1, 4-29-98)

Sec. 430.063. Procedure for rate adjustment and hearing.

To the extent that the procedure for regulation of a rate or charge is not governed by federal or state regulations, the procedure set forth in this section shall apply.

(a) An application for change in a rate or charge, or approval of a schedule of rates and charges shall be filed in accordance with procedures established in this section. The application shall be supported by statistical and other proof indicating that the existing rate is inadequate and unreasonable and that the proposed changes therein are required to enable the company to render service to fulfill its obligations under this chapter and to derive a reasonable profit therefrom. The application shall also include a statement of facts, opinions, substantiating documents and exhibits supporting the change requested. Notwithstanding the above, the specification of procedures in this ordinance does not prohibit the city and a company from agreeing to a different procedure for reviewing a particular rate.

(b) The company's petition for a rate change shall include the following financial reports which shall reflect the operations of the Saint Paul system only:

- (1) Balance sheet;
- (2) Income statement;
- (3) Statement of sources and applications of funds;
- (4) Detailed supporting schedules of expenses, income, assets and other items as may be required; and
- (5) Statement of current and projected subscribers and penetration.

(c) The company shall answer all city requests for information.

(d) The company's accounting records applicable to the cable system shall be available for inspection by the city at all reasonable times. The city shall have access to records of financial transactions for the purpose of verifying burden rates or other indirect costs prorated to the Saint Paul operation. The documents listed above shall include sufficient detail and/or footnotes as may be necessary to provide the city with the information needed to make accurate determinations as to the financial condition of the system. All financial statements shall be certified as accurate by an officer of the company. The company shall bear the burden of demonstrating the justness, reasonableness and accuracy of the costs.

(e) The city may investigate any rate or charge of the company at any time except as state or federal law otherwise provides, and may require the company to justify any rate subject to investigation. If, after investigating the rate, the city determines the rate is not just and reasonable, it may establish the appropriate rate. The city may order refunds of excess amounts collected from subscribers.

(f) The council shall consider the following factors in approving or disapproving a rate or charge, and may consider such other factors relevant to the establishment of a rate:

- (1) The ability of the company to render system services and to derive a reasonable profit therefrom under the existing rate schedule and under the proposed rate schedule;
- (2) The revenues and profits derived from system services;
- (3) The efficiency of the company;
- (4) The quality of the service offered by the company;
- (5) The costs incurred by the company;
- (6) The original cost of the system less depreciation;
- (7) A fair rate of return with respect to the cost of borrowing and the rates of return on investments having similar risks to that of cable communications;
- (8) The extent to which the company has adhered to the terms of this agreement;
- (9) Fairness to city residents, subscribers and users;

(10) Capital expenditures by the company in providing updated technology and services to subscribers; and

(11) Such other factors as council is required to consider.

(g) The council will not consider any valuation based upon the franchise right or the company's goodwill. Neither the value of the franchise nor the value of the company's goodwill shall be amortized as an expense nor shall a return be paid on them. Furthermore, the council will not consider any rate change application based, in whole or in part, on increased cable system value due to any type of transfer or sale.

(h) Upon receipt of a request for changes in rates under this section, the city shall have thirty (30) days within which to determine whether it wishes to review more fully the request for changes. In the event that the city takes no action within thirty (30) days, the company may file in the office of the city clerk and the office of cable communications a new or amended rates schedule which shall be effective and may be charged on the tenth day (or such later date that the company shall designate on its filing) after its filing and shall continue in effect until approved or denied by resolution or until deemed approved consistent with the charter.

(Ord. No. 17364, § 16, 6-17-86; C.F. No. 93-1829, § 2, 3-30-94; C.F. No. 98-277, § 1, 4-29-98)

ARTICLE VII. 430.07. APPLICATIONS PROCEDURE

Sec. 430.071. Modification of franchise obligation.

(a) *Procedure.* Following the adoption and acceptance of the franchise and except as otherwise specifically provided herein or in the franchise ordinance, all applications by a company for a modification of franchise obligations shall be made and processed in accordance with the following procedure to the extent that this procedure is not superseded by federal law:

(1) If a company seeks such a modification, it shall file an application for modification of franchise obligations in the offices of cable communications and of the city clerk.

(2) The city clerk shall place the application upon the next available city council agenda.

(3) Using the standards set forth in paragraph (b) of this section, the council shall approve or deny the requested modifications within one hundred twenty (120) days of the filing of said application. Such one-hundred-twenty-day period may be extended by mutual agreement of the company and the city.

(b) *Standards:*

(1) During the period a franchise is in effect, a company may obtain from the city modifications of the requirements in its franchise:

a. In the case of any requirement for facilities or equipment, including public, educational or governmental access facilities or equipment, if the company demonstrates that:

1. It is commercially impracticable for the company to comply with such requirement; and

2. The proposal by the company for modification of such requirement is appropriate because of commercial impracticability; or

b. In the case of any such requirement for services, if the company demonstrates that the mix, quality and level of services required by the franchise at the time it was granted will be maintained after such modification.

(2) A company may not obtain modification under this section of any requirement for services relating to public, educational or governmental access.

(3) For purposes of this section, the term "commercially impracticable" means, with respect to any requirement applicable to a company, that it is commercially impracticable for the company to comply with such requirement as a result of a change in conditions which is beyond the control of company and the nonoccurrence of which was a basic assumption on which the requirement was based.

(4) Notwithstanding subsection (1), a company may, upon thirty (30) days' advance notice to the city, rearrange, replace or remove a particular cable service required by the franchise if:

- a. Such service is no longer available to the company; or
- b. Such service is available to the company only upon the payment of a royalty required under Section 801(b)(2) of Title 17, United States Code which company can document:
 1. Is substantially in excess of the amount of such payment required on the date of the company's offer to provide such service; and
 2. Has not been specifically compensated for through a rate increase or other adjustment;

(5) Notwithstanding subsection (1), a company may take such actions to rearrange a particular service from one (1) service tier to another, or otherwise offer the service, if the rates for all of the service tiers involved in such actions are not subject to regulation under the Cable Act.

(Ord. No. 17364, § 17, 6-17-86; C.F. No. 93-1829, § 4, 3-30-94; C.F. No. 98-277, § 1, 4-29-98)

ARTICLE VIII. 430.08. TERMINATION AND TRANSFER OF FRANCHISE

Sec. 430.081. Termination and forfeiture.

(a) *Termination, substantial breach of terms and conditions.* In addition to all other rights and powers retained by the city under the franchise, this chapter or otherwise, the city reserves the right to forfeit and terminate a franchise and all rights and privileges of a company thereunder in the event of a substantial breach of its terms and conditions. A substantial breach by a company shall include, but shall not be limited to, the following:

- (1) Violation of any material provision of the franchise or any material rule, order, regulation or determination of the city made pursuant to the franchise or this ordinance;
- (2) Attempt to dispose of any of the facilities or property of its cable system to prevent the city from purchasing it, as provided for herein;
- (3) Attempt to evade any material provision of the franchise or practice any fraud or deceit upon the city or its subscribers or customers;
- (4) Failure to begin or complete system construction or system extension as provided under the franchise;
- (5) Failure to provide the types or quality of service as required herein;
- (6) Failure to restore service after ninety-six (96) consecutive hours of interrupted service, except when approval of such interruption is obtained from the city;
- (7) Material misrepresentation of fact in the application for or negotiation of the franchise;
- (8) Failure to replenish the fund secured by a letter of credit within thirty (30) days after final draw by city; and
- (9) Failure to maintain bonds and/or insurance.

(b) *No fault of company.* The foregoing shall not constitute a major breach if the violation occurs but it is without fault of a company or occurs as a result of circumstances beyond its reasonable control. Circumstances beyond the control of a company shall include, but not be limited to, acts of God; strikes, lockouts or other labor disturbances; unavailability of labor or materials; failure of other utilities to perform walkout and make-ready and to locate underground utilities in a timely manner; orders or restraints of any kind of the government of the United States or the State of Minnesota or their respective departments, agencies or officials or any civil or military authority; insurrections, riots; landslides, earthquakes, fires, storms, droughts, floods; explosions; breakage or accident to machinery, transmission pipes or canals; or any other cause or event not reasonably within the control of the company and not proximately caused by its negligence. A company shall not be excused by mere economic hardship, nor by misfeasance or malfeasance of its directors, officers or employees.

(c) *Demand for compliance; notice of intent to request termination.*

(1) In the event that the city determines that a company has substantially violated any provision of its franchise, any rule or regulation promulgated pursuant to that franchise or this chapter or any applicable federal, state or local law, the city shall make a written demand, by registered mail, return receipt requested, upon that company that it remedy such violation and that continued violations may be cause for termination. The city shall give a company thirty (30) days after service of the aforementioned notice to correct the violation, except as otherwise provided in this section 430.081(c)(4).

(2) Within that thirty-day period, the company must either cure the violation, or provide satisfactory written proof that a cure cannot be completed within the thirty-day period, but that the cure is being actively and expeditiously pursued, and will be completed within a time certain. If the violation, breach, failure, refusal or neglect is not fully cured within that thirty-day period following written demand; or if there is not written proof satisfactory to the city that corrective action has been taken or is being actively and expeditiously pursued so that the cure will be completed by a time satisfactory to the city; or if the city provides the company additional time to cure and the company fails to cure within a time satisfactory to the city; the city may place the issue of termination of the franchise before the city council.

(3) If the city chooses to place the issue of termination before the city council, a public hearing shall be held and the company shall be provided with an opportunity to be heard upon written notice, by registered mail, return receipt requested, to the company of the cause for termination, the intent to terminate and the time and place of said public hearing.

(4) The city council shall hear and consider the issue and shall hear any person interested therein, and shall determine, in its discretion, whether or not any violation by the company has occurred. If the council determines that the violation by the company was within its control, and that the company has failed to completely cure the violation, the council may, by resolution, declare that the company's franchise be forfeited and terminated. Nothing herein prevents the city from providing the company with additional opportunities to cure. The city council is not required to give the company any opportunity to cure where fraud and/or misrepresentation has been alleged and proved to the council's satisfaction.

(d) *Franchise procedures.* In addition, a franchise or other agreement with a company may set forth grounds and procedures by which a franchise may be revoked, and the city may revoke a franchise following such procedures, and shall not be required to also follow the procedures specified above.

(e) *Judicial proceeding.* In the event the city council terminates the franchise pursuant to this section, the company shall have any applicable statutory period after receiving notice of termination in which to commence an action, but no more than one hundred twenty (120) days. During such period and until a court of competent jurisdiction has decided the matter and the time for appeal has elapsed, the franchise shall remain in full force and effect unless sooner terminated or expired and not renewed in accordance with law.

(Ord. No. 17364, § 18, 6-17-86; C.F. No. 98-277, § 1, 4-29-98)

Sec. 430.082. Franchise renewal.

(a) To the extent required by federal law, requests for cable franchise renewal under the Cable Act will be received and reviewed in a manner consistent with Section 626 of the Cable Act, 47 U.S.C. § 546.

(b) If neither a franchisee nor the city activates in a timely manner, or can activate the renewal process set forth in 47 U.S.C. § 546(a)--(g) (including, for example, the provisions are repealed), and except as to applications submitted pursuant to 47 U.S.C. § 546(h), a renewal request shall be submitted and evaluated using the same criteria as any other request for a franchise, or as required by applicable law.

(c) The city may by resolution adopt procedures for conducting any proceedings required under federal law, including without limitation, procedures for presentation of evidence; and may also by resolution specify the person or entity that will conduct any administrative hearing that may be required by federal law, should the city decide that it does not wish to conduct the proceeding itself. In any case, however, the final decision to deny or grant renewal shall remain with the city.

(d) Informal application for renewal. Notwithstanding the above, a company may submit a proposal for renewal of a franchise pursuant to 47 U.S.C. § 546(h). Such a proposal may be submitted at any time and the city may, after affording the public adequate notice and opportunity for comment, grant or deny such proposal at any time (including after proceedings have been commenced in accordance with 47 U.S.C. § 546(a)).

(C.F. No. 98-277, § 1, 4-29-98)

Sec. 430.083. Right of municipal acquisition.

(a) *Generally.* Every franchise shall provide for the right of municipal acquisition, consistent with this section 430.083.

(b) *Right of first refusal; value.* In the event a company forfeits its franchise, or upon revocation or other termination of the franchise pursuant to provisions of this chapter or the franchise ordinance, or at the normal expiration of the franchise term, the city shall have the right of first refusal, directly or as an intermediary, to purchase the franchised cable system. The city may, if it chooses, acquire the cable system and its assets and transfer the system and all its assets to a third party purchaser; without limitation, the city may enter into such a purchase agreement before acquiring the cable system and its assets from the company.

If the city elects to purchase a system at the normal expiration of the franchise term, the value of the franchise term shall be the fair market value as an ongoing business concern of that system as determined by a panel of three (3) independent appraisers agreed upon by the city and the company. Should the city and a company fail to agree upon the selection of three (3) independent appraisers, each shall select one (1) appraiser. The two (2) appraisers so selected shall then select a third. If the city elects to purchase the system in the event of forfeiture, termination or revocation prior to the normal expiration date, the purchase price to be paid by the city shall be the company's capitalization cost less depreciation. "Capitalization cost" shall mean the monies invested for tangible assets, exclusive of intangible assets such as goodwill or value of the franchise. The date of valuation shall be no earlier than the day following the date of such forfeiture, termination or revocation.

(c) *Transfer to city.* Upon exercise of this option and the payment of the above sum by the city and its service of official notice of such action upon a company, the company shall immediately transfer to the city possession and title to all facilities and property, real and personal, of the cable system, free from any and all liens and encumbrances not agreed to be assumed by the city in lieu of some portion of the purchase price set forth above; and the company shall execute such warranty deeds or other instruments of conveyance to the city as shall be necessary for this purpose.

(d) *Arbitration.* A franchise may provide that, in the event the city and company cannot agree upon the value of the cable system, either may give notice of a demand to the other for arbitration. Arbitration shall commence and proceed according to law and shall be governed by section 430.035.

(e) *Abandonment.* Notwithstanding the above, if a cable system or any part of a cable system is abandoned by a company during the franchise term, or if a company fails to operate its cable system in accordance with its franchise during any time it is required to operate its cable system, or a company otherwise terminates its franchise, upon reasonable notice of at least thirty (30) days and an opportunity to be heard, the ownership of the cable system or the abandoned portions thereof (as applicable) in streets or on other public property, or such portion thereof as the city may desire, shall be conveyed to the city and the city may sell, assign, or transfer all or part of the assets

of the cable system, or the city council, at its option, may use or dispose of the system as it sees fit. The affected company shall execute such quit claim deeds and other documents as may be necessary to transfer the cable system or affected part thereof free and clear of liens and encumbrances to the city.

(f) *Subject to rights of city.* Each contract entered into by a company with reference to its cable system or operations under its franchise shall be subject to the exercise of the rights of the city under this section 430.083.

(g) *City's rights of eminent domain.* Nothing in this ordinance or in any respect affects the city's powers of eminent domain, or its right to exercise these powers with respect to a cable system.

(h) *Interference with city's purchase rights.* A company may not take any action, other than the assertion of the company's legal rights hereunder, that would interfere with the city's purchase rights hereunder, or take action that would have the effect of limiting the facilities and equipment available to the city hereunder.

(i) *Waiver of relocation costs.* By the acceptance of a franchise, each company expressly waives its rights, if any, to relocation costs that might otherwise be provided by law.

(Ord. No. 17364, § 20, 6-17-86; C.F. No. 98-277, § 1, 4-29-98)

Sec. 430.084. Foreclosure and receivership.

(a) Upon the foreclosure or other judicial sale of all or a substantial part of its cable system, or upon the termination of any lease covering all or a substantial part of the cable system, a company shall notify the city of such fact, and such notification shall be treated as a notification that a change in control of the company has taken place, and the provisions of the franchise governing the consent of the city council to such change in control of the company shall apply.

(b) The city council shall have the right to cancel the franchise one hundred twenty (120) days after the appointment of a receiver, or trustee to take over and conduct the business of the company, whether in receivership, reorganization, bankruptcy or other action or proceeding, unless such receivership or trusteeship shall have been vacated prior to the expiration of said one hundred twenty (120) days, or unless:

(1) Within one hundred twenty (120) days after his election or appointment, such receiver or trustee shall have fully complied with all the provisions of this chapter and remedied all defaults thereunder; and

(2) Such receiver or trustee, within said one hundred twenty (120) days, shall have executed an agreement, duly approved by the court having jurisdiction in the premises, whereby such receiver or trustee assumes and agrees to be bound by each and every provision of this chapter and the franchise granted to the company.

(C.F. No. 98-277, § 1, 4-29-98)

Sec. 430.085. Abandonment or transfer.

(a) *Abandonment.* Notwithstanding and without limiting the provisions of its franchise, a company shall not abandon any cable communication service or any portion thereof, without having given three (3) months' prior written notice to the city. A company shall not abandon any cable communication service or any portion thereof without compensating the city for actual damages resulting to it from such abandonment. For purposes of this section, "service" shall mean the aggregate cable system. A company shall not abandon its system or any portion thereof without the permission of the city and without compensating the city for actual damage resulting to it from such abandonment.

(b) *Transfer:*

(1) A franchise shall not be assigned or transferred, either in whole or in part, or leased, sublet or mortgaged in any manner, whether by sale of assets or transfer of control of the company or its parents, or otherwise, nor shall title thereto, either legal or equitable or any right, interest or property therein, pass to or vest in any person without the prior written consent of the city council, which shall not unreasonably be withheld, and in

compliance with applicable state rules; provided, however, that no authorization of the council shall be required for any mortgage, pledge or other encumbrance of this franchise ordinance or a company's cable system as security for financing purposes, but the mortgage, pledge or other encumbrance may not allow any person to succeed to the company's interest in the franchise or the system without the prior approval of the city; and the terms and conditions of the mortgage, pledge or other encumbrance must be subordinate to the terms and conditions of its franchise.

(2) A company shall promptly notify the city of any actual or proposed change in, or transfer of, or acquisition by any other party, of control of the company, or any other event constituting a transfer of the franchise, and shall file a request for approval of the transfer as provided herein, containing such information as is required therein. The word "control," as used herein, is not limited to major stockholders, general partners and limited partners, but includes actual working control in whatever manner exercised. Without limiting the foregoing, a ten (10) percent change or more in the ownership of the company shall be presumed to be a change in control. Every change, transfer or acquisition of control of the company shall make the franchise subject to cancellation unless and until the council shall have consented thereto, which consent will not be unreasonably withheld.

(c) The acts described in section 430.085(b)(1) and (2) are collectively referred to as "transfers," and the entity or entities to whom transfer is to be made is referred to below as the "transferee."

(d) For the purpose of determining whether it shall consent to such change, transfer or acquisition of control, except as federal law prohibits it from doing so the city may inquire into the qualifications of the prospective controlling party, and a company shall assist the council in any such inquiry. The proposed assignee must show financial responsibility as determined by the city and must agree to comply with all provisions of the franchise. A request for a transfer will not be granted unless, in light of the record before it, including the transfer application, the council determines that:

(1) There will be no adverse effect on the public interest, or the city's interest in the franchise or franchises;

(2) The transferee will agree to be bound by all the conditions of the franchise and to assume all the obligations of its predecessor; and

(3) Any outstanding compliance and compensation issues have been resolved or preserved to the satisfaction of the city.

Any proposed transferee shall execute an agreement, in such form as is acceptable to the city attorney, that it will assume and be bound by all of the provisions, terms and conditions of this chapter, the franchise and amendments or agreements related thereto, and comply with any other conditions lawfully imposed upon the transfer.

(e) The consent or approval of the city to any transfer of the company shall not constitute a waiver or release of the rights of the city in and to the streets, and any transfer shall, by its terms, be expressly subordinate to the terms and conditions of the franchise and any amendments or agreements related thereto.

(f) In the absence of extraordinary circumstances, the city will not approve any transfer or assignment of the franchise prior to substantial completion of any system construction required by a franchise.

(g) In no event shall a transfer of ownership or control be approved without the successor in interest becoming a signatory to the franchise agreement, and any amendments or agreements related thereto.

(h) An application for approval of a transfer shall be filed with the cable communications officer at least one hundred twenty (120) days prior to the date the transaction is scheduled to close or otherwise become effective. Each application shall contain the following information. Additional information will be provided upon request. An application that does not contain the information shall be considered an incomplete application, and need not be acted upon by the city:

- (1) All information and forms required under federal law or the equivalent of such forms if no longer required by federal law;
- (2) Any shareholder reports or public filings which have been filed with the Securities and Exchange Commission that discuss the transaction;
- (3) The effect of the transfer on system debt and any valuation of the system assets pre- and post-transfer, unless disclosure would result in a violation of federal law; and
- (4) A brief summary of the proposed transferee's planned changes for at least the next five (5) years regarding line extension, plant and equipment upgrades, channel capacity, expansion or elimination of services, and any other changes affecting or enhancing the performance of the cable system.

(Ord. No. 17364, § 21, 6-17-86; C.F. No. 92-1374, § 33, 9-22-92; C.F. No. 98-277, § 1, 4-29-98)

Sec. 430.086. Removal of cable equipment upon termination or forfeiture.

(a) *Removal.* Upon termination or forfeiture of a franchise, a company shall remove its cable system from the streets, alleys and other public places within the franchise area if the city so requests in writing. Such request shall be served upon the company's local business by registered mail, return receipt requested, and shall give the company a reasonable period of time to effectuate such removal. The city may require the company to submit a plan for removal by a date certain, and require a company to comply with that plan and such other conditions as the city may reasonably establish to protect the streets and public and private property, or to protect the city's rights under a franchise. A company shall restore streets and other public property disturbed by the removal of its cable system to at least as good a condition as existed immediately prior to removal.

(b) *Failure to remove.* Should a company fail to remove the aforementioned equipment as requested by the city, the city shall have the right to make such removal at the expense of the company and the company shall, upon written demand, pay to the city the cost of such work done or performed by the city.

(Ord. No. 17364, § 22, 6-17-86; C.F. No. 98-277, § 1, 4-29-98)

ARTICLE IX. 430.09. GENERAL PROVISIONS

Sec. 430.091. Interference with cable service prohibited.

Neither the owner of any multiple-unit residential dwelling nor his agent or representative shall interfere with the right of any tenant or lawful resident thereof to receive cable service, cable installation or maintenance from a cable company regulated by and lawfully operating under a valid and existing cable franchise issued by the City of Saint Paul.

(C.F. No. 98-277, § 1, 4-29-98)

Sec. 430.092. Gratuities and payments to permit service prohibited.

Neither the owner of any multiple-unit residential dwelling nor his agent or representative shall ask, demand or receive any payment, service or gratuity in any form as a condition for permitting or cooperating with the installation of a cable service to the dwelling unit occupied by a tenant or resident requesting service.

(C.F. No. 98-277, § 1, 4-29-98)

Sec. 430.093. Penalties and charges to tenants for service prohibited.

Neither the owner of any multiple-unit residential dwelling nor his agent or representative shall penalize, charge or surcharge a tenant or resident or forfeit or threaten to forfeit any right of such tenant or resident, or discriminate in any way against such tenant or resident who requests or receives cable service from a company operating under a valid and existing cable franchise issued by the City of Saint Paul.

(C.F. No. 98-277, § 1, 4-29-98)

Sec. 430.094. Reselling service prohibited.

No person shall resell, without the expressed, written consent of both the company and the city, any cable service, program or signal transmitted by a cable communication company operating under a franchise issued by the City of Saint Paul.

(C.F. No. 98-277, § 1, 4-29-98)

Sec. 430.095. Theft of services prohibited.

No person shall establish a drop for reception of services or receive cable services without first obtaining the approval of the company.

(C.F. No. 98-277, § 1, 4-29-98)

Sec. 430.096. Protection of property.

Nothing in these general provisions shall prohibit a person from requiring that cable system facilities conform to laws and regulations and reasonable conditions necessary to protect safety, functioning, appearance and value of premises or the convenience and safety of persons and property.

(C.F. No. 98-277, § 1, 4-29-98)