

---

---

# TELECOMMUNICATIONS ASSOCIATION OF MAINE

---

---

Benjamin M. Sanborn

P.O. Box 5347 Augusta ME 04330 TEL: 207-314-2609

E-MAIL: Ben@SanbornEsq.com

April 6, 2021

Senator Mark Lawrence, Senate Chair  
Representative Seth Berry, House Chair  
Members of the Energy, Utilities and Technology Committee  
130<sup>th</sup> Maine Legislature  
100 State House Station  
Augusta, ME 04333

**RE: LD 920, An Act To Promote Oversight of and Competitive Parity among Video Service Providers**

The Telecommunications Association of Maine (TAM) offers the following testimony in **OPPOSITION** to LD 920, An Act To Promote Oversight of and Competitive Parity among Video Service Providers.

Over this past summer, TAM participated in a stakeholder group to discuss issues regarding moving to a statewide franchise for cable service. The town-by-town franchising process is one that is time consuming and can be costly and which results in administrative costs associated with tracking each community separately. This acted as a roadblock for TAM members who offer video over broadband in other jurisdictions, but not in Maine. The idea brought forth by TAM was to eliminate this roadblock by adopting an approach that would bring Maine in line with the current trend in the nation of States moving to a Statewide franchise approach. The advantage of a Statewide franchise is that it would preserve support for items like PEG stations and maintain franchise fees for municipalities while also making enforceability of any provisions, such as consumer protection matters, actions that could be addressed at the State level. For providers, this reduces administrative upfront costs making it much easier to offer competitive video services over broadband to customers.

The reality about video is that content costs are enormous and the only reason to carry the service is if it spurs customers who would not otherwise have purchased fiber internet to purchase the service. When providers are looking at the economics of investing in fiber in the most rural portions of communities the question is what the actual take rate will be. The experience of providers is that "if you build it they will come" is a tag line from a movie, not an actual thing that happens in the real world. Every little bit matters when determining whether there will be an opportunity to make a return on investment when deploying fiber. If you offer video service, there is a greater chance that people will subscribe to your fiber. However, the cost of content for video means that if not enough people take your fiber, you lose money. TAM's members have experience with this. In 2003 Oxford Networks, now Firstlight, began deploying fiber in Lewiston and attempted to sell a bundled internet and video product. Lewiston was a competitive area, and Oxford was able to get a good number of customers, but the content costs of the video were making it detrimental to offer video. As a result, Oxford Networks stopped offering video in Lewiston in 2010, although they still maintain a robust fiber network in the city. A lesson taken from this was that video can help get people on line but only if done in a manner that will allow for a critical mass of customers and if additional costs, such

as administrative costs and content costs, are minimized. This is why TAM was looking to encourage the State to reduce administrative costs for new entrants in the broadband video market, especially in rural areas, to tip that economic equation enough to make it possible to bring new service to Maine.

In response to TAM's attempts, the PEG channel providers responded with the Uniform Franchise that is the basis of this legislation. It is large, cumbersome, requires town by town negotiation still, and turns what was a roadblock into an impenetrable brick wall. The simple reality is that this bill, if enacted, will discourage investment in fiber in rural Maine. TAM's members may simply adopt the stance taken by some other providers nationwide and offer a Roku stick and a month of Hulu Live where they currently have existing fiber and call it good. Communities will lose out on franchise fees and PEG channels will fade away, but that is a policy choice for the Legislature. If, however, the legislature wishes to promote competition and fiber deployment in rural communities, TAM has attached the discussion draft of the Statewide Franchise that was discussed in the stakeholder meetings over the summer. This committee can, and should, discard the proposed language of the bill and instead take up the Discussion Draft and use it to craft a policy for the State that will accelerate growth and investment.

According, TAM urges this committee to vote **OUGHT NOT TO PASS** on LD 920, An Act To Promote Oversight of and Competitive Parity among Video Service Providers, or in the alternative strike the language of the bill and instead use the attached Statewide Franchise as a basis for a new approach to encouraging private investment in fiber in rural Maine.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Sanborn", with a long horizontal flourish extending to the right.

Benjamin M. Sanborn, Esq.  
Telecommunications Association of Maine

**State Franchise Legislation - Discussion Draft**

**Sec. 1.** Section 3008 of Title 30-A is hereby repealed.

**Sec. 2.** Section 3010 of Title 30-A is hereby repealed.

**Sec. 3.** Chapter 186 within Subpart 6 of Title 30-A is enacted as follows:

**§ 1. Short title**

This chapter shall be known and may be cited as the “Maine State Cable Franchise Act.”

**§ 2. Definitions**

As used in this chapter, the term:

- A. “Affected local governing authority” means any municipal governing authority when any part of such municipality is located within the service area and any county governing authority when any part of the unincorporated area of such county is located within the service area.
- B. “Cable service” means the one-way transmission to subscribers of video programming or other programming service and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service. Cable service shall not include any video programming provided by a provider of commercial mobile service as defined in *47 U.S.C. Section 332(d)* or video programming provided as part of and via a service that enable users to access content, information, e-mail, or other services offered over the public Internet.
- C. “Cable service provider means any person or group of persons:
  - 1. Who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system; or
  - 2. Who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system.
- D. “Cable system” means a facility consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community, but such term shall not include:
  - 1. A facility that serves only to retransmit the television signals of one or more television broadcast stations;
  - 2. A facility that serves subscribers without using any public right of way as defined in this Code section;

*Prepared by the Telecommunications Association of Maine – 2/13/2020  
For Discussion Purposes Only*

3. A facility of a common carrier which is subject, in whole or in part, to the provisions of 47 U.S.C. Sections 201 through 276, except that such facility shall be considered a cable system, other than for purposes of 47 U.S.C. Section 541(c), to the extent such facility is used in the transmission of video programming directly to subscribers, unless the extent of such use is solely to provide interactive on-demand services as that term is defined in 47 U S C Section 522(12);
  4. An open video system that complies with 47 U.S.C. Section 573; or
  5. Any facility of any electric utility used solely for operating such electric utility system.
- E. “Franchise” means an initial authorization or renewal of an authorization issued by a franchise authority, regardless of whether the authorization is designated as a franchise, permit, license, resolution, contract, ordinance, certificate, agreement, or otherwise, that authorizes the construction or operation of a cable service provider or video service providers network in the public rights of way.
- F. “Franchise authority” means any governmental entity empowered by federal, state, or local law to grant a franchise. With regard to the holder of a state franchise within the service areas covered by such state franchise, the Secretary of State shall be the sole franchising authority.
- G. “Gross revenues” means all revenues received from subscribers for the provision of cable service or video service and shall be determined in accordance with generally accepted accounting principles. Gross revenues shall not include:
1. Amounts billed and collected as a line item on the subscribers bill to recover any taxes, surcharges, or governmental fees that are imposed on or with respect to the services provided;
  2. Any revenue, such as bad debt, not actually received, even if billed;
  3. Any amounts attributable to refunds, rebates, or discounts;
  4. Any revenue from services provided over the network that are associated with or classified as noncable or nonvideo services under federal law, including, without limitation, revenues received from telecommunications services, information services other than cable service or video service, or Internet access services. Where the sale of any such noncable or nonvideo service is bundled with the sale of one or more cable services or video services and sold for a single nonitemized price, the term “gross revenues” shall include only those revenues that are attributable to cable service or video service based on the provider’s books and records; such revenues shall be allocated in a manner consistent with generally accepted accounting principles;
  5. Any revenue from late fees not initially booked as revenues, returned check fees, or interest;

*Prepared by the Telecommunications Association of Maine – 2/13/2020  
For Discussion Purposes Only*

6. Any revenue from sales or rental of property, except such property as the subscriber shall be required to buy or rent exclusively from the cable service provider or video service provider to receive cable service or video service;
  7. Any revenue received from providing or maintaining inside wiring;
  8. Any revenue from sales for resale with respect to which the purchaser shall be required to pay a franchise fee, provided the purchaser certifies in writing that it shall resell the service and pay a franchise fee with respect thereto; or
  9. Any amounts attributable to a reimbursement of costs including, but not limited to, the reimbursements by programmers of marketing costs incurred for the promotion or introduction of video programming.
- H. “Incumbent service provider” means any cable service provider or video service provider providing cable service or video service, respectively, in a municipality or in an unincorporated area of a county on \_\_\_\_\_, 2020.
- I. “Original programming” means programming produced specifically for or about a municipality or county or citizens thereof and shall include public government meetings. Original programming shall not include character generated messages, video bulletin board messages, traffic cameras, or other passively produced content.
- J. “PEG” means public, educational, or governmental.
- K. “Public right of way” means the area in, on, along, over, or under the public roads that are part of the municipal or county road system or the state highway system.
- L. “Service area” means the geographic territory within a municipality or unincorporated area of a county where a cable service provider or video service provider provides or has proposed to offer cable service or video service pursuant to a franchise.
- M. “Subscriber” means any person or entity lawfully receiving video service from a video service provider or cable service from a cable service provider.
- N. “Video programming” means programming provided by, or generally considered comparable to programming provided by, a television broadcast station, as set forth in 47 U.S.C. Section 522(20).
- O. “Video service” means the provision of video programming through wireline facilities located at least in part in the public rights of way without regard to delivery technology, including Internet protocol technology. This term shall not include any video programming provided by a provider of commercial mobile service as defined in 47 U.S.C. Section 332(d) or video programming provided as part of and via a service that enables users to access content, information, e-mail, or other services offered over the public Internet.

- P. “Video service provider” means an entity providing video service as defined in this Code section. This term shall not include a cable service provider.

**§ 3. Franchise options for cable service and video service providers**

- A. Any entity or person seeking to provide cable service or video service in this state after \_\_\_\_\_, 2020 shall not provide cable service or video service without a franchise obtained pursuant to this chapter.

**§ 4. Application process for the issuance of a state franchise; fees**

- A. To receive a state franchise, a cable service provider or video service provider shall file an application for a state franchise with the Secretary of State, with a copy of such application provided simultaneously to each affected municipal or county governing authority at least 45 days prior to offering cable service or video service to subscribers within a specified service area.
- B. The Secretary of State may impose a fee not to exceed \$500.00 for a state franchise application and a fee not to exceed \$250.00 for an amendment to a state franchise.
- C. The application for a state franchise shall consist of an affidavit signed by an officer or general partner of the applicant that contains each of the following:
1. An affirmative declaration that the applicant shall comply with all applicable federal and state laws and regulations, including municipal and county ordinances and regulations regarding the placement and maintenance of facilities in the public right of way that are generally applicable to all users of the public right of way;
  2. A description of the applicant’s service area, including the name of each municipal or county governing authority within the service area. For the purposes of this paragraph, an applicant may, in lieu of or as supplement to a written description, provide a map on 8 1/2 by 11 inch paper that is clear and legible and that fairly depicts the service area by making reference to the municipal or county governing authority to be served. If the geographical area is less than an entire municipality or county, the map shall describe the boundaries of the geographic area to be served in clear and concise terms;
  3. The location of the applicants principal place of business, the name or names of the principal executive officer or officers of the applicant, information concerning payment locations or addresses, and general information concerning equipment returns;
  4. Certification that the applicant is authorized to conduct business in the State of Maine and that the applicant possesses satisfactory financial and technical capability to provide cable service or video service and a description of such capabilities. Such certification shall not be required from an incumbent service provider or any cable service provider or video service provider that has wireline facilities located in the public right of way as of \_\_\_\_\_, 2020; and

*Prepared by the Telecommunications Association of Maine – 2/13/2020  
For Discussion Purposes Only*

- D. If an application is incomplete, the Secretary of State shall notify the applicant within ten days of the receipt of such application and shall provide the applicant with a reasonable period of time in which to provide a complete application. If no such notification is made within ten days of the receipt of the application, the application shall be deemed complete. Within 45 days of the receipt of a completed application, the Secretary of State shall, except as set forth in subsection F of this section, issue a state franchise that contains the following:
1. A nonexclusive grant of authority to provide cable service or video service as requested in the application;
  2. A nonexclusive grant of authority to construct, maintain, and operate facilities along, across, or on the public right of way in the delivery of cable service or video service, subject to applicable federal and state laws and regulations, including municipal and county ordinances and regulations, regarding the placement and maintenance of facilities in the public right of way that are generally applicable to all users of the public right of way;
- E. The failure of the Secretary of State to issue a state franchise within 45 days of the receipt of a completed application from a cable service provider or video service provider that has wireline facilities located in any public right of way as of \_\_\_\_\_, 2020, shall constitute issuance of the requested state franchise to the applicant without further action required by the applicant. The failure of the Secretary of State to issue a state franchise within 45 days of the receipt of a completed application from a cable service provider or video service provider that does not have an existing franchise with a municipal or county governing authority or that does not have wireline facilities located in any public right of way as of \_\_\_\_\_, 2020, shall constitute temporary issuance of the requested state franchise to the applicant subject to the provisions of subsection F. of this Code section.
- F. A municipal or county governing authority that reasonably believes an applicant that has not yet accessed rights of way in that municipality or unincorporated area of a county and does not possess satisfactory financial and technical capability to provide cable service or video service or is not duly authorized to conduct business in Maine shall object to the issuance of a state franchise before it is officially issued by the Secretary of State. If a municipal or county governing authority objects to the issuance of a state franchise on these grounds, the Secretary of State shall consider whether the objection is well founded and shall make a determination as to whether to grant the state franchise notwithstanding the objection or to deny or suspend the application pending the receipt of information sufficient to demonstrate the applicant has satisfactory financial and technical capability. If the Secretary of State has not acted on the objection of a municipal or county governing authority's objection and a state franchise is issued as set forth in subsection E of this section, then such temporary issuance of the state franchise shall be subject to the Secretary of State's determination on the objection.
- G. Termination of existing franchise agreements.
1. At any time after \_\_\_\_\_, 2020, an incumbent service provider may file an application for a state franchise pursuant to this Code section with the Secretary of State

with a copy provided to each affected municipal or county governing authority. Upon the Secretary of State issuing such state franchise, any existing franchise for the service area covered by the state franchise shall, subject to the continuation of PEG support obligations in paragraph 4. of this subsection, terminate and be of no further force or effect.

2. An incumbent service provider that elects to terminate an existing franchise for the service area covered by the state franchise under this subsection shall remain subject to the contractual rights, duties, and obligations incurred by the incumbent service provider under the terms and conditions of the terminated local franchise that are owed to any private person, including a subscriber.
3. As used in this subsection, the term “private person” shall not include:
  - (A) The municipal or county governing authority that issued the terminated local franchise;
  - (B) Apolitical subdivision, government agency, or authority of the state not described in subparagraph (A) of this paragraph; or
  - (C) Any official, agent, or employee acting in an official capacity of the municipal or county governing authority that issued the terminated local franchise.
4. An incumbent service provider that elects to terminate a franchise under this subsection shall continue to provide PEG access support, as such existed on \_\_\_\_\_, 2020, under the same terms as the terminated local franchise had it not been terminated until the local franchise would have expired under its own terms.
5. Notwithstanding a termination of a local franchise pursuant to this subsection, a municipality or county shall be entitled to operate its existing PEG channel or channels, as such existed on \_\_\_\_\_, 2020, relating to the number of channels and the usage criteria for such channels under the same terms as the terminated local franchise had it not been terminated, pursuant to this subsection, until \_\_\_\_\_, 2024. The 12 month development period for PEG channels set forth in Section 8(A) of this Chapter shall not apply to existing PEG channels operating under the entitlement provisions of this subsection.
6. The 12 month development period for PEG channels set forth in Section 8(A) of this Chapter shall not apply to channels being operated at the time that any holder of a state franchise adopts or renews a state franchise after \_\_\_\_\_, 2024.

**§ 5. Transfers, modifications, and terminations of a state franchise**

- A. A state franchise shall be fully transferable to any successor in interest to the applicant. A notice of transfer shall be filed by the transferee with the Secretary of State with a copy provided to each affected municipal or county governing authority within 45 days of such transfer. The transfer notification shall consist of an affidavit signed by an officer or general partner of the transferee that contains each of the following:



*Prepared by the Telecommunications Association of Maine – 2/13/2020  
For Discussion Purposes Only*

1. An affirmative declaration that the applicant shall comply with all applicable federal and state laws and regulations, including municipal and county ordinances and regulations, regarding the placement and maintenance of facilities in any public right of way that are generally applicable to all users of the public right of way;
  2. A description of the transferee's service area;
  3. The location of the transferee's principal place of business and the name or names of the principal executive officer or officers of the transferee; and
  4. A description of material changes, if any, of the information set forth in the applicant's initial application for a state franchise.
- B. The failure of the Secretary of State to issue an amended state franchise within 45 days of the receipt of a completed transfer notice shall constitute issuance of the requested amended state franchise to the transferee without further action required.
- C. A cable service provider or video service provider may modify its service area covered by the state franchise by notifying the Secretary of State of changes to the service area, with a copy provided to each affected municipal or county governing authority, at least 20 days prior to the effective date of such change. Such notification shall contain a geographic description of the new service area or areas and a list of each municipal or county governing authority within the service area.
- D. A state franchise issued pursuant to this chapter may be terminated by the cable service provider or video service provider by submitting a notice of termination to the Secretary of State with a copy provided to each affected municipal or county governing authority. Such notice shall identify the cable service provider or video service provider, the affected service area, and the effective date of such termination, which shall not be more than 60 days from the date of filing the notice of termination.

**§ 6. Franchise fees**

- A. The holder of a state franchise, whether a cable service provider or a video service provider, shall pay to each affected local governing authority which complies with this Code section a franchise fee of five percent (5%), the maximum percentage rate permitted in 47 U.S.C. Section 542(b) of such holder's gross revenues received from the provision of cable service or video service to subscribers located within such holder's service area.
- B. Such franchise fee shall be paid directly to each affected local governing authority within 30 days after the last day of each calendar quarter. Such payment shall be considered complete if accompanied by a statement showing, for the quarter covered by the payment:
1. The aggregate amount of the state franchise holder's gross revenues, attributable to such municipality or unincorporated areas of the county; and
  2. The amount of the franchise fee payment due to such municipality or county.

- C. No acceptance of any payment shall be construed as a release or as an accord and satisfaction of any claim an affected local governing authority may have for further or additional sums payable as a franchise fee.
- D. The holder of a state franchise may designate that portion of a subscriber’s bill attributable to any franchise fee imposed pursuant to this Code section as a separate item on the bill and recover such amount from the subscriber; provided, however, that such separate listing shall be referred to as a “franchise” or a “franchise fee”.
- E. No affected local governing authority shall levy any additional tax, license, fee, surcharge, or other assessment on a cable service provider or video service provider for or with respect to the use of any public right of way other than the franchise fee authorized by this Code section. Nor shall an affected local governing authority levy any other tax, license, fee, or assessment on a cable service provider or video service provider or its subscribers that is not generally imposed and applicable to a majority of all other businesses. The franchise fee authorized by this Code section shall be in lieu of any permit fee, encroachment fee, degradation fee, or other fee that could otherwise be assessed on a state issued franchise holder for the holder’s occupation or work within the public right of way.

**§ 7. Customer service requirements**

- A. The holder of a state franchise shall comply with the customer service standards as set forth in 47 C.F.R. 76.309(c) and this section. No franchising authority shall have the power to require the holder of a state franchise to comply with any customer service standards other than those set forth in this section.
- B. **[SPECIFIC ADDITIONAL CUSTOMER SERVICE REQUIREMENTS]**

**§ 8. Public, educational, and governmental programming under a state franchise**

- A. No later than 12 months after receipt of a written request by a municipal or county governing authority, the holder of a state franchise shall designate capacity in its network to allow for the airing of noncommercial PEG programming as required by this Code section.
- B. Qualifying for PEG channels.
  - 1. A municipal or county governing authority that does not have PEG access channels activated under the incumbent service provider’s franchise agreement as of \_\_\_\_\_, 2020, may request a sufficient amount of capacity to support up to two PEG channels.
  - 2. To qualify for the first PEG channel the written request of the municipality or county shall include a certification that it has produced at least 15 hours of nonduplicative original programming for production in the first month of operation and that the municipality or county shall continue to produce at least 15 hours of nonduplicative original programming for each month that the channel is provided.

*Prepared by the Telecommunications Association of Maine – 2/13/2020  
For Discussion Purposes Only*

3. Alternatively, to qualify for the first PEG channel two or more municipalities or counties may collectively include a certification that they have produced at least 15 hours of nonduplicative original programming for production in the first month of operation and that the municipalities or counties shall continue to produce at least 15 hours of nonduplicative original programming for each month that the channel is provided.
  4. To qualify for a second PEG channel the municipality or county shall certify that the first channel is being substantially utilized, and that upon activation, the second PEG channel shall also be substantially utilized. For purposes of this subsection, PEG channels shall be considered “substantially utilized” when 12 continuous hours of content are programmed on that channel each calendar day. In addition, at least 75 percent of the 12 hours of programming for each business day over each calendar quarter, on average, shall be nonduplicative programming. Nonduplicative programming shall include the first three broadcasts in a day of a meeting of an elected government body.
  5. Any PEG channel capability provided pursuant to this Code section that does not comply with the usage criteria set forth in this subsection or is not substantially utilized by the municipality or county shall no longer be made available after reasonable notice is provided to the municipality or county but may be programmed at the franchise holders discretion. At such time as the municipality or county certifies to the franchise holder that it shall meet the usage criteria for that particular channel, the cable service provider or video service provider shall restore the previously lost channel.
- C. Upon request by a municipality or county that does not have an activated PEG channel, the state franchise holder shall provide access to one nonexclusive PEG channel for the purpose of providing public, educational, and government programming. This nonexclusive channel shall be available as an additional option to municipalities and counties and shall not eliminate the requirements of subsection (b) of this Code section.
  - D. Municipalities, counties, and cable service providers and video service providers shall cooperate in the sharing of channel capacity to provide PEG access for municipalities and counties served by the cable service provider or video service provider.
  - E. The operation of any PEG access channel provided pursuant to this Code section and the production of programming thereon, including all capital costs and costs of production, shall be the responsibility of the municipality or the county receiving the benefit of such channel, and the holder of a state franchise shall only have the responsibility to transmit such channel to subscribers. If the holder elects not to seek interconnection with the incumbent under subsection (i) of this Code section or if the incumbent service provider and the holder of a state franchise cannot reach mutual agreement on interconnection terms, the holder of a state franchise shall be responsible for providing one location of connectivity to each PEG access channel up to the first 200 feet from the holder’s activated wireline video programming distribution facility located in the holder’s designated service area.
  - F. The municipality or the county shall ensure that all transmissions of content and programming provided by or arranged by them to be transmitted over a PEG channel by a

holder of a state franchise are provided and submitted to the cable service provider or video service provider in a manner or form that is capable of being accepted and transmitted by such cable service provider or video service provider over its system without further alteration or change in the content or transmission signal and which is compatible with the technology or protocol utilized by the cable service provider or video service provider to deliver its cable services or video services.

- G. Where technically feasible, the holder of a state franchise and an incumbent service provider shall use reasonable efforts to interconnect their systems on mutually acceptable and reasonable terms for the purpose of providing PEG programming. Interconnection may be accomplished by direct cable microwave link, satellite, or other reasonable method of connection. Holders of a state franchise and incumbent service providers shall not unreasonably withhold interconnection of PEG channels.
- H. A holder of a state franchise shall not be required to interconnect for or otherwise transmit commercial PEG programming content or PEG content that is branded with the logo, name, or other identifying marks of another cable service provider or video service provider, and a municipality or county may require a cable service provider or video service provider to remove its logo, name, or other identifying marks from PEG content that is to be made available to another provider.

**§ 9. Service outlet to municipalities and counties; complimentary basic cable service or video service to public schools and public libraries**

A cable service provider or video service provider shall, upon written request by a municipality or county, install, at no charge, one service outlet to a demarcation point located on the outside of any designated municipal or county building or multibuilding complex, provided such building demarcation point is within 125 feet from the cable service provider or video service provider's activated distribution point of connection. A cable service provider or video service provider shall not be required to extend its facilities beyond the appropriate demarcation point located outside the building or to perform any inside wiring. The cable service provider or video service provider shall provide complimentary basic cable service or video service to public schools and public libraries over that one service outlet free of charge, which service shall not be used for commercial purposes. The municipality or county may not receive service at the same building from more than one cable service provider or video service provider at a time under this Code section.

**§ 10. Limitations on requirements that may be imposed upon holders of a state franchise**

No franchising authority, state agency, or political subdivision of the state shall impose any build-out requirement on system construction or service deployment on a holder of a state franchise. This chapter shall occupy the entire field of franchising or otherwise regulating cable service and video service. An affected local governing authority's power to regulate the holder of a state franchise shall be limited to:

- 1. A requirement that the holder of a state franchise who is providing cable service or video service within the municipality or unincorporated area of the county shall notify each affected local governing authority at least ten days before providing service in such

municipality or county. A municipal or county governing authority may require the holder of a state franchise to update the description of the service area provided in the application for a state franchise annually and may also require the holder of a state franchise to maintain a point of contact that shall be available during normal business hours;

2. The lawful and reasonable exercise of the police powers of the municipal or county governing authority to the extent reasonably necessary to protect the health, safety, and welfare of the public; and
3. The enactment and enforcement of lawful and reasonable laws and rules and municipal or county ordinances and regulations concerning placement and maintenance of facilities in any public right of way that are generally applicable to all users of any public right of way, except to the extent specifically precluded by this Chapter.

**§ 11. Discrimination towards potential residential subscribers prohibited**

- A. A holder of a state franchise shall not deny access to service to any group of potential residential subscribers because of the income of the residents in the local area in which such group resides.