RESOLUTION 2013-R-1

A RESOLUTION OF THE CITY COUNCIL OF THE VILLAGE OF VOLENTE, ELECTING NOT TO REQUIRE THE REMITTANCE OF A PEG FEE BY HOLDERS OF A STATE ISSUED CERTIFICATE OF FRANCHISE AUTHORITY.

WHEREAS, Section 66.005 of the Public Utility and Regulatory Act requires the holder of a certificate of franchise authority to pay a franchise fee of five percent of gross revenues; and

WHEREAS, Section 66.006(b) of the Public Utility and Regulatory Act provides that, to fund capital expenses associated with Public, Educational and Governmental facilities, and in lieu of in-kind contributions and grants, a municipality may elect to receive one percent of a cable service provider's gross revenues or the per subscriber fee that was paid to it under the expired incumbent cable service provider's agreement; and

WHEREAS, the holder of a state-issued certificate is entitled to recover any fee imposed by the state and paid to the municipality from the cable service provider's customers; and

WHEREAS, the City does not wish to further burden its citizens with the additional fee authorized by Section 66.006(b) of the Public Utility and Regulatory Act;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS:

1. The holder of a state-issued certificate of franchise authority shall not remit a percentage or per subscriber fee to the City under Section 66.006(b) of the Public Utility and Regulatory Act.

2. The City Manager shall send a certified copy of this Resolution to the Company.

3. This Resolution takes effect immediately upon its adoption.

ADOPTED THIS 15TH DAY OF JANUARY 2013.

VILLAGE OF VOLENTE

By: Justine Blackmon Hirsch

ATTEST: Joan Jackson