



City of Minneapolis

Public Hearing CenturyLink Franchise Application

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February 23, 2015

Background

- **Brief History of Cable Franchising in the City**
 - Comcast authorized to Provide Cable Service to City Residents through Cable Franchise Agreement with the City.
 - Comcast (via Predecessors in Interest) has held a Cable Franchise with the City since 1983.
 - Franchise is Non-exclusive.
 - The Cable Franchise between Comcast and the City is set to expire in 2021.



Background

➤ **Summer, 2014**

- CenturyLink announced plans to bring 1 Gig Broadband to the City of Minneapolis

➤ **December, 2014**

- CenturyLink informs City Staff that the Company ready to apply for a cable franchise



Background

➤ **Franchising Process – Minn. Stat. 238.081**

- Publish Notice of intent to Franchise
 - Published in Finance & Commerce
 - December 23 and 30
- Deadline for Applications
 - January 20, 2015
- Applications
 - 1 – From CenturyLink
 - Received January 20, 2015
- Public Hearing
 - W/M February 23, 2015



Background

- **Application Requirements – Minn. Stat. 238.081**
 - Plans for channel capacity;
 - A statement of the television and radio broadcast signals for which permission to carry will be requested from the Federal Communications Commission;
 - A description of the proposed system design and planned operation;
 - Terms and conditions under which particular service is to be provided to governmental and educational entities;



Background

- **Application Requirements – Minn. Stat. 238.081**
 - A schedule of proposed rates in relation to the services to be provided, and a proposed policy regarding unusual or difficult connection of services;
 - *A time schedule for construction of the entire system with the time sequence for wiring the various parts of the area requested to be served in the request for proposals;*
 - A statement indicating the applicant's qualifications and experience in the cable communications field, if any;



Background

- **Application Requirements – Minn. Stat. 238.081**
 - An identification of the municipalities in which the applicant either owns or operates a cable communications system, directly or indirectly, or has outstanding franchises for which no system has been built;
 - Plans for financing the proposed system;
 - A statement of ownership detailing the corporate organization of the applicant; and
 - A notation and explanation of omissions or other variations with respect to the requirements of the proposal.



Public Hearing

➤ **Quasi-Judicial Cable Franchising Process**

- Follows Minn. Stat. Sec. 238.081.
- Franchising involves “an investigation into a disputed claim that weighs evidentiary facts, applies those facts to a prescribed standard, and results in a binding decision.”
- The cable franchising procedure under Minnesota law
 - “requires documentary evidence in the proposal and allows for testimonial evidence at the public hearing and results in a binding decision.”
- To be upheld decision must not be
 - arbitrary, oppressive, unreasonable, fraudulent, under an erroneous theory of law, or without any evidence to support it.



Role of Policy Makers

- Preside over cable franchising process as neutral and impartial decision makers
- Base decision only on the information that has been included in the formal record of the proceeding.
- State the factual findings and reasons that support your decisions on the record at the time that you make your decision.



Public Hearing Process

- Accept written materials into the record
 - Franchise Application
 - Response to Information Request (Public and Non-Public)
- CenturyLink – Presentation in support of application
- Public – Opportunity to comment
 - Incumbent Franchised Cable Operator may comment
- Additional Written Comments
 - Accepted by the Cable Officer/Communications Director or City Clerk
 - Friday, February 27, 2015 at 5:00 p.m.



Post-Public Hearing Process

- Cable Officer will prepare Report and Recommendation
 - 14 Days Following the Close of the Public Hearing
- W/M Committee will receive Cable Officer Report
- W/M Committee Recommend final action to Council
- Council will issue a decision



The Record

- **Documentary Evidence**
 - Published Notice of Intent to Franchise
 - The Application from CenturyLink
 - Supplementary Filings from CenturyLink
 - Other Documents Received into the Record at the Public Hearing or received by the Cable Officer/Comm. Dir. or City Clerk
- **Testimonial Evidence**
 - From Public Hearing
- **The Cable Officer's Report**
- **The City's Written Decision**

