



STATE OF ARIZONA  
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY  
GOVERNOR

EXECUTIVE OFFICE

April 11, 2019

The Honorable Katie Hobbs  
Secretary of State  
1700 W. Washington, 7<sup>th</sup> Floor  
Phoenix, AZ 85007

Dear Secretary Hobbs:

I am transmitting to you the following bills from the Fifty-fourth Legislature, 1st Regular Session, which I signed on April 11th, 2019:

H.B. 2008 duty to report; supervisor; administrator (Kavanagh)  
H.B. 2053 competency evaluations; reports (J. Allen)  
H.B. 2092 health care directives; definitions (Grantham)  
H.B. 2107 municipalities; parking; public vehicles (Grantham)  
H.B. 2137 workers' compensation; excess insurance policies (Biasiucci)  
H.B. 2166 insurance; cost-sharing; calculation (Barto)  
H.B. 2229 cable licensing; video service providers (J. Allen)  
H.B. 2272 G&F; resident; definition (Dunn)  
H.B. 2487 state veterans' homes (Lawrence)  
H.B. 2695 funds; repeal (Udall)  
H.B. 2721 town elected officials; term limits (Lawrence)  
S.B. 1077 emergency medical services council; continuation (Brophy-McGee)  
S.B. 1142 trust land fund monies; distributions (D. Farnsworth)  
S.B. 1170 nonprescription drug permits; repeal (Carter)  
S.B. 1184 schools; economics; personal financial management (S. Allen)  
S.B. 1256 school districts; procurement practices; auditors (Gray)  
S.B. 1346 school; assessments; instruction; reporting (S. Allen)

Sincerely,

Douglas A. Ducey  
Governor  
State of Arizona

cc: Senate Secretary

Chief Clerk of the House of Representatives  
Arizona News Service

House Engrossed  
**FILED**  
**KATIE HOBBS**  
**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
First Regular Session  
2019

**CHAPTER 76**  
**HOUSE BILL 2229**

AN ACT

AMENDING SECTIONS 9-1401, 9-1415, 9-1441, 9-1442, 9-1444, 9-1445 AND 9-1451, ARIZONA REVISED STATUTES; AMENDING TITLE 11, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 14; AMENDING SECTION 41-1092.01, ARIZONA REVISED STATUTES; RELATING TO VIDEO SERVICE PROVIDERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 9-1401, Arizona Revised Statutes, is amended to  
3 read:

4 9-1401. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Affiliate" means a person that directly or indirectly, through  
7 one or more intermediaries, controls, is controlled by or is under common  
8 control with a video service provider.

9 2. "Agreement" means any agreement or contract.

10 3. "Boundaries of a local government" or "boundaries" means:

11 ~~(a) For a city or town, all of the area within the corporate limits~~  
12 ~~of the city or town.~~

13 ~~(b) For a county, all of the area of the county that is not within~~  
14 ~~the corporate limits of any city or town, including unincorporated~~  
15 ~~territory that is surrounded on all sides by a combination of one or more~~  
16 ~~cities, towns or Indian reservations.~~

17 4. "Cable operator" has the same meaning prescribed in 47 United  
18 States Code section 522.

19 5. "Cable service" has the same meaning prescribed in 47 United  
20 States Code section 522.

21 6. "Cable system" has the same meaning prescribed in 47 United  
22 States Code section 522.

23 7. "Commercial mobile service provider" means a person that  
24 provides commercial mobile service as defined in 47 United States Code  
25 section 332(d) or commercial mobile radio service as described in 47 Code  
26 of Federal Regulations section ~~20.9~~ 20.3.

27 8. "Day" means a calendar day, except a Saturday or Sunday or a  
28 holiday prescribed in section 1-301.

29 9. "Gross revenue":

30 (a) Means all cash, credits, property of any kind or nature or  
31 other consideration that is received directly or indirectly by a video  
32 service provider, its affiliates, or any person, firm or corporation in  
33 which the video service provider has a financial interest or that has a  
34 financial interest in the video service provider and that is derived from  
35 the video service provider's operation of its video service network to  
36 provide video service in the service area.

37 (b) Includes all revenue from charges for video service to  
38 subscribers and all charges for installation, removal, connection or  
39 reinstatement of equipment necessary for a subscriber to receive video  
40 service and any other receipts from subscribers derived from the video  
41 service provider's operation of the video service network to provide video  
42 service, including receipts from forfeited deposits, sale or rental of  
43 equipment to provide video service, late charges, interest and sale of  
44 program guides.

1 (c) Does not include:

2 (i) Any revenue not received, even if billed, such as bad debt net  
3 of any recoveries of bad debt or any refunds, credits, allowances or  
4 discounts to subscribers to the extent that the refund, rebate, credit,  
5 allowance or discount is attributed to video service.

6 (ii) Revenue from commercial advertising on the video service  
7 network, the use or lease of studio facilities of the video service  
8 network, internet access service, the use or lease of its facilities  
9 located in the highways, the use or lease of leased access channels or  
10 bandwidth, the use or lease of towers, the production of video programming  
11 by the video service provider, the sale, exchange, use or cablecast of any  
12 programming by the video service provider in the service area, sales to  
13 the video service provider's subscribers by programmers of home shopping  
14 services, reimbursements paid by programmers for launch fees or marketing  
15 expenses, license fees, taxes or other fees or charges that the video  
16 service provider collects and pays to any governmental authority, any  
17 increase in the value of any stock, security or asset, or any dividends or  
18 other distributions made from any stock or securities.

19 10. "Highway" means all roads, streets and alleys and other  
20 dedicated public rights-of-way that are operated and maintained by a local  
21 government.

22 11. "Holder" means a video service provider that has been issued a  
23 uniform video service license pursuant to this chapter.

24 12. "Holdover cable operator" means an incumbent cable operator  
25 that elects under sections 9-1412 and 9-1413 to continue to operate within  
26 its service area pursuant to its local license.

27 13. "Incumbent cable operator" means a cable operator or other  
28 video service provider that on December 31, 2019 is providing video  
29 service in this state pursuant to a local license.

30 14. "Information service" has the same meaning prescribed in 47  
31 United States Code section 153.

32 15. "Interactive computer service" has the same meaning prescribed  
33 in 47 United States Code section 230(f).

34 16. "License" means a franchise as defined in 47 United States Code  
35 section 522.

36 17. "License fee" means a license fee imposed by a local government  
37 on a video service provider for using the highways to provide and for the  
38 privilege of providing video service.

39 18. "Local government" means any city, including a charter city, OR  
40 town ~~or county~~.

41 19. "Local law" means any charter, code, ordinance, resolution,  
42 regulation or other law of a local government.

43 20. "Local license" means any license, agreement, permit or similar  
44 authorization that meets all of the following:

1 (a) Allows a person to construct or operate a video service network  
2 within the boundaries of a local government.

3 (b) Is issued, granted, approved, extended or renewed by the local  
4 government before January 1, 2020 pursuant to the authority of any  
5 federal, state or local law in effect at the time of the issuance, grant,  
6 approval, extension or renewal.

7 (c) Is effective under federal, state or local law on December 31,  
8 2019 for the person to continue to construct or operate a video service  
9 network within the boundaries of a local government.

10 21. "Multichannel video programming distributor" has the same  
11 meaning prescribed in 47 United States Code section 522.

12 22. "Service area" means that part of the boundaries of a local  
13 government within which a video service provider is authorized to provide  
14 video service pursuant to a uniform video service license or a local  
15 license.

16 23. "Subscriber" means any person in this state that purchases  
17 video service. Subscriber does not include any person that purchases  
18 video service for resale and that, on resale, is required to pay a license  
19 fee pursuant to this chapter or the terms of a local license.

20 24. "Telecommunications":

21 (a) Means the transmission, between or among points specified by  
22 the user, of information of the user's choosing, without change in the  
23 form or content of the information sent and received, regardless of the  
24 facilities, equipment or technology used.

25 (b) Does not include commercial mobile radio service, pay phone  
26 service, interstate service or cable service.

27 25. "Telecommunications provider" means a person that is required  
28 to obtain from the corporation commission a certificate of public  
29 convenience and necessity to provide telecommunications service.

30 26. "Telecommunications service" means the offering of  
31 telecommunications for a fee directly to the public, or to such users as  
32 to be effectively available directly to the public, regardless of the  
33 equipment, facilities or technology used.

34 27. "Uniform video service license" means a license that is issued  
35 by a local government in the form of a uniform video service license  
36 agreement as adopted pursuant to section 9-1411.

37 28. "Video service":

38 (a) Means the provision of multichannel video programming generally  
39 considered comparable to video programming delivered by a television  
40 broadcast station, video service or other digital television service,  
41 whether provided as part of a tier, on demand or on a per-channel basis,  
42 without regard to the technology used to deliver the video service,  
43 including internet protocol technology or any successor technology.

44 (b) Includes cable service.

- 1 (c) Does not include any of the following:  
2 (i) Video programming provided solely as part of, and through, a  
3 service that enables users to access content, information, e-mail,  
4 messaging or other services that are offered via the public internet.  
5 (ii) Direct broadcast satellite service.  
6 (iii) Wireless multichannel video programming that is provided by a  
7 commercial mobile service provider.

8 29. "Video service network":  
9 (a) Means a wireline network, or any component of a wireline  
10 network, that is located in this state, constructed in whole or in part  
11 in, on, under or over any highway and used to provide video service.

12 (b) Includes a cable system.  
13 30. "Video service provider":  
14 (a) Means any person that provides or offers to provide video  
15 service over a video service network to subscribers in this state.

16 (b) Includes an incumbent cable operator that elected pursuant to  
17 sections 9-1412 and 9-1413 to terminate its local license and a  
18 multichannel video programming distributor.

19 (c) Does not include a holdover cable operator.

20 Sec. 2. Section 9-1415, Arizona Revised Statutes, is amended to  
21 read:

22 9-1415. Authority granted by uniform video service license;  
23 conditions and limitations prohibited; providing  
24 video service

25 A. Not later than thirty days after the date an applicant files a  
26 completed application and affidavit pursuant to section 9-1414, the local  
27 government shall issue a uniform video service license to the applicant in  
28 the form prescribed by section 9-1411. If the local government does not  
29 notify the applicant about the completeness of the uniform video service  
30 license agreement within the time period prescribed by section 9-1414,  
31 subsection D or issue the agreement within the time period required under  
32 this subsection, the agreement shall be considered complete and issued to  
33 the applicant in the form submitted.

34 B. The uniform video service license issued to an applicant,  
35 including an incumbent cable operator, by a local government is a  
36 nonexclusive license granting to the holder of the uniform video service  
37 license the authority for the term requested in the application to do all  
38 of the following:

39 1. Provide video service in all service areas designated in the  
40 application and affidavit filed with the local government.

41 2. Construct and operate a video service network in the highways in  
42 each service area in compliance with this chapter and all local laws that  
43 ~~are not in conflict or otherwise do not~~ conform to this chapter ~~or~~ AND the  
44 purposes and objectives of this chapter.

1           ~~3. Operate and maintain facilities installed in the highways in the~~  
2 ~~service area under a local license pursuant to all of the following:~~

3           ~~(a) Section 9-506, subsections I and J.~~

4           ~~(b) Section 9-584.~~

5           ~~(c) Chapter 5, article 8 of this title and title 11, chapter 13,~~  
6 ~~article 1.~~

7           C. A local government may not condition or limit a uniform video  
8 service license by imposing any obligation or requirement that is not  
9 authorized by this chapter, including any of the following:

10           1. Any office location, institutional network or other build-out,  
11 line extension, investment or other requirements relating to the overall  
12 scope, extent and timing of infrastructure, facilities or deployment of  
13 equipment.

14           2. Any requirements to pay to any person any application, document,  
15 license, service or other fee, tax, charge or assessment that is not  
16 authorized by this chapter.

17           D. A holder of a uniform video service license shall provide video  
18 service in accordance with the certifications made by the holder in each  
19 application and affidavit that the holder files with a local government  
20 pursuant to this article.

21           Sec. 3. Section 9-1441, Arizona Revised Statutes, is amended to  
22 read:

23           9-1441. Management of highways; local governments; permits or  
24 licenses

25           A. In managing a highway under local laws as prescribed in section  
26 9-1411, subsection C, paragraph 9, a local government may manage the use  
27 of the highway, including all of the following:

28           1. Requiring a video service provider that is constructing,  
29 installing, working within, maintaining or repairing facilities in, on,  
30 under or over any highway to obtain a construction, encroachment or  
31 occupancy permit for the work.

32           2. Inspecting the construction, installation, maintenance or repair  
33 work performed on such facilities.

34           3. Limiting the installation of new aerial facilities.

35           B. If a video service provider requests a permit or inspection, the  
36 local government shall grant or deny the request within the time frame  
37 that the local government has in place under section 9-835 ~~or 11-1605~~.

38           C. If emergency response work or repair becomes necessary in, on,  
39 under or over any highway, a video service provider may begin that work or  
40 repair without prior approval from a local government if the video service  
41 provider notifies the local government as promptly as reasonably possible  
42 after learning that the work or repair is necessary.

1           Sec. 4. Section 9-1442, Arizona Revised Statutes, is amended to  
2 read:

3           9-1442. Fees and charges; emergency alert; damage;  
4                           undergrounding; wireless facilities; definition

5           A. Except the license fee on gross revenue authorized by section  
6 9-1443 and transaction privilege taxes as provided in subsection B of this  
7 section, a local government may not levy a tax, rent, fee or charge,  
8 however denominated, on a video service provider for the use of the  
9 highways to provide video service or levy a tax, fee or charge on the  
10 privilege of engaging in the business of providing video service in the  
11 service area. Taxes, rents, fees and charges include all of the  
12 following:

13           1. Access channel support except for in-kind services, goods or  
14 payments as provided in subsection C of this section.

15           2. Rental, application, construction, permit, inspection,  
16 inconvenience and other fees and charges related to a video service  
17 provider's use of the highways, including the use authorized by subsection  
18 D of this section except that a local government may impose on a video  
19 service provider some or all of the fees and charges described in this  
20 paragraph. A video service provider shall offset the fees and charges  
21 imposed pursuant to this paragraph against the next license fee payment  
22 made pursuant to section 9-1443.

23           B. Any transaction privilege taxes otherwise authorized by local  
24 law to be levied on the business of providing video service or in relation  
25 to use of the highways to provide video service may be levied on a video  
26 service provider if the taxes are levied only on gross revenue and the  
27 rate of the taxes is subject to this subsection. This subsection does not  
28 authorize the imposition of transaction privilege taxes on interstate  
29 telecommunications service. The license fee and any transaction privilege  
30 taxes levied on gross revenue constitute a franchise fee within the  
31 meaning of the term in 47 United States Code section 542(g). The total of  
32 the rates of the license fee and of any transaction privilege taxes on  
33 gross revenue levied or assessed by a local government for the privilege  
34 of providing video service and related use of the highways to provide  
35 video service may not exceed a rate of five percent.

36           C. Subsection A of this section does not prohibit a local  
37 government from levying fees and charges on a video service provider or  
38 its affiliates pursuant to section 9-584 or pursuant to chapter 5, article  
39 8 of this title ~~or title 11, chapter 13, article 1~~ without an offset  
40 against license fees.

41           D. A local government may not require a video service provider to  
42 provide in-kind goods or services, make in-kind payments, assessments or  
43 obligations or pay a fee in addition to the monetary license fee levied or  
44 assessed as provided in section 9-1443, except for any of the following:

1           1. A local law may impose and enforce obligations equally and  
2 uniformly on all video service providers that are operating within the  
3 boundaries of a local government and on all holdover cable operators that  
4 hold a local license that remains in effect under section 9-1414,  
5 subsection A. Under the local law, a local government:

6           (a) May require all video service providers to provide channel  
7 capacity for the video service provider to transmit programming over which  
8 the video service provider exercises no editorial control except as  
9 authorized by 47 United States Code section 531(e). The channel capacity  
10 shall be limited to one of the following:

11           (i) Not more than two channels of public, educational or  
12 governmental access programming in the basic service tier of the video  
13 service network and not more than two channels of noncommercial  
14 governmental programming, at least one of which may be programmed by the  
15 federal government, in the digital programming tier of the video service  
16 network.

17           (ii) Not more than two lines of access programming with each line  
18 of programming carried on up to two standard definition channels and two  
19 switched digital high-definition channels.

20           (b) Shall specify the programming and the video service provider  
21 may require that the channels regularly display an unobtrusive logo or  
22 other suitable identifier of the video service provider, if the local  
23 government requires channel capacity pursuant to subdivision (a) of this  
24 paragraph.

25           (c) May require all video service providers to incur costs and  
26 expenses to provide, maintain and operate facilities and equipment of the  
27 video service network, including facilities and equipment for signal  
28 carriage, processing, reformatting and interconnection for all of the  
29 following:

30           (i) To connect the video service network or cable system, as it may  
31 be relocated from time to time, to transmit programming to and from  
32 existing locations of public, educational or governmental access  
33 facilities and to allow monitoring of access programming at the  
34 facilities.

35           (ii) To transmit public, educational and governmental access  
36 channels to subscribers with the same prevailing quality, functionality  
37 and identification as other channels.

38           (d) May require all video service providers and incumbent cable  
39 operators to provide at no initial or recurring charge the basic service  
40 tier of video service to one outlet and one receiving device at each  
41 building occupied by the local government if the building is not more than  
42 two hundred feet from the nearest technically and commercially feasible  
43 point of connection on the video service network.

1           2. A local government may retain nonreceiving equipment that it  
2 owns without charge for the equipment's use and at the local government's  
3 expense, including equipment previously provided by an incumbent cable  
4 operator.

5           E. A local law may not impose any obligation on a video service  
6 provider under subsection D of this section that is more burdensome than  
7 the least burdensome requirement under any local license with a service  
8 area within the boundaries of the local government that was in effect on  
9 February 1, 2019.

10          F. None of the annual fair market value of any channel capacity  
11 provided pursuant to subsection D, paragraph 1, subdivision (a), the  
12 annual costs and expenses incurred pursuant to subsection D, paragraph 1,  
13 subdivision (c) and the annual fair market value of basic service and line  
14 extension provided pursuant to subsection D, paragraph 1, subdivision (d)  
15 may be offset against the license fee levied or assessed under this  
16 section.

17          G. Notwithstanding subsection A of this section, by a  
18 nondiscriminatory local law that imposes and enforces the obligations  
19 equally and uniformly on all video service providers operating within the  
20 boundaries of a local government, a local government may require that a  
21 video service provider bear all of the reasonable costs that are  
22 associated with repair and restoration of damage caused to private  
23 property or highways by the repair, replacement, installation,  
24 construction, maintenance or operation of the video service provider's  
25 facilities in the highways and that are imposed on a competitively neutral  
26 and nondiscriminatory basis in relation to costs borne by  
27 telecommunications corporations under section 9-582, subsection C.

28          H. On application, a local government shall issue to a video  
29 service provider or its affiliate a permit to attach allowed Wi-Fi radio  
30 equipment to the video service network in the highways within the  
31 boundaries of the local government. The permit shall allow installation,  
32 operation and maintenance of allowed Wi-Fi radio equipment. A local  
33 government may require that all of the allowed Wi-Fi radio equipment at a  
34 single location fit within a fifteen-inch cube and be contained entirely  
35 within a ground-mounted pedestal or be connected directly to and mounted  
36 at the same height as one of the video service provider's aerial  
37 horizontal conductors. This subsection does not do any of the following:

38           1. Prohibit a local government from requiring a video service  
39 provider to place underground aerial facilities to which allowed Wi-Fi  
40 equipment is attached.

41           2. Prohibit the imposition of a tax, rent, fee or charge on revenue  
42 from services provided through allowed Wi-Fi radio equipment.

43           3. Affect the authority of a local government to manage the  
44 highways within its boundaries or to exercise its police powers, including  
45 review and approval of an application before issuing a permit.

1           4. Affect any authority of a political subdivision, including an  
2 agricultural improvement district or any other special taxing district,  
3 the local government or any other person controlling utility poles in the  
4 highways to deny, limit, restrict or determine the terms and conditions  
5 for the use of or attachment to the utility poles or attachments to other  
6 poles of the political subdivision, local government or other person by a  
7 video service provider.

8           I. This section does not prohibit a video service provider from  
9 agreeing with a local government to provide in-kind services or goods or  
10 make in-kind payments in the service area that are otherwise prohibited by  
11 this section if the agreement with the local government is not entered  
12 into as a condition of operating in the service area under a uniform video  
13 service license issued pursuant to this chapter. The agreement may  
14 authorize the video service provider to retain license fees and taxes  
15 collected from its subscribers in the amount of any offset to license fees  
16 specified in the agreement.

17           J. For the purposes of this section, "allowed Wi-Fi radio  
18 equipment" means radio equipment that uses only unlicensed radio spectrum  
19 and that enables wireless communication with a communications network for  
20 unlicensed services such as Wi-Fi service.

21           Sec. 5. Section 9-1444, Arizona Revised Statutes, is amended to  
22 read:

23           9-1444. Ownership of a video service network

24           A. ~~A city or town~~ LOCAL GOVERNMENT may not acquire an ownership  
25 interest in a video service network unless the ownership interest is  
26 acquired at not less than fair market value.

27           ~~B. Except for the purposes of acting as an intermediary in a~~  
28 ~~transfer of a uniform video service license, a county may not own a video~~  
29 ~~service network.~~

30           Sec. 6. Section 9-1445, Arizona Revised Statutes, is amended to  
31 read:

32           9-1445. Review and audit; bundling discounts; action to  
33 recover underpayment or overpayment

34           A. Not more than once every three years, a local government, ~~may~~ on  
35 reasonable written notice, MAY audit the business books and records of a  
36 video service provider to the extent necessary to ensure payment of  
37 license fees pursuant to this chapter. The local government may not audit  
38 any period that ends more than three years before the date that the notice  
39 of audit is received. Any ~~audits~~ AUDIT of a period of time before  
40 issuance of a uniform video service license shall be conducted pursuant to  
41 the local laws in effect during the period of time.

42           B. Except as otherwise provided by federal law, if a video service  
43 provider offers video service bundled with other services that are not  
44 video service for a single discounted price, all of the following apply:

1           1. The method that the video service provider uses to determine  
2 gross revenue subject to license fees by allocating the single discounted  
3 price among the bundle of video service and nonvideo services shall be  
4 reasonable and supported by the video service provider's books and  
5 records.

6           2. The local government shall accept as reasonable, for purposes of  
7 meeting the video service provider's burden of proof, an allocation based  
8 on an objective and verifiable method using the books and records that the  
9 video service provider kept in the regular course of business for other  
10 purposes, including nontax purposes.

11           3. A video service provider may not use bundled offerings as a  
12 means to evade paying license fees.

13           C. The local government and the video service provider shall each  
14 pay its own costs and fees relating to each audit performed pursuant to  
15 subsection A of this section. If the sum determined to be underpaid  
16 exceeds five percent of the total fees that the audit determines should  
17 have been paid for the period, the video service provider shall pay the  
18 local government's reasonable costs of the audit.

19           D. The rate of interest for both underpayments and overpayments is  
20 the federal short-term rate determined pursuant to 26 United States Code  
21 section 6621(b), plus three percentage points.

22           E. A person that performs a review and audit under subsection A of  
23 this section may not receive compensation that is based, in whole or in  
24 part, on either of the following:

25           1. Finding a particular result.

26           2. The amount of any underpayment or overpayment of the license fee  
27 that is identified because of the review and audit.

28           F. A complaint by a local government for underpayment of a license  
29 fee from a video service provider or by a video service provider for  
30 overpayment of a license fee to a local government shall be made pursuant  
31 to article 5 of this chapter.

32           G. A complaint for a violation of the license fee obligations under  
33 this chapter may not be made unless a written demand by a local government  
34 for payment of the license fees or a written demand by a video service  
35 provider for refund of license fees is made within four months after the  
36 local government or video service provider realizes it has been damaged or  
37 knows or reasonably should know of the damage caused by the alleged  
38 violation.

39           H. A complaint must be filed pursuant to article 5 of this chapter  
40 within two years after the written demand is made pursuant to ~~this~~  
41 subsection G OF THIS SECTION but not sooner than four months after the  
42 written demand.

1           Sec. 7. Section 9-1451, Arizona Revised Statutes, is amended to  
2 read:

3           9-1451. Enforcement; office of administrative hearings; fees;  
4                                   fund

5           A. A local government may file a written complaint against a video  
6 service provider and a video service provider may file a written complaint  
7 against a local government alleging a violation of this chapter or the  
8 uniform video service license agreement. Unless otherwise provided in  
9 section 9-1445, subsections F, G and H or this section:

10           1. All complaints must be filed with the office of administrative  
11 hearings.

12           2. The complainant must serve a copy of the complaint on the party  
13 that is the subject of the complaint by personal delivery or certified  
14 mail, return receipt requested, or by any other method reasonably  
15 calculated to effect actual notice to the local government's last address  
16 of record for the party that is the subject of the complaint.

17           3. The party that is the subject of the complaint may file a  
18 response to the complaint with the office of administrative hearings  
19 within twenty days after service pursuant to paragraph 2 of this  
20 subsection. Responses shall be served pursuant to paragraph 2 of this  
21 subsection.

22           B. Before filing a complaint pursuant to this section ~~and~~ BOTH of  
23 the following apply:

24           1. The complainant must provide notice of the alleged violation of  
25 this chapter to the party that is the subject of the complaint.

26           2. The party that is the subject of the complaint must have a  
27 period of not less than twenty days after the date it receives the notice  
28 to resolve the alleged violation.

29           C. SUBSECTION B OF THIS SECTION DOES NOT APPLY TO A COMPLAINT MADE  
30 IN A WRITTEN DEMAND PURSUANT TO SECTION 9-1445, SUBSECTION G.

31           ~~C.~~ D. A hearing before the office of administrative hearings shall  
32 be held if a complaint that complies with this section is filed with the  
33 office of administrative hearings. Unless other deadlines are established  
34 for a particular complaint, all of the following apply:

35           1. The hearing shall be held within two months after the date that  
36 the complaint is filed and service is completed pursuant to subsection A  
37 of this section.

38           2. The date scheduled for the hearing may be advanced or delayed on  
39 the agreement of the parties or on a showing of good cause.

40           ~~D.~~ E. The office of administrative hearings shall prepare and  
41 serve a notice of hearing on all parties at least one month before the  
42 hearing that states the time and place of the hearing.

43           ~~E.~~ F. A prehearing conference may be held pursuant to section  
44 41-1092.05.

1 ~~F.~~ G. Unless it conflicts with the requirements of this section,  
2 the hearing shall be conducted pursuant to section 41-1092.07.

3 ~~G.~~ H. The complainant has the burden of persuasion at a hearing  
4 under this section.

5 ~~H.~~ I. The decision of the administrative law judge is the final  
6 administrative decision with respect to the complaint. The office of  
7 administrative hearings shall serve a copy of the administrative law  
8 judge's decision on all parties. The final administrative decision may be  
9 appealed to the superior court pursuant to title 12, chapter 7, article 6.  
10 ~~Notwithstanding section 12-910,~~ The superior court proceeding shall be a  
11 trial de novo.

12 ~~I.~~ J. A party may move for rehearing pursuant to section  
13 41-1092.09 and the office of administrative hearings shall rule on the  
14 motion. Moving for rehearing or review is not necessary for the party to  
15 seek judicial review of the decision of the administrative law judge under  
16 subsection ~~H~~ I of this section.

17 ~~J.~~ K. Service is complete on personal service or five days after  
18 the date that the office of administrative hearings mails the final  
19 administrative decision to each party's last known address of record with  
20 the local government.

21 ~~K.~~ L. The office of administrative hearings shall adopt rules  
22 pursuant to title 41, chapter 6 to administer hearings under this chapter  
23 AND TITLE 11, CHAPTER 14. THE RULES SHALL APPLY UNIFORMLY TO HEARINGS  
24 INVOLVING LOCAL GOVERNMENTS AND COUNTIES.

25 ~~L.~~ M. The office of administrative hearings shall establish,  
26 administer and collect fees in an amount to be determined by the director  
27 of the office of administrative hearings. The director shall deposit,  
28 pursuant to sections 35-146 and 35-147, all monies in the video service  
29 provider complaint fund established by subsection ~~M~~ N of this section.

30 ~~M.~~ N. The video service provider complaint fund is established  
31 consisting of monies collected pursuant to subsection ~~L~~ M of this section  
32 AND SECTION 11-1951, SUBSECTION M. The office of administrative hearings  
33 shall administer the fund. Monies in the fund are continuously  
34 appropriated. The office of administrative hearings shall use the monies  
35 in the fund for the purpose of administering the duties specified in this  
36 article AND TITLE 11, CHAPTER 14, ARTICLE 5.

37 Sec. 8. Title 11, Arizona Revised Statutes, is amended by adding  
38 chapter 14, to read:

39 CHAPTER 14  
40 VIDEO SERVICE  
41 ARTICLE 1. GENERAL PROVISIONS

42 11-1901. Definitions

43 A. IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1           1. "AFFILIATE" MEANS A PERSON THAT DIRECTLY OR INDIRECTLY, THROUGH  
2 ONE OR MORE INTERMEDIARIES, CONTROLS, IS CONTROLLED BY OR IS UNDER COMMON  
3 CONTROL WITH A VIDEO SERVICE PROVIDER.

4           2. "AGREEMENT" MEANS ANY AGREEMENT OR CONTRACT.

5           3. "BOUNDARIES OF A COUNTY" OR "BOUNDARIES" MEANS ALL OF THE AREA  
6 OF THE COUNTY THAT IS NOT WITHIN THE CORPORATE LIMITS OF ANY CITY OR TOWN,  
7 INCLUDING UNINCORPORATED TERRITORY THAT IS SURROUNDED ON ALL SIDES BY A  
8 COMBINATION OF ONE OR MORE CITIES, TOWNS OR INDIAN RESERVATIONS.

9           4. "CABLE OPERATOR" HAS THE SAME MEANING PRESCRIBED IN 47 UNITED  
10 STATES CODE SECTION 522.

11           5. "CABLE SERVICE" HAS THE SAME MEANING PRESCRIBED IN 47 UNITED  
12 STATES CODE SECTION 522.

13           6. "CABLE SYSTEM" HAS THE SAME MEANING PRESCRIBED IN 47 UNITED  
14 STATES CODE SECTION 522.

15           7. "COMMERCIAL MOBILE SERVICE PROVIDER" MEANS A PERSON THAT  
16 PROVIDES COMMERCIAL MOBILE SERVICE AS DEFINED IN 47 UNITED STATES CODE  
17 SECTION 332(d) OR COMMERCIAL MOBILE RADIO SERVICE AS DESCRIBED IN 47 CODE  
18 OF FEDERAL REGULATIONS SECTION 20.3.

19           8. "DAY" MEANS A CALENDAR DAY, EXCEPT A SATURDAY OR SUNDAY OR A  
20 HOLIDAY PRESCRIBED IN SECTION 1-301.

21           9. "GROSS REVENUE":

22           (a) MEANS ALL CASH, CREDITS, PROPERTY OF ANY KIND OR NATURE OR  
23 OTHER CONSIDERATION THAT IS RECEIVED DIRECTLY OR INDIRECTLY BY A VIDEO  
24 SERVICE PROVIDER, ITS AFFILIATES, OR ANY PERSON, FIRM OR CORPORATION IN  
25 WHICH THE VIDEO SERVICE PROVIDER HAS A FINANCIAL INTEREST OR THAT HAS A  
26 FINANCIAL INTEREST IN THE VIDEO SERVICE PROVIDER AND THAT IS DERIVED FROM  
27 THE VIDEO SERVICE PROVIDER'S OPERATION OF ITS VIDEO SERVICE NETWORK TO  
28 PROVIDE VIDEO SERVICE IN THE SERVICE AREA.

29           (b) INCLUDES ALL REVENUE FROM CHARGES FOR VIDEO SERVICE TO  
30 SUBSCRIBERS AND ALL CHARGES FOR INSTALLATION, REMOVAL, CONNECTION OR  
31 REINSTATEMENT OF EQUIPMENT NECESSARY FOR A SUBSCRIBER TO RECEIVE VIDEO  
32 SERVICE AND ANY OTHER RECEIPTS FROM SUBSCRIBERS DERIVED FROM THE VIDEO  
33 SERVICE PROVIDER'S OPERATION OF THE VIDEO SERVICE NETWORK TO PROVIDE VIDEO  
34 SERVICE, INCLUDING RECEIPTS FROM FORFEITED DEPOSITS, SALE OR RENTAL OF  
35 EQUIPMENT TO PROVIDE VIDEO SERVICE, LATE CHARGES, INTEREST AND SALE OF  
36 PROGRAM GUIDES.

37           (c) DOES NOT INCLUDE:

38           (i) ANY REVENUE NOT RECEIVED, EVEN IF BILLED, SUCH AS BAD DEBT NET  
39 OF ANY RECOVERIES OF BAD DEBT OR ANY REFUNDS, REBATES, CREDITS, ALLOWANCES  
40 OR DISCOUNTS TO SUBSCRIBERS TO THE EXTENT THAT THE REFUND, REBATE, CREDIT,  
41 ALLOWANCE OR DISCOUNT IS ATTRIBUTED TO VIDEO SERVICE.

42           (ii) REVENUE FROM COMMERCIAL ADVERTISING ON THE VIDEO SERVICE  
43 NETWORK, THE USE OR LEASE OF STUDIO FACILITIES OF THE VIDEO SERVICE  
44 NETWORK, INTERNET ACCESS SERVICE, THE USE OR LEASE OF ITS FACILITIES  
45 LOCATED IN THE HIGHWAYS, THE USE OR LEASE OF LEASED ACCESS CHANNELS OR

1 BANDWIDTH, THE USE OR LEASE OF TOWERS, THE PRODUCTION OF VIDEO PROGRAMMING  
2 BY THE VIDEO SERVICE PROVIDER, THE SALE, EXCHANGE, USE OR CABLECAST OF ANY  
3 PROGRAMMING BY THE VIDEO SERVICE PROVIDER IN THE SERVICE AREA, SALES TO  
4 THE VIDEO SERVICE PROVIDER'S SUBSCRIBERS BY PROGRAMMERS OF HOME SHOPPING  
5 SERVICES, REIMBURSEMENTS PAID BY PROGRAMMERS FOR LAUNCH FEES OR MARKETING  
6 EXPENSES, LICENSE FEES, TAXES OR OTHER FEES OR CHARGES THAT THE VIDEO  
7 SERVICE PROVIDER COLLECTS AND PAYS TO ANY GOVERNMENTAL AUTHORITY, ANY  
8 INCREASE IN THE VALUE OF ANY STOCK, SECURITY OR ASSET OR ANY DIVIDENDS OR  
9 OTHER DISTRIBUTIONS MADE FROM ANY STOCK OR SECURITIES.

10 10. "HIGHWAY" MEANS ALL ROADS, STREETS AND ALLEYS AND OTHER  
11 DEDICATED PUBLIC RIGHTS-OF-WAY THAT ARE OPERATED AND MAINTAINED BY THE  
12 COUNTY.

13 11. "HOLDER" MEANS A VIDEO SERVICE PROVIDER THAT HAS BEEN ISSUED A  
14 UNIFORM VIDEO SERVICE LICENSE PURSUANT TO THIS CHAPTER.

15 12. "HOLDOVER CABLE OPERATOR" MEANS AN INCUMBENT CABLE OPERATOR  
16 THAT ELECTS UNDER SECTIONS 11-1912 AND 11-1913 TO CONTINUE TO OPERATE  
17 WITHIN ITS SERVICE AREA PURSUANT TO ITS LOCAL LICENSE.

18 13. "INCUMBENT CABLE OPERATOR" MEANS A CABLE OPERATOR OR OTHER  
19 VIDEO SERVICE PROVIDER THAT ON DECEMBER 31, 2019 IS PROVIDING VIDEO  
20 SERVICE IN THIS STATE PURSUANT TO A LOCAL LICENSE.

21 14. "INFORMATION SERVICE" HAS THE SAME MEANING PRESCRIBED IN 47  
22 UNITED STATES CODE SECTION 153.

23 15. "INTERACTIVE COMPUTER SERVICE" HAS THE SAME MEANING PRESCRIBED  
24 IN 47 UNITED STATES CODE SECTION 230(f).

25 16. "LICENSE" MEANS A FRANCHISE AS DEFINED IN 47 UNITED STATES CODE  
26 SECTION 522.

27 17. "LICENSE FEE" MEANS A LICENSE FEE IMPOSED BY A COUNTY ON A  
28 VIDEO SERVICE PROVIDER FOR USING THE HIGHWAYS TO PROVIDE AND FOR THE  
29 PRIVILEGE OF PROVIDING VIDEO SERVICE.

30 18. "LOCAL LAW" MEANS ANY CODE, ORDINANCE, RESOLUTION, REGULATION  
31 OR OTHER LAW OF A COUNTY.

32 19. "LOCAL LICENSE" MEANS ANY LICENSE, AGREEMENT, PERMIT OR SIMILAR  
33 AUTHORIZATION THAT MEETS ALL OF THE FOLLOWING:

34 (a) ALLOWS A PERSON TO CONSTRUCT OR OPERATE A VIDEO SERVICE NETWORK  
35 WITHIN THE BOUNDARIES OF A COUNTY.

36 (b) IS ISSUED, GRANTED, APPROVED, EXTENDED OR RENEWED BY THE COUNTY  
37 BEFORE JANUARY 1, 2020 PURSUANT TO THE AUTHORITY OF ANY FEDERAL, STATE OR  
38 LOCAL LAW IN EFFECT AT THE TIME OF THE ISSUANCE, GRANT, APPROVAL,  
39 EXTENSION OR RENEWAL.

40 (c) IS EFFECTIVE UNDER FEDERAL, STATE OR LOCAL LAW ON DECEMBER 31,  
41 2019 FOR THE PERSON TO CONTINUE TO CONSTRUCT OR OPERATE A VIDEO SERVICE  
42 NETWORK WITHIN THE BOUNDARIES OF A COUNTY.

43 20. "MULTICHANNEL VIDEO PROGRAMMING DISTRIBUTOR" HAS THE SAME  
44 MEANING PRESCRIBED IN 47 UNITED STATES CODE SECTION 522.

1           21. "SERVICE AREA" MEANS THAT PART OF THE BOUNDARIES OF A COUNTY  
2 WITHIN WHICH A VIDEO SERVICE PROVIDER IS AUTHORIZED TO PROVIDE VIDEO  
3 SERVICE PURSUANT TO A UNIFORM VIDEO SERVICE LICENSE OR A LOCAL LICENSE.

4           22. "SUBSCRIBER" MEANS ANY PERSON IN THIS STATE THAT PURCHASES  
5 VIDEO SERVICE. SUBSCRIBER DOES NOT INCLUDE ANY PERSON THAT PURCHASES  
6 VIDEO SERVICE FOR RESALE AND THAT, ON RESALE, IS REQUIRED TO PAY A LICENSE  
7 FEE PURSUANT TO THIS CHAPTER OR THE TERMS OF A LOCAL LICENSE.

8           23. "TELECOMMUNICATIONS":

9           (a) MEANS THE TRANSMISSION, BETWEEN OR AMONG POINTS SPECIFIED BY  
10 THE USER, OF INFORMATION OF THE USER'S CHOOSING, WITHOUT CHANGE IN THE  
11 FORM OR CONTENT OF THE INFORMATION SENT AND RECEIVED, REGARDLESS OF THE  
12 FACILITIES, EQUIPMENT OR TECHNOLOGY USED.

13           (b) DOES NOT INCLUDE COMMERCIAL MOBILE RADIO SERVICE, PAY PHONE  
14 SERVICE, INTERSTATE SERVICE OR CABLE SERVICE.

15           24. "TELECOMMUNICATIONS PROVIDER" MEANS A PERSON THAT IS REQUIRED  
16 TO OBTAIN FROM THE CORPORATION COMMISSION A CERTIFICATE OF PUBLIC  
17 CONVENIENCE AND NECESSITY TO PROVIDE TELECOMMUNICATIONS SERVICE.

18           25. "TELECOMMUNICATIONS SERVICE" MEANS THE OFFERING OF  
19 TELECOMMUNICATIONS FOR A FEE DIRECTLY TO THE PUBLIC, OR TO SUCH USERS AS  
20 TO BE EFFECTIVELY AVAILABLE DIRECTLY TO THE PUBLIC, REGARDLESS OF THE  
21 EQUIPMENT, FACILITIES OR TECHNOLOGY USED.

22           26. "UNIFORM VIDEO SERVICE LICENSE" MEANS A LICENSE THAT IS ISSUED  
23 BY A COUNTY IN THE FORM OF UNIFORM VIDEO SERVICE LICENSE AGREEMENT AS  
24 ADOPTED PURSUANT TO SECTION 11-1911.

25           27. "VIDEO SERVICE":

26           (a) MEANS THE PROVISION OF MULTICHANNEL VIDEO PROGRAMMING GENERALLY  
27 CONSIDERED COMPARABLE TO VIDEO PROGRAMMING DELIVERED BY A TELEVISION  
28 BROADCAST STATION, VIDEO SERVICE OR OTHER DIGITAL TELEVISION SERVICE,  
29 WHETHER PROVIDED AS PART OF A TIER, ON DEMAND OR ON A PER-CHANNEL BASIS,  
30 WITHOUT REGARD TO THE TECHNOLOGY USED TO DELIVER THE VIDEO SERVICE,  
31 INCLUDING INTERNET PROTOCOL TECHNOLOGY OR ANY SUCCESSOR TECHNOLOGY.

32           (b) INCLUDES CABLE SERVICE.

33           (c) DOES NOT INCLUDE ANY OF THE FOLLOWING:

34           (i) VIDEO PROGRAMMING PROVIDED SOLELY AS PART OF, AND THROUGH, A  
35 SERVICE THAT ENABLES USERS TO ACCESS CONTENT, INFORMATION, E-MAIL,  
36 MESSAGING OR OTHER SERVICES THAT ARE OFFERED VIA THE PUBLIC INTERNET.

37           (ii) DIRECT BROADCAST SATELLITE SERVICE.

38           (iii) WIRELESS MULTICHANNEL VIDEO PROGRAMMING THAT IS PROVIDED BY A  
39 COMMERCIAL MOBILE SERVICE PROVIDER.

40           28. "VIDEO SERVICE NETWORK":

41           (a) MEANS A WIRELINE NETWORK, OR ANY COMPONENT OF A WIRELINE  
42 NETWORK, THAT IS LOCATED IN THIS STATE, CONSTRUCTED IN WHOLE OR IN PART  
43 IN, ON, UNDER OR OVER ANY HIGHWAY AND USED TO PROVIDE VIDEO SERVICE.

44           (b) INCLUDES A CABLE SYSTEM.

1           29. "VIDEO SERVICE PROVIDER":  
2           (a) MEANS ANY PERSON THAT PROVIDES OR OFFERS TO PROVIDE VIDEO  
3 SERVICE OVER A VIDEO SERVICE NETWORK TO SUBSCRIBERS IN THIS STATE.  
4           (b) INCLUDES AN INCUMBENT CABLE OPERATOR THAT ELECTED PURSUANT TO  
5 SECTIONS 11-1912 AND 11-1913 TO TERMINATE ITS LOCAL LICENSE AND A  
6 MULTICHANNEL VIDEO PROGRAMMING DISTRIBUTOR.  
7           (c) DOES NOT INCLUDE A HOLDOVER CABLE OPERATOR.  
8           11-1902. State preemption; uniform regulation and licensing  
9           A. THE LICENSING OF VIDEO SERVICE PROVIDERS AND THE REGULATION AND  
10 USE OF VIDEO SERVICE ARE MATTERS OF STATEWIDE CONCERN. EXCEPT AS PROVIDED  
11 IN THIS CHAPTER, THE LICENSING OF VIDEO SERVICE PROVIDERS AND THE  
12 REGULATION AND USE OF VIDEO SERVICE ARE NOT SUBJECT TO FURTHER REGULATION  
13 BY A COUNTY. THE REGULATION OF VIDEO SERVICE PURSUANT TO THIS CHAPTER,  
14 INCLUDING APPLICATION TO THE LOCAL LICENSES OF INCUMBENT CABLE OPERATORS,  
15 IS REASONABLE AND NECESSARY TO PROMOTE ALL OF THE FOLLOWING:  
16           1. PROVISION OF COMPETITIVE VIDEO, TELECOMMUNICATIONS AND  
17 INFORMATION SERVICE THROUGHOUT THIS STATE.  
18           2. MORE UNIFORM REGULATION OF COMPETITIVE VIDEO SERVICE THROUGHOUT  
19 THIS STATE.  
20           3. STREAMLINED LICENSING BY COUNTIES AND MORE UNIFORM TERMS AND  
21 CONDITIONS FOR VIDEO SERVICE PROVIDERS THAT USE HIGHWAYS TO PROVIDE VIDEO  
22 AND OTHER SERVICES OVER VIDEO SERVICE NETWORKS.  
23           4. CONTINUED MANAGEMENT BY COUNTIES OF USE OF THEIR HIGHWAYS WITH  
24 REASONABLE BURDENS ON CONSTRUCTION AND MAINTENANCE ACROSS BOUNDARIES FOR  
25 VIDEO SERVICE PROVIDERS TO USE HIGHWAYS TO PROVIDE VIDEO AND OTHER  
26 SERVICES OVER VIDEO SERVICE NETWORKS.  
27           5. CONTINUED LEVYING OF LICENSE FEES BY COUNTIES ON SUBSCRIBER  
28 SERVICE REVENUES DERIVED FROM OPERATING VIDEO SERVICE NETWORKS TO PROVIDE  
29 VIDEO SERVICE.  
30           6. SUPPORT FOR FEDERAL SUBSCRIBER SERVICE STANDARDS.  
31           B. TO THE FULLEST EXTENT ALLOWED BY FEDERAL LAW, THIS CHAPTER  
32 OCCUPIES THE ENTIRE FIELD OF LICENSING AND REGULATION OF VIDEO SERVICE.  
33           C. EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, FROM AND AFTER  
34 DECEMBER 31, 2019 THIS CHAPTER PREEMPTS AND LIMITS THE ABILITY OF A COUNTY  
35 TO REGULATE OR ENFORCE ALL OF THE FOLLOWING:  
36           1. THE APPLICATION OF TITLE 9, CHAPTER 5, ARTICLE 1.1 TO VIDEO  
37 SERVICE PROVIDERS.  
38           2. ANY LOCAL LAW AND ANY AGREEMENT WITH A COUNTY THAT DOES ANY OF  
39 THE FOLLOWING:  
40           (a) REQUIRES A PERSON OTHER THAN A HOLDOVER CABLE OPERATOR TO  
41 OBTAIN OR HOLD FROM A COUNTY ANY LICENSE, PERMIT OR SIMILAR AUTHORIZATION  
42 THAT IS A PREREQUISITE TO PROVIDING VIDEO SERVICE OR TO CONSTRUCTING,  
43 MAINTAINING OR USING THE HIGHWAYS TO OPERATE A VIDEO SERVICE NETWORK IN  
44 THE HIGHWAYS WITHIN ITS BOUNDARIES.

1 (b) REGULATES THE PROVISION OF VIDEO SERVICE OR THE CONSTRUCTION OR  
2 OPERATION OF A VIDEO SERVICE NETWORK IF THE LOCAL LAW DOES NOT CONFORM TO  
3 THIS CHAPTER.

4 (c) IMPOSES ON A VIDEO SERVICE PROVIDER ANY REQUIREMENT THAT IS  
5 RELATED TO INFRASTRUCTURE, FACILITIES OR DEPLOYMENT OF EQUIPMENT THAT DOES  
6 NOT CONFORM TO THIS CHAPTER, INCLUDING OFFICE LOCATION, INSTITUTIONAL  
7 NETWORK, BUILD-OUT, LINE EXTENSION, INVESTMENT OR OTHER OPERATIONAL  
8 REQUIREMENTS THAT ARE NOT DIRECTLY RELATED TO THE COUNTY'S MANAGEMENT OF  
9 DEVELOPMENT, USE AND OCCUPANCY OF THE HIGHWAYS.

10 (d) REQUIRES A VIDEO SERVICE PROVIDER TO OBTAIN A LICENSE OR OTHER  
11 AUTHORIZATION FROM THE COUNTY TO PROVIDE TELECOMMUNICATIONS SERVICE,  
12 INFORMATION SERVICE, INTERACTIVE COMPUTER SERVICE OR OTHER SERVICE IF THE  
13 VIDEO SERVICE PROVIDER USES ITS VIDEO SERVICE NETWORK WITHIN THE  
14 BOUNDARIES OF THE COUNTY TO PROVIDE THE SERVICE.

15 (e) REQUIRES A VIDEO SERVICE PROVIDER TO PAY TO LOCATE IN DUCTS OR  
16 CONDUITS OR ON POLES OWNED BY THE COUNTY IF THE COUNTY REQUIRES  
17 INSTALLATION IN THE DUCTS OR CONDUITS OR ON THE POLES.

18 11-1903. Limited application

19 THIS CHAPTER DOES NOT:

20 1. PREVENT A TELECOMMUNICATIONS PROVIDER FROM EXERCISING ANY RIGHTS  
21 OR AUTHORITY THAT THE TELECOMMUNICATIONS PROVIDER HAS AS A PUBLIC UTILITY  
22 UNDER FEDERAL OR STATE LAW.

23 2. AFFECT ANY AUTHORITY OF A COUNTY, AN AGRICULTURAL IMPROVEMENT  
24 DISTRICT, ANY SPECIAL TAXING DISTRICT OR ANY OTHER PERSON THAT CONTROLS  
25 UTILITY POLES ON THE HIGHWAYS TO DENY, LIMIT, RESTRICT OR DETERMINE THE  
26 RATES, TERMS AND CONDITIONS FOR THE USE OF OR ATTACHMENT BY A VIDEO  
27 SERVICE PROVIDER TO UTILITY OR OTHER POLES OWNED BY THE COUNTY OR OTHER  
28 PERSON. FOR THE PURPOSES OF THIS PARAGRAPH, "AUTHORITY OF A COUNTY"  
29 INCLUDES POLICE POWERS.

30 3. VEST IN THE CORPORATION COMMISSION ANY AUTHORITY OR JURISDICTION  
31 OVER VIDEO SERVICE, VIDEO SERVICE PROVIDERS OR VIDEO SERVICE NETWORKS OR  
32 OVER THE RATES, TERMS AND CONDITIONS OF POLE ATTACHMENTS UNDER 47 UNITED  
33 STATES CODE SECTION 224.

34 4. AFFECT OR PREEMPT ANY GENERALLY APPLICABLE LOCAL LAWS, INCLUDING  
35 A COUNTY'S POLICE POWER, TO MANAGE USE AND OCCUPANCY OF THE HIGHWAYS  
36 WITHIN THE COUNTY'S BOUNDARIES OR TO EXERCISE THE COUNTY'S POLICE POWERS  
37 IF THE COUNTY APPLIES THE LOCAL LAWS AND EXERCISE OF POLICE POWERS TO ALL  
38 USERS OF THE HIGHWAYS IN A NONDISCRIMINATORY MANNER.

39 ARTICLE 2. LOCAL LICENSES

40 11-1911. Counties; uniform video service license agreement;  
41 forms; provisions

42 A. FROM AND AFTER DECEMBER 31, 2019, A COUNTY HAS THE EXCLUSIVE  
43 AUTHORITY TO ISSUE A UNIFORM VIDEO SERVICE LICENSE TO A PERSON TO PROVIDE  
44 VIDEO SERVICE AND TO CONSTRUCT AND OPERATE A VIDEO SERVICE NETWORK IN ANY  
45 SERVICE AREA WITHIN ITS BOUNDARIES.

1           B. NOT LATER THAN THE EFFECTIVE DATE OF THIS SECTION, EACH COUNTY  
2 SHALL ADOPT A STANDARD FORM OF UNIFORM VIDEO SERVICE LICENSE AGREEMENT FOR  
3 VIDEO SERVICE PROVIDERS TO BE USED BY THE COUNTY AND A STANDARD FORM OF  
4 APPLICATION AND AFFIDAVIT AS DESCRIBED IN SECTION 11-1914. A COUNTY SHALL  
5 PRESCRIBE OTHER FORMS ONLY AS NECESSARY TO IMPLEMENT THIS CHAPTER.

6           C. THE UNIFORM VIDEO SERVICE LICENSE AGREEMENT ADOPTED UNDER  
7 SUBSECTION B OF THIS SECTION MUST INCLUDE ALL OF THE FOLLOWING PROVISIONS  
8 IN SUBSTANTIALLY THE FOLLOWING FORM AND MAY NOT INCLUDE ANY OTHER  
9 PROVISIONS:

10           1. THE NAME OF THE VIDEO SERVICE PROVIDER, ITS TYPE OF ENTITY AND  
11 ITS JURISDICTION OF FORMATION.

12           2. THE ADDRESS AND TELEPHONE NUMBER OF THE VIDEO SERVICE PROVIDER'S  
13 PRINCIPAL PLACE OF BUSINESS.

14           3. THE NAME AND ADDRESS OF THE VIDEO SERVICE PROVIDER'S PRINCIPAL  
15 EXECUTIVE OFFICERS OR GENERAL PARTNERS AND ANY PERSONS AUTHORIZED TO  
16 REPRESENT THE VIDEO SERVICE PROVIDER BEFORE THE COUNTY.

17           4. IF THE VIDEO SERVICE PROVIDER IS NOT AN INCUMBENT CABLE  
18 OPERATOR, THE DATE ON WHICH THE PROVIDER EXPECTS TO PROVIDE VIDEO SERVICE  
19 IN THE AREA IDENTIFIED UNDER PARAGRAPH 5 OF THIS SUBSECTION.

20           5. AN EXACT DESCRIPTION OF THE SERVICE AREA TO BE SERVED, AS  
21 IDENTIFIED BY A GEOGRAPHIC INFORMATION SYSTEM DIGITAL BOUNDARY THAT MEETS  
22 OR EXCEEDS NATIONAL MAP ACCURACY STANDARDS.

23           6. A REQUIREMENT THAT THE VIDEO SERVICE PROVIDER PAY THE LICENSE  
24 FEES REQUIRED UNDER THIS CHAPTER AND ALL OTHER LAWFUL FEES AND CHARGES  
25 IMPOSED BY THE COUNTY.

26           7. A REQUIREMENT THAT THE VIDEO SERVICE PROVIDER FILE IN A TIMELY  
27 MANNER WITH THE FEDERAL COMMUNICATIONS COMMISSION ALL FORMS REQUIRED BY  
28 THAT AGENCY BEFORE OFFERING VIDEO SERVICE IN THE SERVICE AREA, INCLUDING  
29 THE FORMS REQUIRED BY 47 CODE OF FEDERAL REGULATIONS SECTION 76.1801.

30           8. A REQUIREMENT THAT THE VIDEO SERVICE PROVIDER AGREES TO COMPLY  
31 WITH AND BE SUBJECT TO ALL VALID AND ENFORCEABLE FEDERAL AND STATE LAWS.

32           9. A REQUIREMENT THAT THE VIDEO SERVICE PROVIDER AGREES TO COMPLY  
33 WITH ALL GENERALLY APPLICABLE, NONDISCRIMINATORY LOCAL LAWS, INCLUDING  
34 HIGHWAY USE, MAPPING, INSURANCE, PERFORMANCE BONDS, SECURITY FUND,  
35 INDEMNIFICATION OR SIMILAR REQUIREMENTS THAT APPLY TO THE USE AND  
36 OCCUPATION OF ANY HIGHWAY AND THAT CONFORM TO THIS CHAPTER.

37           10. A REQUIREMENT THAT THE VIDEO SERVICE PROVIDER COMPLY WITH THE  
38 PUBLIC, EDUCATION AND GOVERNMENT PROGRAMMING REQUIREMENTS OF THIS CHAPTER.

39           11. A REQUIREMENT THAT THE VIDEO SERVICE PROVIDER COMPLY WITH ALL  
40 CUSTOMER SERVICE RULES OF THE FEDERAL COMMUNICATIONS COMMISSION UNDER 47  
41 CODE OF FEDERAL REGULATIONS SECTION 76.309(c) APPLICABLE TO CABLE  
42 OPERATORS.

43           12. A REQUIREMENT THAT THE VIDEO SERVICE PROVIDER COMPLY WITH THE  
44 CONSUMER PRIVACY REQUIREMENTS OF 47 UNITED STATES CODE SECTION 551  
45 APPLICABLE TO CABLE OPERATORS.

1 13. A GRANT OF AUTHORITY BY THE COUNTY TO PROVIDE VIDEO SERVICE IN  
2 THE SERVICE AREA AS DESCRIBED UNDER PARAGRAPH 5 OF THIS SUBSECTION.

3 14. A GRANT OF AUTHORITY BY THE COUNTY TO USE AND OCCUPY THE  
4 HIGHWAYS IN THE DELIVERY OF THE VIDEO SERVICE, SUBJECT TO THE LAWS OF THIS  
5 STATE AND THE POLICE POWERS OF THE COUNTY.

6 15. THE TERM OF THE UNIFORM VIDEO SERVICE LICENSE.

7 16. A REQUIREMENT THAT THE PARTIES TO THE AGREEMENT ARE SUBJECT TO  
8 AND MUST COMPLY WITH THIS CHAPTER.

9 D. EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, FROM AND AFTER  
10 DECEMBER 31, 2019 A PERSON MAY NOT ACT AS A VIDEO SERVICE PROVIDER OR  
11 CONSTRUCT OR OPERATE A VIDEO SERVICE NETWORK WITHIN THE BOUNDARIES OF A  
12 COUNTY WITHOUT FIRST HAVING BEEN ISSUED AND CONTINUING TO HOLD A UNIFORM  
13 VIDEO SERVICE LICENSE WITH A SERVICE AREA ENCOMPASSING THE BOUNDARIES.

14 E. A LOCAL LICENSE SHALL REMAIN ENFORCEABLE IN ACCORDANCE WITH ITS  
15 TERMS UNTIL TERMINATED UNDER SECTION 11-1912, SUBSECTION B.

16 11-1912. Incumbent cable operator; election on local license;  
17 procedure to obtain uniform video service license  
18 and terminate local license

19 A. FROM AND AFTER DECEMBER 31, 2019, AN INCUMBENT CABLE OPERATOR  
20 MAY ELECT TO DO EITHER OF THE FOLLOWING:

21 1. CONTINUE TO OPERATE WITHIN A SERVICE AREA AS DEFINED IN THE  
22 LOCAL LICENSE PURSUANT TO SECTION 11-1913.

23 2. TERMINATE THE INCUMBENT CABLE OPERATOR'S LOCAL LICENSE FOR A  
24 SERVICE AREA BY APPLYING FOR AND OBTAINING A UNIFORM VIDEO SERVICE LICENSE  
25 PURSUANT TO THIS ARTICLE.

26 B. ON OR BEFORE JULY 1, 2020, TO ELECT TO TERMINATE A LOCAL LICENSE  
27 UNDER SUBSECTION A OF THIS SECTION IN THE SAME MANNER AS ANY OTHER VIDEO  
28 SERVICE PROVIDER, AN INCUMBENT CABLE OPERATOR SHALL APPLY FOR A UNIFORM  
29 VIDEO SERVICE LICENSE THAT INCLUDES ONLY THE SERVICE AREA THAT IS DEFINED  
30 IN THE LOCAL LICENSE. IF AN INCUMBENT CABLE OPERATOR OBTAINS A UNIFORM  
31 VIDEO SERVICE LICENSE FOR THE SERVICE AREA, BOTH OF THE FOLLOWING APPLY:

32 1. THE APPLICANT'S LOCAL LICENSE IS TERMINATED AS TO THE SERVICE  
33 AREA BY OPERATION OF LAW FROM AND AFTER THE DATE THE COUNTY ISSUES THE  
34 UNIFORM VIDEO SERVICE LICENSE.

35 2. THE INCUMBENT CABLE OPERATOR SHALL OPERATE WITHIN THE SERVICE  
36 AREA DEFINED IN THE LOCAL LICENSE UNLESS THE INCUMBENT CABLE OPERATOR  
37 ELECTS UNDER SECTION 11-1914, SUBSECTION C TO APPLY FOR A UNIFORM VIDEO  
38 SERVICE LICENSE FOR A SERVICE AREA THAT CONSISTS OF THE BOUNDARIES OF THE  
39 COUNTY.

40 11-1913. Incumbent cable operator; procedure to continue  
41 operating under local license

42 A. IF AN INCUMBENT CABLE OPERATOR DOES NOT TIMELY ELECT TO  
43 TERMINATE A LOCAL LICENSE FOR A SERVICE AREA PURSUANT TO SECTION 11-1912,  
44 SUBSECTION B, THE PERSON SHALL CONTINUE TO OPERATE THE CABLE SYSTEM AS A  
45 HOLDOVER CABLE OPERATOR WITHIN THE SERVICE AREA DEFINED IN THE LOCAL

1 LICENSE AND SHALL COMPLY WITH THE LOCAL LICENSE FOR AS LONG AS IT REMAINS  
2 IN EFFECT FOR THE SERVICE AREA. THE LOCAL LICENSE IS NOT EFFECTIVE FOR  
3 THE SERVICE AREA FROM AND AFTER THE DATE THE LOCAL LICENSE EXPIRES BY ITS  
4 TERMS. THE COUNTY MAY NOT UNILATERALLY RENEW OR EXTEND THE TERM OF THE  
5 LOCAL LICENSE FOR THE SERVICE AREA. THE COUNTY AND THE HOLDOVER CABLE  
6 OPERATOR SHALL COMPLY WITH ALL OF THE FOLLOWING, WHICH SHALL CONTINUE TO  
7 APPLY TO THE LOCAL LICENSE:

8 1. TITLE 9, CHAPTER 5, ARTICLE 1.1.

9 2. SECTION 9-584.

10 3. TITLE 9, CHAPTER 5, ARTICLE 8.

11 4. CHAPTER 13, ARTICLE 1 OF THIS TITLE.

12 B. TO OPERATE WITHIN A SERVICE AREA FROM AND AFTER THE DATE THE  
13 LOCAL LICENSE EXPIRES, THE HOLDOVER CABLE OPERATOR MUST APPLY FOR AND  
14 OBTAIN A UNIFORM VIDEO SERVICE LICENSE IN THE SAME MANNER AS ANY OTHER  
15 VIDEO SERVICE PROVIDER.

16 C. IF A HOLDOVER CABLE OPERATOR IS ISSUED A UNIFORM VIDEO SERVICE  
17 LICENSE WITH A SERVICE AREA THAT INCLUDES THE SERVICE AREA DEFINED UNDER  
18 THE LOCAL LICENSE WHILE OPERATING PURSUANT TO THE LOCAL LICENSE UNDER  
19 SUBSECTION A OF THIS SECTION, THE UNIFORM VIDEO SERVICE LICENSE DOES NOT  
20 BECOME EFFECTIVE UNTIL THE LOCAL LICENSE EXPIRES.

21 D. A HOLDOVER CABLE OPERATOR THAT ELECTS TO APPLY FOR A UNIFORM  
22 VIDEO SERVICE LICENSE SHALL DO SO AT LEAST ONE MONTH BEFORE THE LOCAL  
23 LICENSE EXPIRES.

24 11-1914. Uniform video service license; application; fees

25 A. TO OBTAIN A UNIFORM VIDEO SERVICE LICENSE, A PERSON SHALL FILE  
26 WITH THE CLERK OF THE COUNTY AN APPLICATION AND AFFIDAVIT THAT ARE SIGNED  
27 BY ONE OF THE PRINCIPAL EXECUTIVE OFFICERS OR GENERAL PARTNERS OF THE  
28 APPLICANT AND THAT COMPLY WITH THIS SECTION.

29 B. THE APPLICATION AND AFFIDAVIT SHALL BE IN THE FORM REQUIRED BY  
30 THE COUNTY AND SHALL BE REQUIRED TO CONTAIN ALL OF AND NOT MORE THAN THE  
31 FOLLOWING:

32 1. EACH SERVICE AREA IN WHICH THE APPLICANT INTENDS TO PROVIDE  
33 VIDEO SERVICE IN THE FORMAT AS DESCRIBED IN SECTION 11-1911, SUBSECTION C.  
34 EXCEPT AS PROVIDED IN SECTION 11-1912, SUBSECTION B, PARAGRAPH 2, UNDER A  
35 UNIFORM VIDEO SERVICE LICENSE THE BOUNDARIES OF THE COUNTY ARE A SINGLE  
36 SERVICE AREA AND THE SERVICE AREA CONSISTS OF ALL OF THE TERRITORY WITHIN  
37 THE BOUNDARIES OF THAT COUNTY.

38 2. THE INFORMATION PRESCRIBED BY SECTION 11-1911, SUBSECTION C,  
39 PARAGRAPHS 1 THROUGH 4. THE HOLDER SHALL NOTIFY THE COUNTY IN WRITING OF  
40 CHANGES TO THIS INFORMATION WITHIN THIRTY DAYS AFTER THE CHANGE OCCURS.

41 3. THE TERM OF THE UNIFORM VIDEO SERVICE LICENSE, WHICH MAY NOT  
42 EXCEED TEN YEARS.

43 4. AN AGREEMENT TO PAY ALL LAWFUL FEES AND CHARGES IMPOSED BY THE  
44 COUNTY.

1 C. AN INCUMBENT CABLE OPERATOR DESCRIBED IN SECTION 11-1912,  
2 SUBSECTION B, PARAGRAPH 2 MAY ELECT TO APPLY FOR A UNIFORM VIDEO SERVICE  
3 LICENSE FOR A SERVICE AREA THAT CONSISTS OF THE BOUNDARIES OF A COUNTY.

4 D. IF THE COUNTY DETERMINES THAT THE APPLICATION AND AFFIDAVIT ARE  
5 INCOMPLETE OR OTHERWISE DEFICIENT FOR FAILURE TO COMPLY WITH THIS SECTION,  
6 THE COUNTY SHALL PROVIDE WRITTEN NOTICE TO THE APPLICANT NOT LATER THAN  
7 FIFTEEN DAYS AFTER THE DATE OF FILING OF THE APPLICATION AND AFFIDAVIT.  
8 THE WRITTEN NOTICE SHALL DO BOTH OF THE FOLLOWING:

9 1. EXPLAIN THE INCOMPLETENESS OR DEFICIENCY IN DETAIL.

10 2. SPECIFY THE INFORMATION OR OTHER ITEMS THAT ARE NECESSARY UNDER  
11 THIS SECTION FOR PROPER COMPLETION OF THE APPLICATION AND AFFIDAVIT.

12 E. THE COUNTY MAY NOT DO ANY OF THE FOLLOWING:

13 1. CHARGE A FEE FOR FILING OR PROCESSING AN APPLICATION, AFFIDAVIT,  
14 NOTICE OR OTHER DOCUMENT UNDER THIS CHAPTER.

15 2. VOTE ON OR TAKE OTHER OFFICIAL ACTION REGARDING THE APPLICATION,  
16 AFFIDAVIT, NOTICE OR OTHER DOCUMENT.

17 3. REQUIRE THE APPLICANT TO OBTAIN THE APPROVAL OF THE COUNTY  
18 REGARDING THE APPLICATION, AFFIDAVIT, NOTICE OR OTHER DOCUMENT.

19 4. REQUIRE THE APPLICANT TO ENTER INTO AN AGREEMENT AS DESCRIBED IN  
20 SECTION 11-1942, SUBSECTION I.

21 11-1915. Authority granted by uniform video service license;  
22 conditions and limitations prohibited; providing  
23 video service

24 A. WITHIN THE TIME FRAME THAT THE COUNTY HAS IN PLACE UNDER SECTION  
25 11-1605 BUT NOT LATER THAN FORTY-FIVE DAYS AFTER THE DATE AN APPLICANT  
26 FILES A COMPLETED APPLICATION AND AFFIDAVIT PURSUANT TO SECTION 11-1914,  
27 THE COUNTY SHALL ISSUE A UNIFORM VIDEO SERVICE LICENSE TO THE APPLICANT IN  
28 THE FORM PRESCRIBED BY SECTION 11-1911. IF THE COUNTY DOES NOT NOTIFY THE  
29 APPLICANT ABOUT THE COMPLETENESS OF THE UNIFORM VIDEO SERVICE LICENSE  
30 AGREEMENT WITHIN THE TIME PERIOD PRESCRIBED BY SECTION 11-1914, SUBSECTION  
31 D OR ISSUE THE AGREEMENT WITHIN THE TIME PERIOD REQUIRED UNDER THIS  
32 SUBSECTION, THE AGREEMENT SHALL BE CONSIDERED COMPLETE AND ISSUED TO THE  
33 APPLICANT IN THE FORM SUBMITTED.

34 B. THE UNIFORM VIDEO SERVICE LICENSE ISSUED TO AN APPLICANT,  
35 INCLUDING AN INCUMBENT CABLE OPERATOR, BY A COUNTY IS A NONEXCLUSIVE  
36 LICENSE GRANTING TO THE HOLDER OF THE UNIFORM VIDEO SERVICE LICENSE THE  
37 AUTHORITY FOR THE TERM REQUESTED IN THE APPLICATION TO DO ALL OF THE  
38 FOLLOWING:

39 1. PROVIDE VIDEO SERVICE IN ALL SERVICE AREAS DESIGNATED IN THE  
40 APPLICATION AND AFFIDAVIT FILED WITH THE COUNTY.

41 2. CONSTRUCT AND OPERATE A VIDEO SERVICE NETWORK IN THE HIGHWAYS IN  
42 EACH SERVICE AREA IN COMPLIANCE WITH THIS CHAPTER AND ALL LOCAL LAWS THAT  
43 CONFORM TO THIS CHAPTER AND THE PURPOSES AND OBJECTIVES OF THIS CHAPTER.

1 C. A COUNTY MAY NOT CONDITION OR LIMIT A UNIFORM VIDEO SERVICE  
2 LICENSE BY IMPOSING ANY OBLIGATION OR REQUIREMENT THAT IS NOT AUTHORIZED  
3 BY THIS CHAPTER, INCLUDING ANY OF THE FOLLOWING:

4 1. ANY OFFICE LOCATION, INSTITUTIONAL NETWORK OR OTHER BUILD-OUT,  
5 LINE EXTENSION, INVESTMENT OR OTHER REQUIREMENTS RELATING TO THE OVERALL  
6 SCOPE, EXTENT AND TIMING OF INFRASTRUCTURE, FACILITIES OR DEPLOYMENT OF  
7 EQUIPMENT.

8 2. ANY REQUIREMENTS TO PAY TO ANY PERSON ANY APPLICATION, DOCUMENT,  
9 LICENSE, SERVICE OR OTHER FEE, TAX, CHARGE OR ASSESSMENT THAT IS NOT  
10 AUTHORIZED BY THIS CHAPTER.

11 D. A HOLDER OF A UNIFORM VIDEO SERVICE LICENSE SHALL PROVIDE VIDEO  
12 SERVICE IN ACCORDANCE WITH THE CERTIFICATIONS MADE BY THE HOLDER IN EACH  
13 APPLICATION AND AFFIDAVIT THAT THE HOLDER FILES WITH THE COUNTY PURSUANT  
14 TO THIS ARTICLE.

15 11-1916. Amendment of uniform video service license to add  
16 service area

17 A. TO ADD ONE OR MORE NEW SERVICE AREAS TO A UNIFORM VIDEO SERVICE  
18 LICENSE, THE HOLDER SHALL FILE WITH THE CLERK OF THE COUNTY AN APPLICATION  
19 FOR AN AMENDMENT TO THE UNIFORM VIDEO SERVICE LICENSE TO ADD EACH NEW  
20 SERVICE AREA.

21 B. THE APPLICATION IS SUBJECT TO THE SAME PROCEDURES, REQUIREMENTS,  
22 LIMITATIONS AND TIME PERIODS AS AN APPLICATION FOR ISSUANCE OF A UNIFORM  
23 VIDEO SERVICE LICENSE PURSUANT TO SECTIONS 11-1914 AND 11-1915.

24 11-1917. Termination of service

25 A. TO TERMINATE THE AUTHORITY TO PROVIDE VIDEO SERVICE TO AN  
26 EXISTING SERVICE AREA AUTHORIZED UNDER THE UNIFORM VIDEO SERVICE LICENSE,  
27 THE HOLDER OF THE UNIFORM VIDEO SERVICE LICENSE SHALL FILE WITH THE CLERK  
28 OF THE COUNTY WRITTEN NOTICE OF THE TERMINATION.

29 B. THE HOLDER MAY TERMINATE SERVICE ON AND AFTER THE DATE THAT THE  
30 HOLDER FILES THE WRITTEN NOTICE WITH THE CLERK OF THE COUNTY.

31 C. THE HOLDER SHALL:

32 1. COMPLY WITH APPLICABLE FEDERAL LAWS, INCLUDING RULES AND  
33 REGULATIONS OF THE FEDERAL COMMUNICATIONS COMMISSION.

34 2. GIVE ALL AFFECTED SUBSCRIBERS AND COUNTIES NOTICE AT LEAST  
35 NINETY DAYS BEFORE TERMINATION OF SERVICE IN ALL OF A SERVICE AREA THAT  
36 CONSISTS OF THE BOUNDARIES OF THE COUNTY.

37 11-1918. Boundary change

38 EACH COUNTY WHOSE BOUNDARIES CHANGE SHALL NOTIFY IN A TIMELY MANNER  
39 EACH VIDEO SERVICE PROVIDER THAT OPERATES IN THE BOUNDARIES.

40 11-1919. Transfer of uniform video service license

41 A. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION OR OTHERWISE  
42 REQUIRED BY FEDERAL LAW, INCLUDING RULES AND REGULATIONS OF THE FEDERAL  
43 COMMUNICATIONS COMMISSION, A UNIFORM VIDEO SERVICE LICENSE IS FULLY  
44 TRANSFERABLE TO ANY PERSON WHETHER THE TRANSFER ARISES THROUGH MERGER,  
45 SALE, ASSIGNMENT, RESTRUCTURING, CHANGE OF CONTROL OR OTHER TYPE OF

1 TRANSACTION. A TRANSFER DOES NOT INCLUDE AN ASSIGNMENT OF A UNIFORM VIDEO  
2 SERVICE LICENSE FOR THE PURPOSE OF SECURING INDEBTEDNESS. A TRANSFER MAY  
3 INCLUDE LESS THAN ALL SERVICE AREAS ASSOCIATED WITH A UNIFORM VIDEO  
4 SERVICE LICENSE.

5 B. THE HOLDER SHALL FILE WITH THE CLERK OF THE COUNTY WRITTEN  
6 NOTICE OF THE TRANSFER OF THE UNIFORM VIDEO SERVICE LICENSE. ON THE  
7 FILING OF NOTICE UNDER THIS SUBSECTION, THE TRANSFEREE BECOMES THE HOLDER.

8 11-1920. Extension

9 A. TO EXTEND THE TERM OF A UNIFORM VIDEO SERVICE LICENSE, THE  
10 HOLDER OF THE UNIFORM VIDEO SERVICE LICENSE SHALL FILE WITH THE CLERK OF  
11 THE COUNTY AT LEAST ONE MONTH BEFORE THE END OF THE TERM OF THE UNIFORM  
12 VIDEO SERVICE LICENSE A NOTICE TO EXTEND THE TERM FOR A SPECIFIED PERIOD  
13 NOT TO EXCEED TEN YEARS.

14 B. EFFECTIVE ON THE DATE THE HOLDER FILES THE WRITTEN NOTICE WITH  
15 THE CLERK OF THE COUNTY, THE TERM IS EXTENDED FOR THE SPECIFIED PERIOD  
16 FROM AND AFTER THE DATE OF THE END OF THE THEN-CURRENT TERM.

17 C. TRANSFERRING, AMENDING OR MODIFYING A UNIFORM VIDEO SERVICE  
18 LICENSE UNDER OTHER SECTIONS OF THIS ARTICLE DOES NOT EXTEND THE TERM OF  
19 THE UNIFORM VIDEO SERVICE LICENSE.

20 11-1921. Subscriber complaints

21 A. A SUBSCRIBER MAY SUBMIT COMPLAINTS ABOUT VIDEO SERVICE TO ANY OF  
22 THE FOLLOWING:

- 23 1. THE COUNTY WHERE THE SUBSCRIBER RESIDES.
- 24 2. THE ATTORNEY GENERAL.
- 25 3. THE FEDERAL COMMUNICATIONS COMMISSION.
- 26 4. OTHER AUTHORITIES AS PROVIDED BY LAW.

27 B. A COUNTY MAY CHOOSE TO MONITOR AND ASSIST SUBSCRIBERS WITH THE  
28 SUBSCRIBER SERVICE STANDARDS PURSUANT TO 47 CODE OF FEDERAL REGULATIONS  
29 SECTION 76.309(c) OR TO BE IDENTIFIED ON BILLS TO SUBSCRIBERS AS THE LOCAL  
30 FRANCHISE AUTHORITY FOR A SERVICE AREA CONSISTENT WITH RULES OF THE  
31 FEDERAL COMMUNICATIONS COMMISSION.

32 ARTICLE 3. DUTIES OF VIDEO SERVICE PROVIDERS

33 11-1931. Video service; revocation for nonuse

34 A. NOT LATER THAN TWENTY-FOUR MONTHS AFTER THE DATE THAT A COUNTY  
35 ISSUES A UNIFORM VIDEO SERVICE LICENSE PURSUANT TO SECTIONS 11-1914 AND  
36 11-1915 OR AN AMENDED UNIFORM VIDEO SERVICE LICENSE PURSUANT TO SECTION  
37 11-1916, THE HOLDER OF THE UNIFORM VIDEO SERVICE LICENSE SHALL OFFER AND  
38 PROVIDE VIDEO SERVICE TO AT LEAST ONE SUBSCRIBER WITHIN EACH SERVICE AREA  
39 AUTHORIZED BY THE UNIFORM VIDEO SERVICE LICENSE OR AMENDED UNIFORM VIDEO  
40 SERVICE LICENSE UNLESS THE HOLDER CANNOT MEET THE REQUIREMENT FOR REASONS  
41 BEYOND THE HOLDER'S CONTROL.

42 B. IF A HOLDER FAILS TO COMPLY WITH SUBSECTION A OF THIS SECTION, A  
43 COUNTY MAY REVOKE THE HOLDER'S UNIFORM VIDEO SERVICE LICENSE FOR AFFECTED  
44 SERVICE AREAS.



1 ON STANDARDS GOVERNING THE QUALITY OF VIDEO SERVICE AND SUBSCRIBER  
2 SERVICE. A VIDEO SERVICE PROVIDER MAY NOT BE REQUIRED TO COMPLY WITH ANY  
3 SUBSCRIBER SERVICE STANDARDS THAT ARE MORE BURDENSOME THAN THOSE SET FORTH  
4 IN THIS PARAGRAPH.

5 ARTICLE 4. COUNTIES

6 11-1941. Management of highways; counties; permits or  
7 licenses

8 A. IN MANAGING A HIGHWAY UNDER LOCAL LAWS DESCRIBED IN SECTION  
9 11-1911, SUBSECTION C, PARAGRAPH 9, A COUNTY MAY MANAGE THE USE OF THE  
10 HIGHWAY INCLUDING ALL OF THE FOLLOWING:

11 1. REQUIRING A VIDEO SERVICE PROVIDER THAT IS CONSTRUCTING,  
12 INSTALLING, WORKING WITHIN, MAINTAINING OR REPAIRING FACILITIES IN, ON,  
13 UNDER OR OVER ANY HIGHWAY TO OBTAIN A CONSTRUCTION, ENCROACHMENT OR  
14 OCCUPANCY PERMIT FOR THE WORK.

15 2. INSPECTING THE CONSTRUCTION, INSTALLATION, MAINTENANCE OR REPAIR  
16 WORK PERFORMED ON SUCH FACILITIES.

17 3. LIMITING INSTALLATION OF NEW AERIAL FACILITIES.

18 B. IF A VIDEO SERVICE PROVIDER REQUESTS A PERMIT OR INSPECTION, THE  
19 COUNTY SHALL GRANT OR DENY THE REQUEST WITHIN THE TIME FRAME THAT THE  
20 COUNTY HAS IN PLACE UNDER SECTION 11-1605.

21 C. IF EMERGENCY RESPONSE WORK OR REPAIR BECOMES NECESSARY IN, ON,  
22 UNDER OR OVER ANY HIGHWAY, A VIDEO SERVICE PROVIDER MAY BEGIN THAT WORK OR  
23 REPAIR WITHOUT PRIOR APPROVAL FROM A COUNTY IF THE VIDEO SERVICE PROVIDER  
24 NOTIFIES THE COUNTY AS PROMPTLY AS REASONABLY POSSIBLE AFTER LEARNING THAT  
25 THE WORK OR REPAIR IS NECESSARY.

26 11-1942. Fees and charges; emergency alert; damage;  
27 undergrounding; wireless facilities; definition

28 A. EXCEPT THE LICENSE FEE ON GROSS REVENUE AUTHORIZED BY SECTION  
29 11-1943 AND EXCISE TAXES AS PROVIDED IN SUBSECTION B OF THIS SECTION, A  
30 COUNTY MAY NOT LEVY A TAX, RENT, FEE OR CHARGE, HOWEVER DENOMINATED, ON A  
31 VIDEO SERVICE PROVIDER FOR THE USE OF THE HIGHWAYS TO PROVIDE VIDEO  
32 SERVICE OR LEVY A TAX, FEE OR CHARGE ON THE PRIVILEGE OF ENGAGING IN THE  
33 BUSINESS OF PROVIDING VIDEO SERVICE IN THE SERVICE AREA. TAXES, RENTS,  
34 FEES AND CHARGES INCLUDE ALL OF THE FOLLOWING:

35 1. ACCESS CHANNEL SUPPORT EXCEPT FOR IN-KIND SERVICES, GOODS OR  
36 PAYMENTS AS PROVIDED IN SUBSECTION C OF THIS SECTION.

37 2. RENTAL, APPLICATION, CONSTRUCTION, PERMIT, INSPECTION,  
38 INCONVENIENCE AND OTHER FEES AND CHARGES RELATED TO A VIDEO SERVICE  
39 PROVIDER'S USE OR OCCUPANCY OF THE HIGHWAYS, INCLUDING THE USE AUTHORIZED  
40 BY SUBSECTION D OF THIS SECTION EXCEPT THAT A COUNTY MAY IMPOSE ON A VIDEO  
41 SERVICE PROVIDER SOME OR ALL OF THE FEES AND CHARGES DESCRIBED IN THIS  
42 PARAGRAPH. A VIDEO SERVICE PROVIDER SHALL OFFSET THE FEES AND CHARGES  
43 IMPOSED PURSUANT TO THIS PARAGRAPH AGAINST THE NEXT LICENSE FEE PAYMENT  
44 MADE PURSUANT TO SECTION 11-1943.

1           B. ANY EXCISE TAXES OTHERWISE AUTHORIZED BY LOCAL LAW TO BE LEVIED  
2 ON THE BUSINESS OF PROVIDING VIDEO SERVICE OR IN RELATION TO USE OF THE  
3 HIGHWAYS TO PROVIDE VIDEO SERVICE MAY BE LEVIED ON A VIDEO SERVICE  
4 PROVIDER IF THE TAXES ARE LEVIED ONLY ON GROSS REVENUE AND THE RATE OF THE  
5 TAXES IS SUBJECT TO THIS SUBSECTION. THIS SUBSECTION DOES NOT AUTHORIZE  
6 THE IMPOSITION OF EXCISE TAXES ON INTERSTATE TELECOMMUNICATIONS SERVICE.  
7 THE LICENSE FEE AND ANY EXCISE TAXES LEVIED ON GROSS REVENUE CONSTITUTE A  
8 FRANCHISE FEE WITHIN THE MEANING OF THE TERM IN 47 UNITED STATES CODE  
9 SECTION 542(g). THE TOTAL OF THE RATES OF THE LICENSE FEE AND OF ANY  
10 EXCISE TAXES ON GROSS REVENUE LEVIED OR ASSESSED BY A COUNTY FOR THE  
11 PRIVILEGE OF PROVIDING VIDEO SERVICE AND RELATED USE OF THE HIGHWAYS TO  
12 PROVIDE VIDEO SERVICE MAY NOT EXCEED A RATE OF FIVE PERCENT.

13           C. SUBSECTION A OF THIS SECTION DOES NOT PROHIBIT A COUNTY FROM  
14 LEVYING FEES AND CHARGES ON A VIDEO SERVICE PROVIDER OR ITS AFFILIATES  
15 PURSUANT TO SECTION 9-584 OR CHAPTER 13, ARTICLE 1 OF THIS TITLE WITHOUT  
16 AN OFFSET AGAINST LICENSE FEES.

17           D. A COUNTY MAY NOT REQUIRE A VIDEO SERVICE PROVIDER TO PROVIDE  
18 IN-KIND GOODS OR SERVICES, MAKE IN-KIND PAYMENTS, ASSESSMENTS OR  
19 OBLIGATIONS OR PAY A FEE IN ADDITION TO THE MONETARY LICENSE FEE LEVIED OR  
20 ASSESSED AS PROVIDED IN SECTION 11-1943, EXCEPT FOR ANY OF THE FOLLOWING:

21           1. A LOCAL LAW MAY IMPOSE AND ENFORCE OBLIGATIONS EQUALLY AND  
22 UNIFORMLY ON ALL VIDEO SERVICE PROVIDERS THAT ARE OPERATING WITHIN THE  
23 BOUNDARIES OF A COUNTY AND ON ALL HOLDOVER CABLE OPERATORS THAT HOLD A  
24 LOCAL LICENSE THAT REMAINS IN EFFECT UNDER SECTION 11-1914, SUBSECTION A.  
25 UNDER THE LOCAL LAW, A COUNTY:

26           (a) MAY REQUIRE ALL VIDEO SERVICE PROVIDERS TO PROVIDE CHANNEL  
27 CAPACITY FOR THE VIDEO SERVICE PROVIDER TO TRANSMIT PROGRAMMING OVER WHICH  
28 THE VIDEO SERVICE PROVIDER EXERCISES NO EDITORIAL CONTROL EXCEPT AS  
29 AUTHORIZED BY 47 UNITED STATES CODE SECTION 531(e). THE CHANNEL CAPACITY  
30 SHALL BE LIMITED TO ONE OF THE FOLLOWING:

31           (i) NOT MORE THAN TWO CHANNELS OF PUBLIC, EDUCATIONAL OR  
32 GOVERNMENTAL ACCESS PROGRAMMING IN THE BASIC SERVICE TIER OF THE VIDEO  
33 SERVICE NETWORK AND NOT MORE THAN TWO CHANNELS OF NONCOMMERCIAL  
34 GOVERNMENTAL PROGRAMMING, AT LEAST ONE OF WHICH MAY BE PROGRAMMED BY THE  
35 FEDERAL GOVERNMENT, IN THE DIGITAL PROGRAMMING TIER OF THE VIDEO SERVICE  
36 NETWORK.

37           (ii) NOT MORE THAN TWO LINES OF ACCESS PROGRAMMING WITH EACH LINE  
38 OF PROGRAMMING CARRIED ON UP TO TWO STANDARD DEFINITION CHANNELS AND TWO  
39 SWITCHED DIGITAL HIGH-DEFINITION CHANNELS.

40           (b) SHALL SPECIFY THE PROGRAMMING AND THE VIDEO SERVICE PROVIDER  
41 MAY REQUIRE THAT THE CHANNELS REGULARLY DISPLAY AN UNOBTRUSIVE LOGO OR  
42 OTHER SUITABLE IDENTIFIER OF THE VIDEO SERVICE PROVIDER, IF THE COUNTY  
43 REQUIRES CHANNEL CAPACITY PURSUANT TO SUBDIVISION (a) OF THIS PARAGRAPH.

1 (c) MAY REQUIRE ALL VIDEO SERVICE PROVIDERS TO INCUR COSTS AND  
2 EXPENSES TO PROVIDE, MAINTAIN AND OPERATE FACILITIES AND EQUIPMENT OF THE  
3 VIDEO SERVICE NETWORK, INCLUDING FACILITIES AND EQUIPMENT FOR SIGNAL  
4 CARRIAGE, PROCESSING, REFORMATTING AND INTERCONNECTION FOR ALL OF THE  
5 FOLLOWING:

6 (i) TO CONNECT THE VIDEO SERVICE NETWORK OR CABLE SYSTEM, AS IT MAY  
7 BE RELOCATED FROM TIME TO TIME, TO TRANSMIT PROGRAMMING TO AND FROM  
8 EXISTING LOCATIONS OF PUBLIC, EDUCATIONAL OR GOVERNMENTAL ACCESS  
9 FACILITIES AND TO ALLOW MONITORING OF ACCESS PROGRAMMING AT THE  
10 FACILITIES.

11 (ii) TO TRANSMIT PUBLIC, EDUCATIONAL AND GOVERNMENTAL ACCESS  
12 CHANNELS TO SUBSCRIBERS WITH THE SAME PREVAILING QUALITY, FUNCTIONALITY  
13 AND IDENTIFICATION AS OTHER CHANNELS.

14 (d) MAY REQUIRE ALL VIDEO SERVICE PROVIDERS AND INCUMBENT CABLE  
15 OPERATORS TO PROVIDE AT NO INITIAL OR RECURRING CHARGE THE BASIC SERVICE  
16 TIER OF VIDEO SERVICE TO ONE OUTLET AND ONE RECEIVING DEVICE AT EACH  
17 BUILDING OCCUPIED BY THE COUNTY IF THE BUILDING IS NOT MORE THAN TWO  
18 HUNDRED FEET FROM THE NEAREST TECHNICALLY AND COMMERCIALY FEASIBLE POINT  
19 OF CONNECTION ON THE VIDEO SERVICE NETWORK.

20 2. A COUNTY MAY RETAIN NONRECEIVING EQUIPMENT THAT IT OWNS WITHOUT  
21 CHARGE FOR THE EQUIPMENT'S USE AND AT THE COUNTY'S EXPENSE, INCLUDING  
22 EQUIPMENT PREVIOUSLY PROVIDED BY AN INCUMBENT CABLE OPERATOR.

23 E. A LOCAL LAW MAY NOT IMPOSE ANY OBLIGATION ON A VIDEO SERVICE  
24 PROVIDER UNDER SUBSECTION D OF THIS SECTION THAT IS MORE BURDENSOME THAN  
25 THE LEAST BURDENSOME REQUIREMENT UNDER ANY LOCAL LICENSE WITH A SERVICE  
26 AREA WITHIN THE BOUNDARIES OF THE COUNTY THAT WAS IN EFFECT ON FEBRUARY 1,  
27 2019.

28 F. NONE OF THE ANNUAL FAIR MARKET VALUE OF ANY CHANNEL CAPACITY  
29 PROVIDED PURSUANT TO SUBSECTION D, PARAGRAPH 1, SUBDIVISION (a), THE  
30 ANNUAL COSTS AND EXPENSES INCURRED PURSUANT TO SUBSECTION D, PARAGRAPH 1,  
31 SUBDIVISION (c) AND THE ANNUAL FAIR MARKET VALUE OF BASIC SERVICE AND LINE  
32 EXTENSION PROVIDED PURSUANT TO SUBSECTION D, PARAGRAPH 1, SUBDIVISION (d)  
33 MAY BE OFFSET AGAINST THE LICENSE FEE LEVIED OR ASSESSED UNDER THIS  
34 SECTION.

35 G. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, BY A  
36 NONDISCRIMINATORY LOCAL LAW THAT IMPOSES AND ENFORCES THE OBLIGATIONS  
37 EQUALLY AND UNIFORMLY ON ALL VIDEO SERVICE PROVIDERS OPERATING WITHIN THE  
38 BOUNDARIES OF A COUNTY, A COUNTY MAY REQUIRE THAT A VIDEO SERVICE PROVIDER  
39 BEAR ALL OF THE REASONABLE COSTS THAT ARE ASSOCIATED WITH REPAIR AND  
40 RESTORATION OF DAMAGE CAUSED TO PRIVATE PROPERTY OR HIGHWAYS BY THE  
41 REPAIR, REPLACEMENT, INSTALLATION, CONSTRUCTION, MAINTENANCE OR OPERATION  
42 OF THE VIDEO SERVICE PROVIDER'S FACILITIES IN THE HIGHWAYS AND THAT ARE  
43 IMPOSED ON A COMPETITIVELY NEUTRAL AND NONDISCRIMINATORY BASIS IN RELATION  
44 TO COSTS BORNE BY TELECOMMUNICATIONS CORPORATIONS UNDER SECTION 9-582,  
45 SUBSECTION C.

1 H. ON APPLICATION, A COUNTY SHALL ISSUE TO A VIDEO SERVICE PROVIDER  
2 OR ITS AFFILIATE A PERMIT TO ATTACH ALLOWED WI-FI RADIO EQUIPMENT TO THE  
3 VIDEO SERVICE NETWORK IN THE HIGHWAYS WITHIN THE BOUNDARIES OF THE COUNTY.  
4 THE PERMIT SHALL ALLOW INSTALLATION, OPERATION AND MAINTENANCE OF ALLOWED  
5 WI-FI RADIO EQUIPMENT. A COUNTY MAY REQUIRE THAT ALL OF THE ALLOWED WI-FI  
6 RADIO EQUIPMENT AT A SINGLE LOCATION FIT WITHIN A FIFTEEN-INCH CUBE AND BE  
7 CONTAINED ENTIRELY WITHIN A GROUND-MOUNTED PEDESTAL OR BE CONNECTED  
8 DIRECTLY TO AND MOUNTED AT THE SAME HEIGHT AS ONE OF THE VIDEO SERVICE  
9 PROVIDER'S AERIAL HORIZONTAL CONDUCTORS. THIS SUBSECTION DOES NOT DO ANY  
10 OF THE FOLLOWING:

11 1. PROHIBIT A COUNTY FROM REQUIRING A VIDEO SERVICE PROVIDER TO  
12 PLACE UNDERGROUND AERIAL FACILITIES TO WHICH ALLOWED WI-FI EQUIPMENT IS  
13 ATTACHED.

14 2. PROHIBIT THE IMPOSITION OF A TAX, RENT, FEE OR CHARGE ON REVENUE  
15 FROM SERVICES PROVIDED THROUGH ALLOWED WI-FI RADIO EQUIPMENT.

16 3. AFFECT THE AUTHORITY OF A COUNTY TO MANAGE THE HIGHWAYS WITHIN  
17 ITS BOUNDARIES OR TO EXERCISE ITS POLICE POWERS, INCLUDING REVIEW AND  
18 APPROVAL OF AN APPLICATION BEFORE ISSUING A PERMIT.

19 4. AFFECT ANY AUTHORITY OF A POLITICAL SUBDIVISION, INCLUDING AN  
20 AGRICULTURAL IMPROVEMENT DISTRICT OR ANY OTHER SPECIAL TAXING DISTRICT,  
21 THE COUNTY OR ANY OTHER PERSON CONTROLLING UTILITY POLES IN THE HIGHWAYS  
22 TO DENY, LIMIT, RESTRICT OR DETERMINE THE TERMS AND CONDITIONS FOR THE USE  
23 OF OR ATTACHMENT TO THE UTILITY POLES OR ATTACHMENTS TO OTHER POLES OF THE  
24 POLITICAL SUBDIVISION, COUNTY OR OTHER PERSON BY A VIDEO SERVICE PROVIDER.

25 I. THIS SECTION DOES NOT PROHIBIT A VIDEO SERVICE PROVIDER FROM  
26 AGREEING WITH A COUNTY TO PROVIDE IN-KIND SERVICES OR GOODS OR MAKE  
27 IN-KIND PAYMENTS IN THE SERVICE AREA THAT ARE OTHERWISE PROHIBITED BY THIS  
28 SECTION IF THE AGREEMENT WITH THE COUNTY IS NOT ENTERED INTO AS A  
29 CONDITION OF OPERATING IN THE SERVICE AREA UNDER A UNIFORM VIDEO SERVICE  
30 LICENSE ISSUED PURSUANT TO THIS CHAPTER. THE AGREEMENT MAY AUTHORIZE THE  
31 VIDEO SERVICE PROVIDER TO RETAIN LICENSE FEES AND TAXES COLLECTED FROM ITS  
32 SUBSCRIBERS IN THE AMOUNT OF ANY OFFSET TO LICENSE FEES SPECIFIED IN THE  
33 AGREEMENT.

34 J. FOR THE PURPOSES OF THIS SECTION, "ALLOWED WI-FI RADIO  
35 EQUIPMENT" MEANS RADIO EQUIPMENT THAT USES ONLY UNLICENSED RADIO SPECTRUM  
36 AND THAT ENABLES WIRELESS COMMUNICATION WITH A COMMUNICATIONS NETWORK FOR  
37 UNLICENSED SERVICES SUCH AS WI-FI SERVICE.

38 11-1943. License fee; requirements; conditions and  
39 limitations; pass through to subscribers

40 A. FOR THE PRIVILEGE OF A VIDEO SERVICE PROVIDER TO OCCUPY OR USE,  
41 IN WHOLE OR IN PART, ANY HIGHWAY WITHIN THE BOUNDARIES OF A COUNTY TO  
42 PROVIDE VIDEO SERVICE THROUGH A VIDEO SERVICE NETWORK, THE COUNTY MAY  
43 REQUIRE A VIDEO SERVICE PROVIDER TO PAY A LICENSE FEE TO THE COUNTY BASED  
44 ON THE GROSS REVENUE THAT THE VIDEO SERVICE PROVIDER RECEIVES FROM ITS

1 SUBSCRIBERS LOCATED WITHIN THE BOUNDARIES OF THE COUNTY. THE LICENSE FEE  
2 BOTH:

3 1. IS SUBJECT TO THE LIMIT PRESCRIBED BY SECTION 11-1942,  
4 SUBSECTION B AND TO OFFSET, INCLUDING AMOUNTS COLLECTED FROM SUBSCRIBERS,  
5 AS PRESCRIBED BY SECTION 11-1942, SUBSECTIONS A AND I AND SUBSECTION D OF  
6 THIS SECTION.

7 2. SHALL BE DUE NO MORE OFTEN THAN QUARTERLY.

8 B. IF THE COUNTY REQUIRES A LICENSE FEE PURSUANT TO SUBSECTION A OF  
9 THIS SECTION, THE COUNTY SHALL ADOPT A LOCAL LAW THAT IMPOSES THE LICENSE  
10 FEE EQUALLY AND UNIFORMLY ON ALL OF THE FOLLOWING THAT ARE OPERATING  
11 WITHIN THE BOUNDARIES OF THE COUNTY:

12 1. VIDEO SERVICE PROVIDERS.

13 2. HOLDOVER CABLE OPERATORS.

14 C. A VIDEO SERVICE PROVIDER SHALL PAY THE ENTIRE AMOUNT OF THE  
15 LICENSE FEE DIRECTLY TO THE COUNTY IN A CHECK, DRAFT OR NOTE OR AUTOMATED  
16 CLEARINGHOUSE TRANSACTION THAT IS PAYABLE IN LEGAL TENDER AS DEFINED IN  
17 SECTION 43-1021.

18 D. A VIDEO SERVICE PROVIDER MAY DO ALL OF THE FOLLOWING:

19 1. PASS THE LICENSE FEE THROUGH TO AND COLLECT THE LICENSE FEE FROM  
20 ITS SUBSCRIBERS WITHIN THE BOUNDARIES OF THE COUNTY, INCLUDING FOR AN  
21 INCUMBENT CABLE OPERATOR ANY CHANGE IN LICENSE FEES THAT RESULTS FROM A  
22 CHANGE IN THE APPLICABLE DEFINITION OF GROSS REVENUE.

23 2. DESIGNATE THE AMOUNT OF THE LICENSE FEE COLLECTED FROM EACH  
24 SUBSCRIBER AS A SEPARATE LINE ITEM ON THE SUBSCRIBER'S BILL.

25 11-1944. Ownership of a video service network

26 EXCEPT FOR THE PURPOSES OF ACTING AS AN INTERMEDIARY IN A TRANSFER  
27 OF A UNIFORM VIDEO SERVICE LICENSE, A COUNTY MAY NOT OWN A VIDEO SERVICE  
28 NETWORK.

29 11-1945. Review and audit; bundling discounts; action to  
30 recover underpayment or overpayment

31 A. NOT MORE THAN ONCE EVERY THREE YEARS, A COUNTY, ON REASONABLE  
32 WRITTEN NOTICE, MAY AUDIT THE BUSINESS BOOKS AND RECORDS OF A VIDEO  
33 SERVICE PROVIDER TO THE EXTENT NECESSARY TO ENSURE PAYMENT OF LICENSE FEES  
34 PURSUANT TO THIS CHAPTER. THE COUNTY MAY NOT AUDIT ANY PERIOD THAT ENDS  
35 MORE THAN THREE YEARS BEFORE THE DATE THAT THE NOTICE OF AUDIT IS  
36 RECEIVED. ANY AUDIT OF A PERIOD OF TIME BEFORE ISSUANCE OF A UNIFORM  
37 VIDEO SERVICE LICENSE SHALL BE CONDUCTED PURSUANT TO THE LOCAL LAWS IN  
38 EFFECT DURING THE PERIOD OF TIME.

39 B. EXCEPT AS OTHERWISE PROVIDED BY FEDERAL LAW, IF A VIDEO SERVICE  
40 PROVIDER OFFERS VIDEO SERVICE BUNDLED WITH OTHER SERVICES THAT ARE NOT  
41 VIDEO SERVICE FOR A SINGLE DISCOUNTED PRICE, ALL OF THE FOLLOWING APPLY:

42 1. THE METHOD THAT THE VIDEO SERVICE PROVIDER USES TO DETERMINE  
43 GROSS REVENUE SUBJECT TO LICENSE FEES BY ALLOCATING THE SINGLE DISCOUNTED  
44 PRICE AMONG THE BUNDLE OF VIDEO SERVICE AND NONVIDEO SERVICES SHALL BE

1 REASONABLE AND SUPPORTED BY THE VIDEO SERVICE PROVIDER'S BOOKS AND  
2 RECORDS.

3 2. THE COUNTY SHALL ACCEPT AS REASONABLE, FOR PURPOSES OF MEETING  
4 THE VIDEO SERVICE PROVIDER'S BURDEN OF PROOF, AN ALLOCATION BASED ON AN  
5 OBJECTIVE AND VERIFIABLE METHOD USING THE BOOKS AND RECORDS THAT THE VIDEO  
6 SERVICE PROVIDER KEPT IN THE REGULAR COURSE OF BUSINESS FOR OTHER  
7 PURPOSES, INCLUDING NONTAX PURPOSES.

8 3. A VIDEO SERVICE PROVIDER MAY NOT USE BUNDLED OFFERINGS AS A  
9 MEANS TO EVADE PAYING LICENSE FEES.

10 C. THE COUNTY AND THE VIDEO SERVICE PROVIDER SHALL EACH PAY ITS OWN  
11 COSTS AND FEES RELATING TO EACH AUDIT PERFORMED PURSUANT TO SUBSECTION A  
12 OF THIS SECTION. IF THE SUM DETERMINED TO BE UNDERPAID EXCEEDS FIVE  
13 PERCENT OF THE TOTAL FEES THAT THE AUDIT DETERMINES SHOULD HAVE BEEN PAID  
14 FOR THE PERIOD, THE VIDEO SERVICE PROVIDER SHALL PAY THE COUNTY'S  
15 REASONABLE COSTS OF THE AUDIT.

16 D. THE RATE OF INTEREST FOR BOTH UNDERPAYMENTS AND OVERPAYMENTS IS  
17 THE FEDERAL SHORT-TERM RATE, DETERMINED PURSUANT TO 26 UNITED STATES CODE  
18 SECTION 6621(b), PLUS THREE PERCENTAGE POINTS.

19 E. A PERSON THAT PERFORMS A REVIEW AND AUDIT UNDER SUBSECTION A OF  
20 THIS SECTION MAY NOT RECEIVE COMPENSATION THAT IS BASED, IN WHOLE OR IN  
21 PART, ON EITHER OF THE FOLLOWING:

22 1. FINDING A PARTICULAR RESULT.

23 2. THE AMOUNT OF ANY UNDERPAYMENT OR OVERPAYMENT OF THE LICENSE FEE  
24 THAT IS IDENTIFIED BECAUSE OF THE REVIEW AND AUDIT.

25 F. A COMPLAINT BY A COUNTY FOR UNDERPAYMENT OF A LICENSE FEE FROM A  
26 VIDEO SERVICE PROVIDER OR BY A VIDEO SERVICE PROVIDER FOR OVERPAYMENT OF A  
27 LICENSE FEE TO A COUNTY SHALL BE MADE PURSUANT TO ARTICLE 5 OF THIS  
28 CHAPTER.

29 G. A COMPLAINT FOR A VIOLATION OF THE LICENSE FEE OBLIGATIONS UNDER  
30 THIS CHAPTER MAY NOT BE MADE UNLESS A WRITTEN DEMAND BY A COUNTY FOR  
31 PAYMENT OF THE LICENSE FEES OR A WRITTEN DEMAND BY A VIDEO SERVICE  
32 PROVIDER FOR REFUND OF LICENSE FEES IS MADE WITHIN FOUR MONTHS AFTER THE  
33 COUNTY OR VIDEO SERVICE PROVIDER REALIZES IT HAS BEEN DAMAGED OR KNOWS OR  
34 REASONABLY SHOULD KNOW OF THE DAMAGE CAUSED BY THE ALLEGED VIOLATION.

35 H. A COMPLAINT MUST BE FILED PURSUANT TO ARTICLE 5 OF THIS CHAPTER  
36 WITHIN TWO YEARS AFTER THE WRITTEN DEMAND IS MADE PURSUANT TO SUBSECTION G  
37 OF THIS SECTION BUT NOT SOONER THAN FOUR MONTHS AFTER THE WRITTEN DEMAND.

38 ARTICLE 5. ENFORCEMENT

39 11-1951. Enforcement; office of administrative hearings; fees

40 A. A COUNTY MAY FILE A WRITTEN COMPLAINT AGAINST A VIDEO SERVICE  
41 PROVIDER AND A VIDEO SERVICE PROVIDER MAY FILE A WRITTEN COMPLAINT AGAINST  
42 A COUNTY ALLEGING A VIOLATION OF THIS CHAPTER OR THE UNIFORM VIDEO SERVICE  
43 LICENSE AGREEMENT. UNLESS OTHERWISE PROVIDED IN SECTION 11-1945,  
44 SUBSECTIONS F, G AND H OR THIS SECTION:

1           1. ALL COMPLAINTS MUST BE FILED WITH THE OFFICE OF ADMINISTRATIVE  
2 HEARINGS.

3           2. THE COMPLAINANT MUST SERVE A COPY OF THE COMPLAINT ON THE PARTY  
4 THAT IS THE SUBJECT OF THE COMPLAINT BY PERSONAL DELIVERY OR CERTIFIED  
5 MAIL, RETURN RECEIPT REQUESTED, OR BY ANY OTHER METHOD REASONABLY  
6 CALCULATED TO EFFECT ACTUAL NOTICE TO THE COUNTY'S LAST ADDRESS OF RECORD  
7 FOR THE PARTY THAT IS THE SUBJECT OF THE COMPLAINT.

8           3. THE PARTY THAT IS THE SUBJECT OF THE COMPLAINT MAY FILE A  
9 RESPONSE TO THE COMPLAINT WITH THE OFFICE OF ADMINISTRATIVE HEARINGS  
10 WITHIN TWENTY DAYS AFTER SERVICE PURSUANT TO PARAGRAPH 2 OF THIS  
11 SUBSECTION. RESPONSES SHALL BE SERVED PURSUANT TO PARAGRAPH 2 OF THIS  
12 SUBSECTION.

13           B. BEFORE FILING A COMPLAINT PURSUANT TO THIS SECTION BOTH OF THE  
14 FOLLOWING APPLY:

15           1. THE COMPLAINANT MUST PROVIDE NOTICE OF THE ALLEGED VIOLATION OF  
16 THIS CHAPTER TO THE PARTY THAT IS THE SUBJECT OF THE COMPLAINT.

17           2. THE PARTY THAT IS THE SUBJECT OF THE COMPLAINT MUST HAVE A  
18 PERIOD OF NOT LESS THAN TWENTY DAYS AFTER THE DATE IT RECEIVES THE NOTICE  
19 TO RESOLVE THE ALLEGED VIOLATION.

20           C. SUBSECTION B OF THIS SECTION DOES NOT APPLY TO A COMPLAINT MADE  
21 IN A WRITTEN DEMAND PURSUANT TO SECTION 11-1945, SUBSECTION G.

22           D. A HEARING BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL BE  
23 HELD IF A COMPLAINT THAT COMPLIES WITH THIS SECTION IS FILED WITH THE  
24 OFFICE OF ADMINISTRATIVE HEARINGS. UNLESS OTHER DEADLINES ARE ESTABLISHED  
25 FOR A PARTICULAR COMPLAINT, ALL OF THE FOLLOWING APPLY:

26           1. THE HEARING SHALL BE HELD WITHIN TWO MONTHS AFTER THE DATE THAT  
27 THE COMPLAINT IS FILED AND SERVICE IS COMPLETED PURSUANT TO SUBSECTION A  
28 OF THIS SECTION.

29           2. THE DATE SCHEDULED FOR THE HEARING MAY BE ADVANCED OR DELAYED ON  
30 THE AGREEMENT OF THE PARTIES OR ON A SHOWING OF GOOD CAUSE.

31           E. THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL PREPARE AND SERVE A  
32 NOTICE OF HEARING ON ALL PARTIES AT LEAST ONE MONTH BEFORE THE HEARING  
33 THAT STATES THE TIME AND PLACE OF THE HEARING.

34           F. A PREHEARING CONFERENCE MAY BE HELD PURSUANT TO SECTION  
35 41-1092.05.

36           G. UNLESS IT CONFLICTS WITH THE REQUIREMENTS OF THIS SECTION, THE  
37 HEARING SHALL BE CONDUCTED PURSUANT TO SECTION 41-1092.07.

38           H. THE COMPLAINANT HAS THE BURDEN OF PERSUASION AT A HEARING UNDER  
39 THIS SECTION.

40           I. THE DECISION OF THE ADMINISTRATIVE LAW JUDGE IS THE FINAL  
41 ADMINISTRATIVE DECISION WITH RESPECT TO THE COMPLAINT. THE OFFICE OF  
42 ADMINISTRATIVE HEARINGS SHALL SERVE A COPY OF THE ADMINISTRATIVE LAW  
43 JUDGE'S DECISION ON ALL PARTIES. THE FINAL ADMINISTRATIVE DECISION MAY BE  
44 APPEALED TO THE SUPERIOR COURT PURSUANT TO TITLE 12, CHAPTER 7, ARTICLE 6.  
45 THE SUPERIOR COURT PROCEEDING SHALL BE A TRIAL DE NOVO.

1 J. A PARTY MAY MOVE FOR REHEARING PURSUANT TO SECTION 41-1092.09,  
2 AND THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL RULE ON THE MOTION.  
3 MOVING FOR REHEARING OR REVIEW IS NOT NECESSARY FOR THE PARTY TO SEEK  
4 JUDICIAL REVIEW OF THE DECISION OF THE ADMINISTRATIVE LAW JUDGE UNDER  
5 SUBSECTION I OF THIS SECTION.

6 K. SERVICE IS COMPLETE ON PERSONAL SERVICE OR FIVE DAYS AFTER THE  
7 DATE THAT THE OFFICE OF ADMINISTRATIVE HEARINGS MAILES THE FINAL  
8 ADMINISTRATIVE DECISION TO EACH PARTY'S LAST KNOWN ADDRESS OF RECORD WITH  
9 THE COUNTY.

10 L. THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL ADOPT RULES PURSUANT  
11 TO TITLE 41, CHAPTER 6 TO ADMINISTER HEARINGS UNDER THIS CHAPTER AND TITLE  
12 9, CHAPTER 13. THE RULES SHALL APPLY UNIFORMLY TO HEARINGS INVOLVING  
13 LOCAL GOVERNMENTS AS DEFINED IN SECTION 9-1401 AND COUNTIES.

14 M. THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL ESTABLISH,  
15 ADMINISTER AND COLLECT FEES IN AN AMOUNT TO BE DETERMINED BY THE DIRECTOR  
16 OF THE OFFICE OF ADMINISTRATIVE HEARINGS. THE DIRECTOR SHALL DEPOSIT,  
17 PURSUANT TO SECTIONS 35-146 AND 35-147, ALL MONIES IN THE VIDEO SERVICE  
18 PROVIDER COMPLAINT FUND ESTABLISHED BY SECTION 9-1451, SUBSECTION N.

19 11-1952. Statute of limitations; costs and attorney fees;  
20 federal subscriber service requirements

21 A. EXCEPT AS PROVIDED IN SECTION 11-1945, SUBSECTIONS F, G AND H, A  
22 COMPLAINT UNDER THIS ARTICLE MUST BE FILED WITHIN TWO YEARS AFTER THE  
23 COMPLAINANT REALIZES IT HAS BEEN DAMAGED AND KNOWS OR REASONABLY SHOULD  
24 KNOW THE CAUSE, SOURCE, ACT, EVENT, INSTRUMENTALITY OR CONDITION THAT  
25 CAUSED OR CONTRIBUTED TO THE ALLEGED VIOLATION.

26 B. EACH PARTY TO A DISPUTE UNDER THIS CHAPTER SHALL BEAR ITS OWN  
27 ATTORNEY FEES AND COSTS.

28 C. THIS ARTICLE DOES NOT APPLY TO CLAIMS THAT A VIDEO SERVICE  
29 PROVIDER HAS FAILED TO MEET SUBSCRIBER SERVICE STANDARDS PRESCRIBED BY  
30 SECTION 11-1933, SUBSECTION B, PARAGRAPH 5 OR HAS VIOLATED TITLE 44,  
31 CHAPTER 10, ARTICLE 7. CLAIMS OF VIOLATIONS OF FEDERAL SUBSCRIBER SERVICE  
32 STANDARDS SHALL BE MADE PURSUANT TO THE PROCEDURE ESTABLISHED UNDER  
33 FEDERAL LAW.

34 Sec. 9. Section 41-1092.01, Arizona Revised Statutes, is amended to  
35 read:

36 41-1092.01. Office of administrative hearings; director;  
37 powers and duties; fund

38 A. An office of administrative hearings is established.

39 B. The governor shall appoint the director pursuant to section  
40 38-211. At a minimum, the director shall have the experience necessary  
41 for appointment as an administrative law judge. The director also shall  
42 possess supervisory, management and administrative skills, as well as  
43 knowledge and experience relating to administrative law.

44 C. The director shall:

45 1. Serve as the chief administrative law judge of the office.

1           2. Make and execute the contracts and other instruments that are  
2 necessary to perform the director's duties.

3           3. Subject to chapter 4, article 4 of this title, hire employees,  
4 including full-time administrative law judges, and contract for special  
5 services, including temporary administrative law judges, that are  
6 necessary to carry out this article. An administrative law judge employed  
7 or contracted by the office shall have graduated from an accredited  
8 college of law or shall have at least two years of administrative or  
9 managerial experience in the subject matter or agency section the  
10 administrative law judge is assigned to in the office.

11           4. Make rules that are necessary to carry out this article,  
12 including rules governing ex parte communications in contested cases.

13           5. Submit a report to the governor, speaker of the house of  
14 representatives and president of the senate by November 1 of each year  
15 describing the activities and accomplishments of the office. The  
16 director's annual report shall include a summary of the extent and effect  
17 of agencies' utilization of administrative law judges, court reporters and  
18 other personnel in proceedings under this article and recommendations for  
19 changes or improvements in the administrative procedure act or any  
20 agency's practice or policy with respect to the administrative procedure  
21 act. THE DIRECTOR SHALL PROVIDE A COPY OF THE REPORT TO THE SECRETARY OF  
22 STATE.

23           6. Secure, compile and maintain all decisions, opinions or reports  
24 of administrative law judges issued pursuant to this article and the  
25 reference materials and supporting information that may be appropriate.

26           7. Develop, implement and maintain a program for the continuing  
27 training and education of administrative law judges and agencies in regard  
28 to their responsibilities under this article. The program shall require  
29 that an administrative law judge receive training in the technical and  
30 subject matter areas of the sections to which the administrative law judge  
31 is assigned.

32           8. Develop, implement and maintain a program of evaluation to aid  
33 the director in the evaluation of administrative law judges appointed  
34 pursuant to this article that includes comments received from the public.

35           9. Annually report the following to the governor, the president of  
36 the senate and the speaker of the house of representatives AND PROVIDE A  
37 COPY OF THIS REPORT TO THE SECRETARY OF STATE by December 1 for the prior  
38 fiscal year:

39           (a) The number of administrative law judge decisions rejected or  
40 modified by agency heads.

41           (b) By category, the number and disposition of motions filed  
42 pursuant to section 41-1092.07, subsection A to disqualify office  
43 administrative law judges for bias, prejudice, personal interest or lack  
44 of expertise.

1 (c) By agency, the number and type of violations of section  
2 41-1009.

3 10. Schedule hearings pursuant to section 41-1092.05 ~~upon~~ ON the  
4 request of an agency or the filing of a notice of appeal pursuant to  
5 section 41-1092.03.

6 D. The director shall not require legal representation to appear  
7 before an administrative law judge.

8 E. Except as provided in subsection F of this section, all state  
9 agencies supported by state general fund sources, unless exempted by this  
10 article, and the registrar of contractors shall use the services and  
11 personnel of the office to conduct administrative hearings. All other  
12 agencies shall contract for services and personnel of the office to  
13 conduct administrative hearings.

14 F. An agency head, board or commission that directly conducts an  
15 administrative hearing as an administrative law judge is not required to  
16 use the services and personnel of the office for that hearing.

17 G. Each state agency, and each political subdivision contracting  
18 for office services pursuant to subsection I of this section, shall make  
19 its facilities available, as necessary, for use by the office in  
20 conducting proceedings pursuant to this article.

21 H. The office shall employ full-time administrative law judges to  
22 conduct hearings required by this article or other laws as follows:

23 1. The director shall assign administrative law judges from the  
24 office to an agency, on either a temporary or a permanent basis, at  
25 supervisory or other levels, to preside over contested cases and  
26 appealable agency actions in accordance with the special expertise of the  
27 administrative law judge in the subject matter of the agency.

28 2. The director shall establish the subject matter and agency  
29 sections within the office that are necessary to carry out this  
30 article. Each subject matter and agency section shall provide training in  
31 the technical and subject matter areas of the section as prescribed in  
32 subsection C, paragraph 7 of this section.

33 I. If the office cannot furnish an office administrative law judge  
34 promptly in response to an agency request, the director may contract with  
35 qualified individuals to serve as temporary administrative law judges.  
36 These temporary administrative law judges are not employees of this state.

37 J. The office may provide administrative law judges on a contract  
38 basis to any governmental entity to conduct any hearing not covered by  
39 this article. The director may enter into contracts with political  
40 subdivisions of this state, and these political subdivisions may contract  
41 with the director for the purpose of providing administrative law judges  
42 and reporters for administrative proceedings or informal dispute  
43 resolution. The contract may define the scope of the administrative law  
44 judge's duties. Those duties may include the preparation of findings,  
45 conclusions, decisions or recommended decisions or a recommendation for

1 action by the political subdivision. For these services, the director  
2 shall request payment for services directly from the political subdivision  
3 for which the services are performed, and the director may accept payment  
4 on either an advance or reimbursable basis.

5 K. The office shall apply monies received pursuant to subsections E  
6 and J of this section to offset its actual costs for providing personnel  
7 and services.

8 L. The office shall receive complaints against A COUNTY, a local  
9 government AS DEFINED IN SECTION 9-1401 or a video service provider as  
10 defined in section 9-1401 OR 11-1901 and shall comply with the duties  
11 imposed on the office pursuant to title 9, chapter 13 FOR COMPLAINTS  
12 INVOLVING LOCAL GOVERNMENTS AND TITLE 11, CHAPTER 14 FOR COMPLAINTS  
13 INVOLVING COUNTIES.

14 Sec. 10. Legislative findings

15 The legislature has determined that it is reasonable and necessary  
16 to promote a matter of statewide concern by regulating the licensure and  
17 provision of video service to promote all of the following:

18 1. Provision of competitive video, telecommunications and  
19 information service throughout this state.

20 2. More uniform regulation of competitive video service throughout  
21 the state.

22 3. Streamlined licensing by local governments and counties.

23 4. More uniform terms and conditions for video service providers  
24 that use highways to provide video and other services over video service  
25 networks.

26 5. Continued highway management by local governments and counties  
27 with reasonable burdens on video service providers for construction and  
28 maintenance across boundaries.

29 6. Continued levying of license fees by local governments and  
30 counties on subscriber service revenues derived from operating video  
31 service networks to provide video service.

32 7. Support for federal subscriber service standards.

**APPROVED BY THE GOVERNOR APRIL 11, 2019.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 11, 2019.**

Passed the House February 14, 20 19

Passed the Senate April 4, 20 19

by the following vote: 60 Ayes,

by the following vote: 29 Ayes,

0 Nays, 0 Not Voting

0 Nays, 1 Not Voting

W.P. Boyce  
Speaker of the House

Harold Farn  
President of the Senate

Jim Drake  
Chief Clerk of the House  Pro Tempore

Susan Owens  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

8 day of April, 20 19

at 3:29 o'clock P M.

Samuel G.  
Secretary to the Governor

Approved this 11<sup>th</sup> day of

April 2019

at 10:27 o'clock A M.

Doug Ducey  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 11 day of April, 20 19

at 4:55 o'clock P M.

[Signature]  
Secretary of State

H.B. 2229