

**RESOLUTION NO. 2019-05-01**

**A RESOLUTION OF THE CITY OF WESTON, COLLIN COUNTY, TEXAS, ELECTING NOT TO REQUIRE THE REMITTANCE OF A PEG FEE BY THE HOLDERS OF A STATE ISSUED CERTIFICATE OF FRANCHISE AUTHORITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 66.005 of the Public Utility and Regulatory Act requires the holder of a certificate of franchise authority to pay a franchise fee of five (5) percent of gross revenues; and

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

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

**WHEREAS**, on or about November 8, 2018, Friendship Cable of Texas Inc d/b/a Suddenlink Communications ("Suddenlink"), received approval from the Public Utilities Commission of Texas ("PUC") to expand its service area for the provision of cable service in to the City of Weston ("City") pursuant to a state-issued certificate of franchise authority (SICFA) No. 90023 (Amended); and

**WHEREAS**, there was no incumbent cable service provider operating in the City upon Suddenlink commencing the provision of cable service in the City; and

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

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTON, TEXAS:**

**SECTION 1  
DESIGNATION**

The City elects not to burden subscribers with a PEG fee under Section 66.006(b) of the Public Utility Regulatory Act.

**SECTION 2  
NOTIFICATION**

The City Secretary shall send a certified copy of this Resolution to Suddenlink

**SECTION 3  
EFFECTIVE DATE**

This Resolution shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

RESOLVED AND ENTERED by Council this, the 14<sup>th</sup> day of May, 2019.



APPROVE  
Patti Harrington  
Patti Harrington, Mayor  
ATTEST  
Susan M Coffey  
Susan Coffey, City Secretary