

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2007, Legislative Day No. 3

Bill No. 17-07

All Councilmembers

By the County Council, February 5, 2007

A BILL
ENTITLED

AN ACT concerning

Cable Communications

FOR the purpose of revising the duties of the Telecommunications Advisory Panel with regard to rate regulation and the calculation of certain payments made to the County by a cable franchisee; defining terms; revising the process for the revocation of a cable franchise; clarifying certain minimum operational standards; and generally relating to the regulation of cable franchises in Baltimore County.

By repealing and re-enacting, with amendments

Section 3-3-1805

Article 3. Administration

Title 3- Boards, Commissions, Committees, Panels, and Foundations

Baltimore County Code, 2003

BY repealing and re-enacting, with amendments

Sections 25-1-101(k), 25-2-108(b) and 25-3-103(d)(1)

Article 25 - Cable Communications

Baltimore County Code 2003

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter stricken from existing law.
 ~~Strike out~~ indicates matter stricken from bill.
 Underlining indicates amendments to bill.

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that Section 3-3-1805 of Article 3 - Administration, Title 3 - Boards, Commissions, Committees, Panels, and Foundations of the Baltimore County Code 2003 be and it is hereby repealed and re-enacted, with amendments, to read as follows:

§3-3-1805. Miscellaneous Powers and Duties.

(b) Duties. The Panel shall:

(5) Regulate subscriber rates [for the basic service tier and associated equipment in accordance with regulations adopted by the County Council and consistent with federal law and FCC regulations;] AS PERMITTED BY FEDERAL LAW AND FCC REGULATIONS AND, AT LEAST ONCE EVERY THREE YEARS, CALCULATE THE PER SUBSCRIBER GRANT PAYMENT REQUIRED TO BE PAID TO THE COUNTY BY ANY FRANCHISEE.

SECTION 2. AND BE IT FURTHER ENACTED, that Sections 25-1-101(k), 25-2-108(b) and 25-3-103(d)(1) of Article 25 - Cable Communications, of the Baltimore County Code 2003 be and they are hereby repealed and re-enacted, with amendments, to read as follows:

§25-1-101. Definitions.

(k) [Residential subscriber.

(1) "Residential subscriber" means a purchaser of any service that a franchisee delivers to a dwelling unit.

(2) "Residential subscriber" does not include a purchaser who uses a service in connection with a business, trade, or profession.]

SUBSCRIBER.

“SUBSCRIBER” MEANS A PURCHASER OF ANY SERVICE THAT A FRANCHISEE DELIVERS TO A DWELLING UNIT, BUSINESS, TRADE, OR PROFESSION.

§25-2-108. Revocation and Expiration of Franchises.

(b) Revocation process.

(1) In order to revoke a franchise, the County Council shall notify the franchisee of franchisee’s alleged failure of compliance and allow the franchisee not less than 30 days to correct the failure or to present facts and arguments refuting the alleged failure.

(2) After considering the actions taken by the franchisee under paragraph (1) of this subsection, if the County Council concludes that there is a basis for revocation of the franchise, the County Council shall notify the franchisee of the decision AND ALLOW THE FRANCHISEE NOT LESS THAN 90 DAYS TO RESPOND IN WRITING TO THE DECISION.

(3) If the franchisee does not remedy the alleged failure and the County Council determines that revocation is warranted, the County Council may revoke the franchise after:

(i) Giving [notice of and holding a public hearing; and] WRITTEN NOTICE TO THE FRANCHISEE, AT LEAST 30 DAYS PRIOR TO A PUBLIC HEARING, SPECIFYING THE TIME AND PLACE OF THE HEARING AND STATING ITS INTENTION TO REVOKE THE FRANCHISE;

(II) HOLDING A PUBLIC HEARING; AND

[(ii)] (III) Adopting a resolution revoking the franchise WHICH SHALL INCLUDE THE WRITTEN FINDING OF THE COUNCIL.

(4) AT THE HEARING, THE FRANCHISEE MAY BE REPRESENTED BY

COUNSEL, SUBMIT INFORMATION FOR THE RECORD, AND RECORD OR TRANSCRIBE THE PROCEEDINGS.

(5) THE COUNTY COUNCIL SHALL DETERMINE THE FORM OF THE PUBLIC HEARING AND MAY INCLUDE AT THE HEARING ANY OTHER MATTERS OF BUSINESS BEFORE THE COUNCIL.

§25-3-103. Minimum Operational Standards.

(d) Duty to make cable service available.

(1) A franchisee shall make cable service available to every unserved dwelling within the county where the dwelling is in an area with a minimum density of 30 dwellings per [cable mile.] MILE AS MEASURED IN STRAND FOOTAGE FROM THE NEAREST CONNECTION POINT ON THE ACTIVE CABLE NETWORK TRUNK OR FEEDER LINE.

SECTION 3. AND BE IT FURTHER ENACTED, that this Act, having been passed by the affirmative vote of five members of the County Council, shall take effect on March 16, 2007.