



Legislation Text

File #: RES 15-1012, **Version:** 1

Approving the findings of fact with respect to the proposal of Qwest Broadband Services, Inc., d/b/a Centurylink, Inc. for a cable communications franchise.

Whereas, Qwest Broadband Services, Inc., d/b/a CenturyLink, Inc. ("CenturyLink") requested that the City of St. Paul, Minnesota ("City") commence proceedings to consider the award of a cable communications franchise to CenturyLink; and

Whereas, Minnesota Statutes Section 238.08(a) mandates that a city require a franchise for any cable communication system providing service within the city; and

Whereas, Federal law at 47 U.S.C. Section 541(a) provides that a city "may not unreasonably refuse to award an additional competitive franchise;" and

Whereas, the City retained the law firm of Moss & Barnett, a Professional Association, to assist the City in conducting the procedure required under Minnesota Statutes Section 238.081 and reviewing any applications submitted to the City; and

Whereas, the City followed the franchise procedure required by Minnesota Statutes Section 238.081 by publishing once each week (March 30, 2015 and April 6, 2015) for two successive weeks in the St. Paul Legal Ledger a Notice of Intent to Franchise a Cable Communications System; and

Whereas, the Notice stated all eight (8) criteria outlined in Minnesota Statutes Section 238.081, Subd. 2; and

Whereas, in addition to the published Notice, the City provided copies of the Notice of Intent and the Official Application Form to CenturyLink and to the City's existing cable operator, Comcast of St. Paul, Inc. ("Comcast"); and

Whereas, the City's Official Application Form required that proposals for a cable communications franchise contain responses to each of the items identified in Minnesota Statute Section 238.081, Subd. 4; and

Whereas, the City's closing date for submission of applications was set for April 24, 2015 which complied with the statutory minimum of twenty (20) days from the date of first publication; and

Whereas, upon the deadline for submitting applications, April 24, 2015, the City received only one (1) application, from CenturyLink; and

Whereas, the City Council determined to call a Public Hearing to consider the application received from CenturyLink at its regularly scheduled May 6, 2015 meeting; and

Whereas, prior to the Public Hearing the incumbent franchised cable operator serving the City, Comcast, submitted a letter to the City setting forth Comcast's position regarding CenturyLink's application; and

Whereas, all interested parties were provided an opportunity to speak to the City Council and to present information regarding this matter; and

Whereas, the City carefully reviewed all information and documentation presented to it regarding CenturyLink's proposal and qualifications to operate a cable communications system within the City; and

Whereas, Based on information and documentation made available to the City and the report dated May 29, 2015 prepared by Moss & Barnett with respect to CenturyLink's application, the City Council has reached conclusions regarding CenturyLink's legal, technical and financial qualifications.

Now, therefore be it resolved that the City Council of Saint Paul hereby resolves as follows:

1. The City hereby finds that CenturyLink's application of April 24, 2015 complies with the requirements of Minnesota Statute Section 238.081.
2. The City finds that CenturyLink possesses the requisite legal, technical and financial qualifications to operate a cable communications system within the City.
3. City staff is authorized to negotiate with CenturyLink to attempt to reach mutually acceptable terms for a cable television franchise to be introduced to the City Council for consideration and action.
4. The City finds that its actions are appropriate and reasonable in light of the mandates contained in Chapter 238 of Minnesota Statutes and applicable provisions of federal law including 47 U.S.C. Section 541(a).