

COMMONWEALTH OF KENTUCKY
CITY OF LONDON
ORDINANCE NO. 2005-05

AN ORDINANCE AMENDING SECTION 9(B) OF ORDINANCE NO. 968 TO INCREASE THE FRANCHISE FEE FROM THREE PERCENT (3%) OF THE CABLE TELEVISION OPERATOR'S GROSS REVENUES IN THE CITY OF LONDON, KENTUCKY TO FIVE PERCENT (5%) OF THE CABLE TELEVISION OPERATOR'S GROSS REVENUES IN THE CITY OF LONDON

WHEREAS, Section 9(b) of Ordinance No. 968 provides that cable television operators in the City of London, Kentucky shall pay to the City of London, Kentucky a franchise fee in an amount equal to three percent (3%) of cable television operator's gross revenue from all sources attributable to the operations of the cable television operator's operations within the territorial limits of the City of London;

WHEREAS, Section 9(c) of Ordinance No. 968 provides the City of London reserves the right to review the amount of the franchise fee and to increase it up to the maximum fee or tax on Grantee's Gross Revenue permitted by federal law as of the enactment of this Ordinance. The Government shall give the grantee sixty (60) days notice before raising the franchise fee;

WHEREAS, 47 USC 542 provides that the maximum franchise fee, which may be imposed on cable operators, is five percent (5%) of gross revenues;

WHEREAS, the London City Council has reviewed the amount of the franchise fee and, in light of the recent changes in state law, desires to increase it to five percent (5%) of gross revenues; and

WHEREAS, pursuant to state law, on January 1, 2006 this franchise fee will no longer be assess in the City of London;

NOW, THEREFOR BE IT ORDAINED BY THE LONDON CITY COUNCIL;

1. That Section 9(b) Ordinance No. 968 be amended as follows:

For the reason that the Roads to be used by the Grantee in the operation of its system within the boundaries of the City of London are valuable public properties, acquired and maintained by the Government at great expense to its taxpayers, and that the grant to the Grantee to use said Roads is a valuable property right without which the company would be required to invest substantial capital in right-of-way costs and acquisitions, the Grantee shall pay to the Government a franchise fee in an amount equal to five percent (5%) of Grantee's Gross Revenue from all sources attributable to the operations of the Cable Service and Non-Cable Service operations of the Grantee within the territorial limits of the City of London.

2. That Adelphia Cable be given written notice of this amendment.

This Ordinance shall become effective immediately upon publication.

Ken Smith

Mayor Ken Smith

Attested: *Connie McKnight*
Connie McKnight, City Clerk

First Reading Date: May 2, 2005
Second Reading Date: May 23, 2005
Publication Date: May 27, 2005