

# MINNESOTA RULES 1985

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## CHAPTER 2335 CABLE COMMUNICATIONS BOARD RECORDS AND REPORTS; OWNERSHIP AND CONTROL

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### REPORTS TO BOARD

#### 2335.0200 OPERATOR REQUIRED TO FILE REPORTS WITH BOARD.

The board requires an annual report of cable system data from each system operator. The board may require additional information and supporting documentation to be filed at an appropriate time and in an appropriate form.

**Statutory Authority:** *MS s 238.04 subd 9; 238.05; 238.06*

#### 2335.0300 MAILING ADDRESS AND TELEPHONE NUMBER.

Every cable communications company shall furnish the board with an address and telephone number to be used by the board in serving documents or directing correspondence to that company and shall promptly notify the board of any change of said address or telephone number. Unless any company advises the board to the contrary, the address and telephone number contained in the company's most recent application will be used by the board for this purpose.

The company is responsible for making any arrangements which may be necessary to assure the board documents or correspondence delivered to its address will promptly reach a responsible person authorized by the company to act in its behalf.

**Statutory Authority:** *MS s 238.04 subd 9; 238.06 subd 6*

### OWNERSHIP AND CONTROL

#### 2335.1000 OWNERSHIP AND CONTROL OF SYSTEM.

**Subpart 1. Certain ownership prohibited.** None of the persons in items A to D may directly or indirectly own, operate, control, or have a legal or equitable interest in a cable communications system.

A. a television broadcasting station whose predicted Grade B contour, computed in accordance with Code of Federal Regulations, title 47, section 73.684, the Federal Communications Commission's rules and regulations, overlaps in whole or in part the service areas of the system (e.g., the area within which the system is serving subscribers);

B. a national television network;

C. a television translator station licensed to the municipality of that system; or

D. a telephone company within its local exchange area, unless a proper and timely waiver is obtained from the Federal Communications Commission.

**Subp. 2. Definitions.** The word "control" as used in this part is not limited to majority stock ownership, but includes actual working control in whatever manner it is exercised.

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The word "interest" as used in this rule includes, in the case of a corporation, common officers or directors and partial, as well as total, ownership interests represented by ownership of voting stock.

Subp. 3. **Stockholders in large corporations.** In applying this part to the stockholders of a corporation which has more than 50 stockholders:

A. Only those stockholders need be considered who are officers or directors or who directly or indirectly own one percent or more of the outstanding voting stock.

B. Stock ownership by an investment company as defined in United States Code, title 15, section 80a-3, commonly called a mutual fund, need be considered only if it directly or indirectly owns three percent or more of the outstanding voting stock or if officers or directors of the corporation are representatives of the investment company. Holdings by investment companies under common management shall be aggregated. If an investment company directly or indirectly owns voting stock in an intermediate company which in turn directly or indirectly owns 50 percent or more of the voting stock of the corporation, the investment company shall be considered to own the same percentage of outstanding shares of such corporation as it owns of the intermediate company; provided, however, that the holding of the investment company need not be considered where the intermediate company owns less than 50 percent of the voting stock, but officers or directors of the corporation who are representatives of the intermediate company shall be deemed to be representatives of the investment company.

C. In cases where record and beneficial ownership of voting stock is not identical -- for example, bank nominees holding stock as record owners for the benefit of mutual funds, brokerage houses holding stock in street name for the benefit of customers, trusts holding stock as record owners for the benefit of designated parties -- the party having the right to determine how the stock will be voted will be considered to own it for the purposes of this part.

**Statutory Authority:** *MS s 238.04 subd 9; 238.05 subd 11; 238.06*

### 2335.1100 EXCEPTIONS.

The provisions of part 2335.1000 shall not be applicable to any cable communications company or the ownership thereof during the term of a special certificate of confirmation obtained pursuant to Minnesota Statutes, section 238.09, subdivision 3, 4, or 5, or during the term of an interim certificate of confirmation obtained pursuant to Minnesota Statutes, section 238.09, subdivision 9.

**Statutory Authority:** *MS s 238.04 subd 9; 238.05 subd 11*