

## CHAPTER 238

## CABLE COMMUNICATIONS

238.08 Franchise requirement.

238.09 Certificate of confirmation.

**238.08 FRANCHISE REQUIREMENT.***[For text of subs 1 to 4, see M.S.1980]*

Subd. 5. Municipalities may by ordinance or resolution create a joint cable communications commission under section 471.59, to which each member municipality may delegate authority vested in the municipality by statute or charter to prepare, adopt, grant, administer, and enforce a cable communications franchise, and establish rates thereunder. The adoption, granting, administration and enforcement of a cable communications franchise, and the establishment of rates thereunder by a joint cable communications commission, pursuant to this subdivision is deemed to comply with procedural requirements of a statute or charter for the adoption, granting, administration and enforcement of a franchise, and establishment of rates. A member of the commission may, by ordinance adopted in the manner provided by section 412.191, subdivision 4, adopt by reference the joint cable communication franchise in the manner provided by section 471.62. The members and governing body of the joint commission shall consist of two representatives appointed by each municipality, at least one of whom shall be a member of the council of that municipality and the other a qualified voter residing within that municipality.

**History:** 1981 c 317 s 1**238.09 CERTIFICATE OF CONFIRMATION.***[For text of subs 1 to 8, see M.S.1980]*

Subd. 9. Notwithstanding the provisions of subdivision 6, the board may issue an interim certificate of confirmation after its acceptance of an application in a form containing the information and supporting documentation the board requires, the certificate to be valid for not more than five years, to an operating company having a franchise approved by the board to erect a community antenna and establish cable television service for any municipality having a population not greater than 15,000 according to the 1970 federal census; provided that the system shall be constructed and ready for operation by July 1, 1975, in full compliance with all applicable regulations of the federal communications commission and with any special terms or conditions set by the Minnesota board to apply in any individual situation to include stipulations regarding minimum channel capacity; extent of two-way capability; means for interconnection; and availability of facilities for public access cablecasting and for local program origination. The special terms and conditions are exempt from the administrative procedure act but, to the extent authorized by law to adopt rules, the board may use the provisions of section 15.0413, subdivision 3.

*[For text of subd 10, see M.S.1980]***History:** 1981 c 253 s 28