

**238.18 UNFAIR PREFERENCE.**

Subdivision 1. MS 2002 [Paragraph (a) renumbered subdivision 1]

[Paragraph (b) renumbered 238.02, subd 1b]

[Paragraph (c) renumbered 238.02, subd 34]

Subdivision 1. **Definitions.** For the purpose of this section the terms defined in section 238.02, subdivisions 1b and 34, have the meanings given them.

Subd. 2. **Unfair preference prohibited.** No utility may make or give a preference or advantage to:

(1) a person as an accommodation or inducement to contract with or take cable television service from an affiliated company if the affiliated company provides cable television service within a part of the service area of the utility; or

(2) an affiliated company that provides cable television service to persons within a part of the service area of the utility over an entity that is not an affiliated company that also provides cable television service to persons within the service area of the utility.

Subd. 3. **Remedies.** On a finding by a court of competent jurisdiction that either a utility or an affiliated company of the utility providing cable television service within a part of the service area of the utility has violated a provision of this section, the court may grant injunctive relief and may award actual damages to an entity that is not an affiliated company of a utility providing cable television service to persons within a part of the service area of the utility. In an action under this section, the court may award the costs of the action, including reasonable attorney fees, to the prevailing party.

**History:** 1988 c 568 s 3; 2004 c 261 art 7 s 28