

be done that will in any manner obstruct or interfere with the operation of ditches or drainage systems existing within the areas, or damage or destroy existing roads or highways within these areas or projects, unless the ditches, drainage systems, roads, or highways are first taken under the right of eminent domain and compensation made to the property owners and municipalities affected and damaged. Each area or project shall contribute from the funds of the project, in proportion of the state land within the project, for the construction and maintenance of roads and highways necessary within the areas and projects to give the settlers and private owners within them access to their land. The department may construct and maintain roads and highways within the areas and projects as it considers necessary.

Sec. 7. Minnesota Statutes 2003 Supplement, section 84A.55, subdivision 8, is amended to read:

Subd. 8. **POLICING.** The commissioner may police the game preserves, areas, and projects as necessary to carry out this section. The commissioner may employ and designate individuals according to section ~~85.04~~ 84.0835 to enforce laws governing the use of the game preserves, areas, and projects.

Sec. 8. Minnesota Statutes 2003 Supplement, section 85.04, subdivision 2, is amended to read:

Subd. 2. **OTHER EMPLOYEES.** ~~Until August 1, 2004, The commissioner of natural resources may designate certain employees according to section 84.0835 to enforce laws governing the use of state parks, state monuments, state recreation areas, state waysides, state forest lands when incidental to normal forestry duties, and state forest subareas. The designation by the commissioner is not subject to rulemaking under chapter 14.~~

Presented to the governor May 18, 2004

Signed by the governor May 29, 2004, 9:35 a.m.

CHAPTER 261—H.F.No. 2151

An act relating to utilities; changing certain telecommunications provisions; providing credits for incorrect directory assistance; regulating utility deposits; repealing obsolete rules; regulating cable franchises; providing for expanded calling areas; providing for reduced rate regulation for local service; providing for consumer protection for wireless customers; regulating cable systems; imposing penalties; amending Minnesota Statutes 2002, sections 237.01, by adding a subdivision; 237.06; 237.462, subdivision 1; 238.02, subdivision 3; 238.03; 238.08, subdivisions 3, 4; 238.081; 238.083, subdivisions 2, 4; 238.084, subdivision 1; 238.11, subdivision 2; 238.22, subdivision 13; 238.23; 238.24, subdivisions 3, 4, 6, 9, 10; 238.242, subdivisions 1, 3; 238.25, subdivisions 5, 10; 238.35, subdivisions 1, 4; 238.36, subdivision 2; 238.39; 238.40; 238.43, subdivision 1; 325E.02; Laws 1999, chapter 224, section 7; proposing coding for new law in Minnesota Statutes, chapters 237; 238; 325F; repealing Minnesota Statutes

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2002, sections 238.01; 238.02, subdivisions 2, 17, 18, 19, 25; 238.082; 238.083, subdivisions 3, 5; 238.084, subdivisions 2, 3, 5; 238.12, subdivision 1a; 238.36, subdivision 1; Minnesota Rules, parts 7810.0100, subparts 16, 17, 18, 30, 32, 33, 39; 7810.0700; 7810.3400; 7810.3500; 7810.3600; 7810.3700; 7810.3800; 7810.4200; 7810.4400; 7810.4500; 7810.4600; 7810.4700; 7810.4800; 7810.5600; 7810.6900; 7810.8760; 7815.0100; 7815.0200; 7815.0300; 7815.0400; 7815.0500; 7815.0600.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

ARTICLE 1

INCORRECT DIRECTORY ASSISTANCE

Section 1. Minnesota Statutes 2002, section 237.01, is amended by adding a subdivision to read:

Subd. 8. LOCAL EXCHANGE CARRIER. "Local exchange carrier" means a telephone company or telecommunications carrier providing local exchange service.

Sec. 2. **[237.155] CREDIT FOR INCORRECT DIRECTORY ASSISTANCE.**

A local exchange carrier that provides directory assistance to customers for a fee, either directly or by contracting with a third party, must provide for an immediate credit to a customer that informs the directory assistance provider that the provider has given the customer incorrect information for which the provider charged the customer a fee. A local exchange carrier must notify its customers of the right to the immediate credit for incorrect directory assistance. The notice must be in a writing labeled "NOTICE OF RIGHT TO INCORRECT DIRECTORY ASSISTANCE CREDIT." The notice must be given to a new customer within 45 days of commencing service and at least annually thereafter and the notification print must be of sufficient size to be clearly legible.

ARTICLE 2

UTILITY DEPOSITS

Section 1. Minnesota Statutes 2002, section 237.06, is amended to read:

237.06 **REASONABLE RATE RATES AND SERVICE DEPOSITS.**

It shall be the duty of every telephone company to furnish reasonably adequate service and facilities for the accommodation of the public, and its rates, tolls, and

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charges shall be fair and reasonable for the intrastate use thereof. All unreasonable rates, tolls, and charges are hereby declared to be unlawful. Any telephone company organized after January 1, 1949, may include in its charges a reasonable deposit fee not exceeding \$50 for facilities furnished.

Sec. 2. Minnesota Statutes 2002, section 325E.02, is amended to read:

325E.02 CUSTOMER DEPOSITS.

Any customer deposit required before commencement of service by a privately or publicly owned water, gas, telephone, cable television, electric light, heat, or power company shall be subject to the following:

(a) Upon termination of service with all bills paid, the deposit shall be returned to the customer within 45 days, less any deductions made in accordance with paragraph (c).

(b) Interest shall be paid on deposits in excess of \$20 at the rate of not less than three percent per year. The rate of interest must be set annually and be equal to the weekly average yield of one-year United States Treasury securities adjusted for constant maturity for the last full week in November. The interest rate must be rounded to the nearest tenth of one percent. By December 15 of each year, the commissioner of commerce shall announce the rate of interest that must be paid on all deposits held during all or part of the subsequent year. The company may, at its option, pay the interest at intervals it chooses but at least annually, by direct payment, or as a credit on bills.

(c) At the time the deposit is made the company shall furnish the customer with a written receipt specifying the conditions, if any, the deposit will be diminished upon return.

(d) Advance payments or prepayments shall not be construed as being a deposit.

Sec. 3. RULES OR ORDERS SUPERSEDED.

The interest rate set in section 2 supersedes any rate set in rule or by administrative order.

Sec. 4. EFFECTIVE DATE.

Section 2 applies to interest paid on deposits held as of January 1, 2005, and thereafter.

ARTICLE 3

OBSOLETE RULES REPEALER

Section 1. REPEALER.

Minnesota Rules, parts 7810.0100, subparts 16, 17, 18, 30, 32, 33, and 39; 7810.0700; 7810.3400; 7810.3500; 7810.3600; 7810.3700; 7810.3800; 7810.4200;

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7810.4400; 7810.4500; 7810.4600; 7810.4700; 7810.4800; 7810.5600; 7810.6900; 7810.8760; 7815.0100; 7815.0200; 7815.0300; 7815.0400; 7815.0500; and 7815.0600, are repealed.

ARTICLE 4

EXTENDED SERVICE AREAS

Section 1. **[237.414] EXPANDED CALLING AREAS; TRANSPORT FACILITIES; TERMINATIONS.**

Subdivision 1. EXPANDED CALLING AREAS. (a) In addition to any existing authority applicable to telephone companies, a telephone company may expand the area to which it can provide calling to its customers upon filing with the commission any agreements between the telephone company and other telephone companies and telecommunications carriers entered into under subdivision 3. Calling to these expanded areas must be optional to customers and must be in addition to the customers' existing local service and any extended area service. Subject to sections 237.06 and 237.09, the telephone company may determine the quantity of expanded calling to provide, the prices for that calling, and whether to offer calling alone or in combination with one or more other telephone or unregulated services.

(b) Prices for expanded calling service or for bundles of services that include expanded calling must exceed the variable cost of the expanded calling service or bundles of services, determined on an aggregate basis. A telephone company is not required to file cost information before implementing its prices and is not required to file cost information except on request of the department, Office of the Attorney General, or commission. Customers must be notified of local service options and prices, including options that do not include expanded calling, as required under section 237.66. The telephone company shall clearly identify the distinction between the expanded calling area and the basic local calling area to customers. The telephone company is not required to offer unlimited flat-rate calling to these expanded calling areas. The telephone company shall file tariffs setting forth the expanded calling area along with the applicable prices and quantities of calling.

(c) A rate increase or a substantial change in terms and conditions of the expanded calling service may be effective 30 days after filing with the commission and 30 days after providing written notice to affected customers. Rate decreases may be effective immediately upon filing. Minor changes to terms and conditions may be effective immediately upon filing and upon notice to customers. This section does not apply to extended area service or to calling areas previously or hereafter established by order of the commission. This section does not limit the existing rights and obligations of

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telephone companies and telecommunications carriers to provide local calling, including the obligation to offer unlimited flat rate calling in the basic local calling area or expanded calling area.

Subd. 2. OBTAINING TRANSPORT, SWITCHING FACILITIES. A telephone company may construct, purchase, lease, or rent transport and switching facilities between its existing local area and the expanded calling area that are needed to provide the expanded calling. If the telephone company is unable to reach agreement with other telephone companies or telecommunications carriers, the company or carrier may petition the commission under section 237.12 to resolve issues regarding prices, terms, and conditions for use of any transport facilities that are subject to the jurisdiction of the commission.

Subd. 3. TERMINATION OF EXPANDED CALLING TRAFFIC. (a) A telephone company providing an expanded calling area under this section may enter into an agreement to terminate calls with telephone companies and telecommunications carriers providing service within the expanded calling area. Compensation to the telephone company or telecommunications carrier to terminate expanded calling into such areas must be the intrastate access charges of the telephone company or telecommunications carrier terminating the call or other rates agreed upon by the companies.

(b) Two telephone companies that provide expanded calling between their respective areas may also enter into "bill and keep" arrangements for exchange of the expanded calling area traffic.

(c) The telephone company shall file with the commission any agreements for termination of calling by telephone companies and telecommunications carriers providing service within the expanded calling area. The prices, terms, and conditions contained in the agreements required to be filed shall be publicly disclosed in their entirety, and other terminating carriers may elect to adopt those prices, terms, and conditions in whole or in part for technically similar services provided in the exchanges included in the agreement.

Subd. 4. AMENDING OR TERMINATING EXPANDED CALLING SERVICE. Except for calling areas that result from a prior or subsequent order of the commission, a telephone company may amend or terminate the expanded calling area service upon 30 days' written notice to customers, the commission, and other telephone companies and telecommunications carriers providing local service in the expanded area. The notice to customers of an amendment to the expanded calling area or termination of an expanded calling area must be sent separately from other mailings and clearly explain how the expanded calling area is being changed. The notice to customers of an amendment must also clearly identify that calls to areas outside of the expanded calling area will be long distance calls billed at the applicable rate of the customer's long distance carrier. The notice to customers of a termination must clearly identify that calls to the terminated expanded calling area will become long distance calls billed at the applicable rate of the customer's long distance carrier.

Sec. 2. [237.435] ANNUAL UNIVERSAL SERVICE FUNDING CERTIFICATION.

New language is indicated by underline, deletions by ~~strikeout~~.

In determining whether to provide the annual certification of any eligible telecommunications carrier for continued receipt of federal universal service funding, the commission shall apply the same standards and criteria to all eligible telecommunications carriers.

ARTICLE 5

WIRELESS CONSUMER PROTECTION

Section 1. **[325F.695] CONSUMER PROTECTIONS FOR WIRELESS CUSTOMERS.**

Subdivision 1. DEFINITIONS. The definitions in this subdivision apply to this section.

(a) “Contract” means an oral or written agreement of definite duration between a provider and a customer, detailing the wireless telecommunications services to be provided to the customer and the terms and conditions for provision of those services.

(b) “Wireless telecommunications services” means commercial mobile radio services as defined in Code of Federal Regulations, title 47, part 20.

(c) “Provider” means a provider of wireless telecommunications services.

(d) “Substantive change” means a modification to, or addition or deletion of, a term or condition in a contract that could result in an increase in the charge to the customer under that contract or that could result in an extension of the term of that contract. “Substantive change” includes a modification in the provider’s administration of an existing contract term or condition. A price increase that includes only the actual amount of any increase in taxes or fees, which the government requires the provider to impose upon the customer, is not a substantive change for purposes of this section.

Subd. 2. COPY OF CONTRACT. A provider must provide each customer with a written copy of the customer’s contract between the provider and the customer within 15 days of the date the contract is entered into. The provider may meet the requirement to provide a written copy of the contract by providing an electronic copy of the contract at the customer’s request. A provider must maintain verification that the customer accepted the terms of the contract for the duration of the contract period.

Subd. 3. PROVIDER-INITIATED SUBSTANTIVE CHANGE. A provider must notify the customer in writing of any proposed substantive change in the contract between the provider and the customer 60 days before the change is proposed to take effect. The change only becomes effective if the customer opts in to the change by affirmatively accepting the change prior to the proposed effective date in writing or by oral authorization which is recorded by the provider and maintained for the duration of the contract period. If the customer does not affirmatively opt in to accept the proposed

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substantive change, then the original contract terms shall apply.

Subd. 4. CUSTOMER-INITIATED CHANGE. If the customer proposes to the provider any change in the terms of an existing contract, the provider must clearly disclose to the customer orally or electronically any substantive change to the existing contract terms that would result from the customer's proposed change. The customer's proposed change is only effective if the provider agrees to the proposed change and the customer agrees to any resulting changes in the contract. The provider must maintain recorded or electronic verification of the disclosure for the duration of the contract period.

Subd. 5. EXPIRATION. This section expires August 1, 2007.

Sec. 2. EFFECTIVE DATE.

Section 1 is effective on July 1, 2004, and applies to contracts for wireless service entered into on or after May 1, 2004.

ARTICLE 6

REDUCED RATE REGULATION

Section 1. [237.411] REDUCED RATE REGULATION FOR CERTAIN BUSINESS CUSTOMERS.

Subdivision 1. BUSINESS CUSTOMER; DEFINED. For the purpose of this section, "business customer" means a customer subscribing to four or more business lines.

Subd. 2. COMPETITIVE AREA; DEFINED. A "competitive area" is an exchange located:

- (1) in the metropolitan area extended area service toll-free calling area; or
- (2) in the cities of Duluth or St. Cloud.

Subd. 3. REDUCED RATE REGULATION. The rates, prices, tariffs, or charges to a business customer in a competitive area by a telephone company or a telecommunications carrier offering local service are only subject to sections 237.07, subdivision 1; 237.66; and 237.663, and are not subject to any rules imposing rate or price restrictions beyond those sections or to other order or investigation of local rates under section 237.081.

Subd. 4. PROTECTION FROM ANTICOMPETITIVE PRICING. This subdivision applies to prices governed by subdivision 3. A telephone company must not price its local telephone services, whether offered singly or as part of a bundle of services, below the total service long-run incremental cost of providing the service or services.

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Subd. 5. ENFORCEMENT. (a) The powers and duties granted to the commission by section 237.081 apply to violations or suspected violations of this section. A person aggrieved by a violation of this section may file a complaint as provided in section 237.081, which shall be treated as any other complaint filed under that section. The commissioner of commerce may investigate violations or alleged violations of this section.

(b) Sections 237.461 and 237.462 apply to violations of this section.

Sec. 2. Minnesota Statutes 2002, section 237.462, subdivision 1, is amended to read:

Subdivision 1. **AUTHORITY TO ISSUE PENALTY ORDERS.** After a proceeding under section 237.081, the commission may issue an order administratively assessing monetary penalties for knowing and intentional violations of:

(1) sections 237.09, 237.121, and 237.16, and 237.411 and any rules adopted under those sections;

(2) any standards, limitations, or conditions established in a commission order pursuant to sections 237.09, 237.121, and 237.16, and 237.411;

(3) an approved interconnection agreement if the violation is material; and

(4) any duty or obligation of a telephone company, a telecommunications carrier, or a telecommunications provider imposed upon such telephone company, telecommunications carrier, or telecommunications provider by section 251, paragraph (a), (b), or (c) of the Telecommunications Act of 1996 that relates to service provided in the state. The penalty order must be issued as provided in this section.

Sec. 3. Laws 1999, chapter 224, section 7, is amended to read:

Sec. 7. **SUNSET.**

Sections 2 and 4 expire on August 1, 2005, and Minnesota Statutes 1998, sections 237.63, 237.65, and 237.68, expire on December 31, 2004.

Sec. 4. **PUBLIC UTILITIES COMMISSION RESPONSIBILITIES.**

(a) By January 15, 2005, the Public Utilities Commission must develop, in consultation with the Office of the Attorney General and the Department of Commerce, a means for resolution of small consumer complaints with a monetary reimbursement component.

(b) By January 15, 2005, the Public Utilities Commission must develop and recommend to the legislature a plan for increasing the number of plans offering flat-rate statewide calling, making them available to all customers in Minnesota, and addressing methods of reducing the cost of such plans.

Sec. 5. **EXPIRATION.**

This article expires August 1, 2010.

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ARTICLE 7

CABLE SYSTEM CHANGES

Section 1. Minnesota Statutes 2002, section 238.02, subdivision 3, is amended to read:

Subd. 3. **CABLE COMMUNICATIONS SYSTEM.** (a) “Cable communications system” means a system which operates that (1) provides the service of receiving and amplifying (i) programs broadcast by one or more television or radio stations and (ii) other programs originated by a person operating a cable communications company system or by another party, and distributing person, and (2) distributes those programs by wire, cable, microwave, or other means, regardless of whether the means are owned or leased, to persons who subscribe to the service.

(b) This definition does not include:

(a) (1) a system which that serves fewer than 50 subscribers or a system which that serves more than 50 but fewer than 1,000 subscribers if the governing bodies of all political subdivisions served by the system, vote, by resolution, to remove the system from the provisions of this chapter; provided that:

(i) no part of a system, nor any area within the municipality served by the system, may be removed from the provisions of this chapter if more than 1,000 subscribers are served by the system; and

(ii) any system which serves serving more than 50 but fewer than 1,000 subscribers that has been removed from the provisions of this chapter shall be returned becomes subject to the provisions of this chapter if the governing bodies of 50 percent or more of the political subdivisions served by the system vote, by resolution, in favor of the return;

(b) (2) a master antenna television system;

(c) (3) a specialized closed-circuit system which that does not use the public rights-of-way for the construction of its physical plant; and

(d) (4) a translator system which that receives and rebroadcasts over-the-air signals.

Sec. 2. Minnesota Statutes 2002, section 238.03, is amended to read:

238.03 APPLICABILITY.

This chapter applies to every cable communications system and every cable communications company, as defined in section 238.02, operating within the state, including a cable communications company which constructs, operates and maintains a cable communications system comprised in whole or in part through the of facilities of a person franchised to offer common or contract carrier services subject to regulation under chapter 237. Persons possessing franchises for any of the purposes of

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this chapter are subject to this chapter although no property has been acquired, business transacted, or franchises exercised.

Sec. 3. Minnesota Statutes 2002, section 238.08, subdivision 3, is amended to read:

Subd. 3. **MUNICIPAL OPERATION.** ~~Nothing in this chapter shall be construed to limit~~ Unless otherwise prohibited by applicable law, any municipality from the right to may construct, purchase, and operate cable communications systems, or, to operate facilities and channels for community television, including, but not limited to, public, educational, and governmental access and local origination programming. Any municipal system, including the operation of community television by a municipality, ~~shall be~~ is subject to this chapter to the same extent as ~~would~~ any nonpublic cable communications system.

Sec. 4. Minnesota Statutes 2002, section 238.08, subdivision 4, is amended to read:

Subd. 4. **FEE, TAX, OR CHARGE.** Nothing in this chapter shall be construed to limit the power of any municipality to impose upon any person operating a cable communications company system a fee, tax, or charge.

Sec. 5. Minnesota Statutes 2002, section 238.081, is amended to read:

238.081 FRANCHISE PROCEDURE.

Subdivision 1. **PUBLICATION OF NOTICE.** The franchising authority shall have published once each week for two successive weeks in a newspaper of general circulation in each municipality within the cable service territory, a notice of intent to consider an application for a franchise, requesting applications for the franchise other than a franchise renewal pursuant to the United States Code, title 47, section 546.

Subd. 2. **REQUIRED INFORMATION IN NOTICE.** The notice must include at least the following information:

- (1) the name of the municipality making the request;
- (2) the closing date for submission of applications;
- (3) a statement of the application fee, if any, and the method for its submission;
- (4) a statement by the franchising authority of the desired system design and services to be offered;
- (5) a statement by the franchising authority of criteria and priorities against which the applicants for the franchise must be evaluated;
- (6) a statement that applications for the franchise must contain at least the information required by subdivision 4;
- (7) the date, time, and place for the public hearing, to hear proposals from franchise applicants; and

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(8) the name, address, and telephone number of the individuals who may be contacted for further information.

Subd. 3. **OTHER RECIPIENTS OF NOTICE.** In addition to the published notice, the franchising authority shall mail copies of the notice of intent to franchise to any person it has identified as being a potential candidate for the franchise.

Subd. 4. **CONTENTS OF FRANCHISING PROPOSAL.** (a) The franchising authority shall require that proposals for a cable communications franchise be notarized and contain, but not necessarily be limited to, the following information:

(1) plans for channel capacity, including both the total number of channels capable of being energized in the system and the number of channels to be energized immediately;

(2) a statement of the television and radio broadcast signals for which permission to carry will be requested from the Federal Communications Commission;

(3) a description of the proposed system design and planned operation, including at least the following items:

(i) the general area for location of antennae and the head end, if known;

(ii) the schedule for activating two-way capacity;

(iii) the type of automated services to be provided;

(iv) the number of channels and services to be made available for access cable broadcasting; and

(v) a schedule of charges for facilities and staff assistance for access cable broadcasting;

(4) the terms and conditions under which particular service is to be provided to governmental and educational entities;

(5) a schedule of proposed rates in relation to the services to be provided, and a proposed policy regarding unusual or difficult connection of services;

(6) a time schedule for construction of the entire system with the time sequence for wiring the various parts of the area requested to be served in the request for proposals;

(7) a statement indicating the applicant's qualifications and experience in the cable communications field, if any;

(8) an identification of the municipalities in which the applicant either owns or operates a cable communications system, directly or indirectly, or has outstanding franchises for which no system has been built;

(9) plans for financing the proposed system, which must indicate every significant anticipated source of capital and significant limitations or conditions with respect to the availability of the indicated sources of capital;

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(10) a statement of ownership detailing the corporate organization of the applicant, if any, including the names and addresses of officers and directors and the number of shares held by each officer or director, and intracompany relationship including a parent, subsidiary, or affiliated company; and

(11) a notation and explanation of omissions or other variations with respect to the requirements of the proposal.

~~(b) Substantive amendments may not be made in a proposal after a proposal has been submitted to the franchising authority and before award of a franchise. Upon submission of a proposal, the municipality and applicant may negotiate franchise terms.~~

Subd. 5. **TIME LIMIT TO SUBMIT APPLICATION.** The franchising authority shall allow at least 20 days from the first date of published notice to the closing date for submitting applications.

Subd. 6. **PUBLIC HEARING ON FRANCHISE.** A public hearing before the franchising authority affording reasonable notice and a reasonable opportunity to be heard with respect to all applications for the franchise must be completed at least seven days before the introduction of the adoption of a franchise ordinance in the proceedings of the franchising authority.

Subd. 7. **AWARD OF FRANCHISE.** Franchises may be awarded ~~only~~ by ordinance or other official action by the franchising authority.

Subd. 8. **COSTS OF AWARDING FRANCHISE.** Nothing in this section prohibits a franchising authority from recovering from a ~~successful~~ applicant the entire reasonable and necessary costs of the entire process of awarding the processing a cable communications franchise.

Subd. 9. **FRANCHISING NONPROFIT OR MUNICIPALLY OWNED SYSTEM.** Nothing contained in this section prohibits a franchising authority from franchising a nonprofit or municipally owned system. The municipality or nonprofit entity is considered an applicant for purposes of this section.

Subd. 10. **FRANCHISE; JOINT POWERS.** In the cases of municipalities acting in concert, the municipalities may delegate to another entity ~~such~~ any duties, responsibilities, privileges, or activities described in this section, if ~~such~~ the delegation is proper according to state and local law.

Sec. 6. Minnesota Statutes 2002, section 238.083, subdivision 2, is amended to read:

Subd. 2. **WRITTEN APPROVAL OF FRANCHISING AUTHORITY.** A sale or transfer of a franchise, including a sale or transfer by means of a fundamental corporate change, requires the written approval of the franchising authority. The parties to the sale or transfer of a franchise shall make a written request to the franchising authority for its approval of the sale or transfer. ~~The franchising authority shall reply in writing within 30 days of the request and shall indicate its approval of the request or its determination that a public hearing is necessary if it determines that a sale or~~

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transfer of a franchise may adversely affect the company's subscribers. The franchising authority shall conduct a public hearing on the request within 30 days of that determination.

Sec. 7. Minnesota Statutes 2002, section 238.083, subdivision 4, is amended to read:

Subd. 4. **APPROVAL OR DENIAL OF TRANSFER REQUEST.** ~~Within 30 days after the public hearing,~~ The franchising authority shall approve or deny in writing the sale or transfer request. The approval must not be unreasonably withheld.

Sec. 8. Minnesota Statutes 2002, section 238.084, subdivision 1, is amended to read:

Subdivision 1. **ALL SYSTEMS.** The following requirements apply to all classes A, B, and C cable communications systems unless provided otherwise:

(a) a provision that the franchise ~~complies~~ shall comply with the Minnesota franchise standards contained in this section;

(b) a provision requiring the franchisee and the franchising authority to conform to state laws and rules regarding cable communications not later than one year after they become effective, unless otherwise stated, and to conform to federal laws and regulations regarding cable as they become effective;

(c) a provision limiting the initial and renewal franchise term to not more than 15 years each;

(d) a provision specifying that the franchise ~~is~~ must be nonexclusive;

(e) a provision prohibiting sale or transfer of the franchise or sale or transfer of stock so as to create a new controlling interest under section 238.083, except at the approval of the franchising authority, which approval must not be unreasonably withheld, and conditioned that the sale or transfer is completed pursuant to section 238.083;

(f) a provision granting the franchising authority collecting a franchise fee the authority to audit the franchisee's accounting and financial records upon reasonable notice, and requiring that the franchisee file with the franchising authority annually reports of gross subscriber revenues and other information as the franchising authority deems appropriate;

(g) provisions specifying:

(1) current subscriber charges or that the current charges are available for public inspection in the municipality;

(2) the length and terms of residential subscriber contracts, if they exist, or that the current length and terms of residential subscriber contracts are available for public inspection in the municipality; and

(3) the procedure by which subscriber charges are established, unless such a provision is contrary to state or federal law;

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(h) a provision indicating by title the office or officer of the franchising authority that is responsible for the continuing administration of the franchise;

(i) a provision requiring the franchisee to indemnify and hold harmless the franchising authority during the term of the franchise, and to maintain throughout the term of the franchise, liability insurance in an amount as the franchising authority may require insuring both the franchising authority and the franchisee with regard to damages and penalties ~~which~~ that they may legally be required to pay as a result of the exercise of the franchise;

(j) a provision that at the time the franchise becomes effective and thereafter until the franchisee has liquidated all of its obligation with the franchising authority, the franchisee shall furnish a performance bond, certificate of deposit, or other type of instrument approved by the franchising authority in an amount as the franchising authority deems to be adequate compensation for damages resulting from the franchisee's nonperformance. The franchising authority may, from year to year and in its sole discretion, reduce the amount of the performance bond or instrument;

(k) a provision that nothing contained in the franchise relieves a person from liability arising out of the failure to exercise reasonable care to avoid injuring the franchisee's facilities while performing work connected with grading, regrading, or changing the line of a street or public place or with the construction or reconstruction of a sewer or water system;

(l) a provision that the franchisee's technical ability, financial condition, and legal qualification were considered and approved by the franchising authority in a full public proceeding that afforded reasonable notice and a reasonable opportunity to be heard;

(m) a provision requiring the construction of a cable system with a channel capacity available for immediate or potential use, equal to a minimum of 72 MHz of bandwidth, the equivalent of 12 television broadcast channels. For purposes of this section, a cable system with a channel capacity, available for immediate or potential use, equal to a minimum of 72 MHz of bandwidth means: the provision of a distribution system designed and constructed so that a minimum of 72 MHz of bandwidth, the equivalent of 12 television broadcast channels, can be put into use with only the addition of the appropriate headend equipment;

(n) a provision in initial franchises that there be a full description of the system proposed for construction identifying the system capacity and technical design and a schedule showing:

(i) that for franchise areas which will be served by a system proposed to have fewer than 100 plant miles of cable:

(i) that within 90 days of the granting of the franchise, the franchisee shall apply for the necessary governmental permits, licenses, certificates, and authorizations;

(ii) that energized trunk cable must be extended substantially throughout the authorized area within one year after receipt of the necessary governmental permits, licenses, certificates, and authorizations and that persons along the route of the

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energized cable will have individual "drops" as desired during the same period of time; and

(iii) that the requirement of this section may be waived by the franchising authority only upon occurrence of unforeseen events or acts of God construction of the cable communications system must commence no later than 240 days after the granting of the franchise; or

(2) that for franchise areas which will be served by a system proposed to have 100 plant miles of cable or more, a provision: construction of the cable communications system must proceed at a reasonable rate of not less than 50 plant miles constructed per year of the franchise term;

(i) (3) that within 90 days of the granting of the franchise, the franchisee shall apply for the necessary governmental permits, licenses, certificates, and authorizations;

(ii) that engineering and design must be completed within one year after the granting of the franchise and that a significant amount of construction must be completed within one year after the franchisee's receipt of the necessary governmental permits, licenses, certificates, and authorizations;

(iii) that energized trunk cable must be extended substantially throughout the authorized area within five years after commencement of construction and that persons along the route of the energized cable will have individual "drops" within the same period of time, if desired construction throughout the authorized franchise area must be substantially completed within five years of the granting of the franchise; and

(iv) (4) that the requirement of this section be waived by the franchising authority only upon occurrence of unforeseen events or acts of God;

(e) (n) unless otherwise already provided for by local law, a provision that the franchisee shall obtain a permit from the proper municipal authority before commencing construction of a cable communications system, including the opening or disturbance of a street, sidewalk, driveway, or public place. The provision must specify remedies available to the franchising authority in cases where the franchisee fails to meet the conditions of the permit;

(p) (o) unless otherwise already provided for by local law, a provision that wires, conduits, cable, and other property and facilities of the franchisee be located, constructed, installed, and maintained in compliance with applicable codes. The provision must also specify that the franchisee keep and maintain its property so as not to unnecessarily interfere with the usual and customary trade, traffic, or travel upon the streets and public places of the franchise area or endanger the life or property of any person;

(q) (p) unless otherwise already provided for by local law, a provision that the franchising authority and the franchisee shall establish a procedure in the franchise for the relocation or removal of the franchisee's wires, conduits, cables, and other property located in the street, right-of-way, or public place whenever the franchising authority undertakes public improvements which that affect the cable equipment;

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(¶) (q) a provision incorporating by reference as a minimum the technical standards promulgated by the Federal Communications Commission relating to cable communications systems contained in subpart K of part 76 of the Federal Communications Commission's rules and regulations relating to cable communications systems and found in Code of Federal Regulations, title 47, sections 76.601 to 76.617. The results of tests required by the Federal Communications Commission must be filed within ten days of the conduct of the tests with the franchising authority;

(¶) (r) a provision establishing how the franchising authority and the person operating a cable communications company system shall determine who is to bear the costs of required special testing;

~~(t) a provision pertaining to the franchisee's construction and maintenance of a cable communications system having the technical capacity for nonvoice return communications which, for purposes of this section, means the provision of appropriate system design techniques with the installation of cable and amplifiers suitable for the subsequent insertion of necessary nonvoice communications electronic modules. In cases where an initial franchise is granted, the franchisee shall provide a cable communications system having the technical capacity for nonvoice return communications.~~

~~When a franchise is renewed, sold, or transferred and is served by a system that does not have the technical capacity for nonvoice return communications, the franchising authority shall determine when and if the technical capacity for nonvoice return communications is needed after appropriate public proceedings at the municipal level giving reasonable notice and a reasonable opportunity to be heard;~~

(u) (s) a provision stating that no signals of a class IV cable communications channel may be transmitted from a subscriber terminal for purposes of monitoring individual viewing patterns or practices without the express written permission of the subscriber. The request for permission must be contained in a separate document with a prominent statement that the subscriber is authorizing the permission in full knowledge of its provisions. The written permission must be for a limited period of time not to exceed one year, which is renewable at the option of the subscriber. No penalty may be invoked for a subscriber's failure to provide or renew the authorization. The authorization is revocable at any time by the subscriber without penalty of any kind. ~~The permission must be required for each type or classification of class IV cable communications activity planned for the purpose;~~

(1) No information or data obtained by monitoring transmission of a signal from a subscriber terminal, including but not limited to lists of the names and addresses of the subscribers or lists that identify the viewing habits of subscribers, may be sold or otherwise made available to any party person other than to the company and its employees for internal business use, or to the subscriber who is the subject of that information, unless the company has received specific written authorization from the subscriber to make the data available;

(2) Written permission from the subscriber must not be required for the systems conducting systemwide or individually addressed electronic sweeps for the purpose of

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verifying system integrity or monitoring for the purpose of billing. Confidentiality of this information is subject to clause (1);

(3) For purposes of this provision, a "class IV cable communications channel" means a signaling path provided by a cable communications system to transmit signals of any type from a subscriber terminal to another point in the communications system;

(v) (t) a provision specifying the procedure for the investigation and resolution by the franchisee of complaints regarding quality of service, equipment malfunction, billing disputes, and other matters;

(w) (u) a provision requiring that at least a toll-free or collect telephone number for the reception of complaints be provided to the subscriber and that the franchisee shall maintain a repair service capable of responding to subscriber complaints or requests for service within 24 hours after receipt of the complaint or request. The A provision must also state who will bear the costs included in making these repairs, adjustments, or installations;

(x) (v) a provision granting the franchising authority the right to terminate and cancel the franchise and the rights and privileges of the franchise if the franchisee substantially violates a provision of the franchise ordinance, attempts to evade the provisions of the franchise ordinance, or practices fraud or deceit upon the franchising authority. The municipality shall provide the franchisee with a written notice of the cause for termination and its intention to terminate the franchise and shall allow the franchisee a minimum of 30 days after service of the notice in which to correct the violation. The franchisee must be provided with an opportunity to be heard at a public hearing before the governing body of the municipality before the termination of the franchise;

(y) (w) a provision that no person operating a cable communications company system, notwithstanding any provision in a franchise, may abandon a cable communications service system or a portion of it without having given three months prior written notice to the franchising authority. No person operating a cable communications company system may abandon a cable communications service system or a portion of it without compensating the franchising authority for damages resulting to it from the abandonment;

(z) (x) a provision requiring that upon termination or forfeiture of a franchise, unless otherwise required by applicable law, the franchisee shall remove its cable, wires, and appliances from the streets, alleys, and other public places within the franchise area if the franchising authority so requests, and a procedure to be followed in the event the franchisee fails to remove its cable, wires, and appliances from the streets, alleys, and other public places within the franchise area;

(aa) (y) a provision that when a franchise or cable system is offered for sale to be transferred or sold, the franchising authority shall have has the right to purchase the system;

(bb) (z) a provision establishing the minimum number of access channels that the franchisee shall make available. This provision must require that the franchisee shall

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provide to each of its subscribers who receive some or all of the services offered on the system, reception on at least one specially designated access channel. The specially designated access channel may be used by local educational authorities and local government on a first-come, first-served, nondiscriminatory basis. During those hours that the specially designated access channel is not being used by the local educational authorities or local government, the franchisee shall lease time to commercial or noncommercial users on a first-come, first-served, nondiscriminatory basis if the demand for that time arises. The franchisee may also use this specially designated access channel for local origination during those hours when the channel is not in use by local educational authorities, local government, or commercial or noncommercial users who have leased time. The provision may require the franchisee to provide separate public access channels available for use by the general public on a first-come, first-served, nondiscriminatory basis; local educational access channels; local governmental access channels; and channels available for lease on a first-come, first-served, nondiscriminatory basis by commercial and noncommercial users. The provision may require that whenever the specially designated access channel required by this paragraph is in use during 80 percent of the weekdays, Monday through Friday, for 80 percent of the time during a consecutive three-hour period for six weeks running, and there is a demand for use of an additional channel for the same purpose, the franchisee has six months in which to provide a new, specially designated access channel for the same purpose; provided that, the provision of the additional channel or channels does not require the cable system to install converters. The VHF spectrum must be used for one of the public, educational, or governmental specially designated access channel channels required in this paragraph. The provision must also require that the franchisee shall establish rules for the administration of the specially designated access channel. Franchisees providing only alarm services or only data transmission services for computer-operated functions do not need to provide access channel reception to alarm and data service subscribers, unless such channel is administered by a municipality;

(aa) a provision specifying the minimum equipment that the franchisee shall make available for public use. The provision may require the franchisee to make readily available for public use at least the minimal equipment necessary for the production of programming and playback of prerecorded programs for the access channels. The provision may require that, upon request, the franchisee, at minimum, shall also make readily available the minimum equipment necessary to make it possible to record programs at remote locations with battery-operated portable equipment; and

(bb) for a franchise in the metropolitan area, as defined in section 473.121, a provision designating the standard VHF channel 6 for uniform regional channel usage as required in section 238.43.

Sec. 9. Minnesota Statutes 2002, section 238.11, subdivision 2, is amended to read:

Subd. 2. **ACCESS CHANNEL.** No cable communications company system may prohibit or limit a program or class or type of program presented over a leased channel or a channel made available for public access, governmental or educational purposes.

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Neither the person operating a cable communications company system nor the officers, directors, or employees of the cable communications system is liable for any penalties or damages arising from programming content not originating from or produced by the cable communications company system and shown on any public access channel, education access channel, government access channel, leased access channel, or regional channel.

Sec. 10. [238.115] **CABLE PROVIDER COMPLAINTS.**

A cable communications company holding a franchise to provide cable communications services in any area of this state must immediately provide a consumer complaint telephone number to any person who calls the company or its agent and asks for a consumer complaint number. The number provided must be the telephone number of a person or agency that is unaffiliated with the cable communications company and that is organized to provide assistance to complaining consumers.

Sec. 11. Minnesota Statutes 2002, section 238.22, subdivision 13, is amended to read:

Subd. 13. **PROPERTY OWNER.** "Property owner" means any person with a recorded interest in a multiple dwelling complex, or person known to the person operating a cable communications company system to be an owner, or the authorized agent of the person.

Sec. 12. Minnesota Statutes 2002, section 238.23, is amended to read:

238.23 ACCESS REQUIRED.

Subdivision 1. **PROVISION OF ACCESS.** A property owner or other person controlling access shall provide a cable communications company system access to the property owner's multiple dwelling complex. The access provided must be perpetual and freely transferable by one person operating a cable communications company system to another. A cable communications company system granted access, and its successors in interest, must fully comply with sections 238.22 to 238.27.

Subd. 2. **RESIDENT'S RIGHTS.** The intent of sections 238.22 to 238.27 is to give residents the freedom to choose among competing cable communications services and nothing in sections 238.22 to 238.27 shall be interpreted to require requires residents to hook up or subscribe to any services offered by any cable communications company system or alternative provider of cable communications services.

Sec. 13. Minnesota Statutes 2002, section 238.24, subdivision 3, is amended to read:

Subd. 3. **INSTALLATION; BOND.** The facilities must be installed in an expeditious and workmanlike manner, must comply with applicable codes, and must be installed parallel to utility lines when economically feasible. A property owner may require a person operating a cable communications company system to post a bond or equivalent security in an amount not exceeding the estimated cost of installation of the cable communications facilities on the premises. Any bond filed by a cable communications company system with a municipality which that would provide coverage to

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the property owner as provided under this subdivision ~~shall be considered to fulfill~~ fulfills the requirements of this subdivision.

Sec. 14. Minnesota Statutes 2002, section 238.24, subdivision 4, is amended to read:

Subd. 4. **INDEMNIFY FOR DAMAGE.** A person operating a cable communications ~~company~~ system shall indemnify a property owner for damage caused by the company in the installation, operation, maintenance, or removal of its facilities.

Sec. 15. Minnesota Statutes 2002, section 238.24, subdivision 6, is amended to read:

Subd. 6. **MASTER ANTENNA TELEVISION SYSTEM.** Nothing in sections 238.22 to 238.27 precludes a property owner from entering into an agreement for use of a master antenna television system by a person operating a cable communications ~~company~~ system or other television communications service.

Sec. 16. Minnesota Statutes 2002, section 238.24, subdivision 9, is amended to read:

Subd. 9. **NOT RETROACTIVE.** Nothing in sections 238.22 to 238.27 affects the validity of an agreement effective before June 15, 1983 between a property owner, a person operating a cable communications ~~company~~ system, or any other person providing cable communications services on or within the premises of the property owner.

Sec. 17. Minnesota Statutes 2002, section 238.24, subdivision 10, is amended to read:

Subd. 10. **CHANNEL CAPACITY.** (a) A property owner must provide access by to a franchised person operating a cable communications ~~company~~ system, as required under section 238.23, only if that cable company installs equipment with channel capacity sufficient to provide access to other providers of television programming or cable communications services so that residents or association members have a choice of alternative providers of those services. If the equipment is installed, the cable communications ~~company~~ system shall allow alternative providers to use the equipment. If some of the residents or association members choose to subscribe to the services of an alternative provider, the cable company that installed the equipment ~~shall~~ must be reimbursed by the other providers for the cost of equipment and installation on the property on a pro rata basis ~~which~~ that reflects the number of subscribers of each provider on that property to the total number of subscribers on that property. In determining the pro rata amount of reimbursement by any alternative provider, the cost of equipment and installation ~~shall~~ must be reduced to the extent of cumulative depreciation of that equipment at the time the alternative provider begins providing service.

(b) If equipment is already installed as of June 15, 1983, with channel capacity sufficient to allow access to alternative providers, the access and pro rata reimbursement provisions of paragraph (a) apply.

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Sec. 18. Minnesota Statutes 2002, section 238.242, subdivision 1, is amended to read:

Subdivision 1. **PROVIDING ALTERNATIVE SERVICE.** Other providers of television programming or cable communications services shall notify the person operating a cable communications company system when a resident or association member occupying a dwelling unit in a multiple dwelling complex requests the services provided for by this section or section 238.241. After reaching agreement with the alternative service provider for reimbursement to be paid for use of the equipment, the cable communications company system shall make available the equipment necessary to provide the alternative service without unreasonable delay.

Sec. 19. Minnesota Statutes 2002, section 238.242, subdivision 3, is amended to read:

Subd. 3. **FINANCIAL RECORDS MADE AVAILABLE.** The person operating a cable communications company system, upon written request, shall make available to the alternative provider financial records supporting the reimbursement cost requested.

Sec. 20. Minnesota Statutes 2002, section 238.25, subdivision 5, is amended to read:

Subd. 5. **SERVICE OF PETITION.** The petition must be served upon all persons named in the petition as property owners in the same manner as a summons in a civil action; except that, service may be made upon a property owner by three weeks' published notice if the person operating a cable communications company system, its or the person's agent or attorney, files an affidavit stating on belief that the property owner is not a resident of the state and that the company has mailed a copy of the notice to the property owner at the property owner's place of residence, or that after diligent inquiry the property owner's place of residence cannot be ascertained by the company. If the state is a property owner, the notice must be served upon the attorney general. Any property owner not served as provided under this paragraph is not bound by the proceeding unless the property owner voluntarily appears therein in the proceeding.

Sec. 21. Minnesota Statutes 2002, section 238.25, subdivision 10, is amended to read:

Subd. 10. **FINAL CERTIFICATE.** Upon completion of the proceedings, the attorney for the person operating the cable communications company system shall make a certificate describing the access acquired and the purpose or purposes for which acquired, and reciting the fact of final payment of all awards or judgments in relation thereto. The certificate must be filed with the court administrator and a certified copy thereof filed for record with the county recorder. The record is notice to all parties of the access to the premises described in the petition.

Sec. 22. Minnesota Statutes 2002, section 238.35, subdivision 1, is amended to read:

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Subdivision 1. **LEGISLATIVE FINDINGS.** There is a long-standing legislative policy in the state of Minnesota to provide for the dedication or other provision of easements and public rights-of-way required by public utilities and cable communications ~~companies~~ systems. Except for applicable governmental rules, these easements do not include any limitation on the type, number, or size of cables or related cable communication system components. There is a public understanding and acceptance of the need of public utilities and cable communications ~~companies~~ systems to have the ability to use existing utility easements and public rights-of-way in order to provide new and improved cable communications services made possible by technological developments and to make changes to the cables or related cable communication systems components. Changing technology has caused and will continue to cause over time the development of new cable communications services requiring changing uses of existing utility easements and public rights-of-way. Cable communications ~~companies~~ systems have a need to use existing utility easements and public rights-of-way in order to deliver their services to the public. The addition of cable communications system components does not constitute an unanticipated or added burden on the real estate subject to the easements or public rights-of-way.

Sec. 23. Minnesota Statutes 2002, section 238.35, subdivision 4, is amended to read:

Subd. 4. **RESTRICTIONS ON USE.** (a) As a condition of using any utility easement, a cable communications ~~company~~ system is subject to any burdens, duties, or obligations specified in the easement of the grantee of the easement.

(b) Subject to any applicable rights and obligations of sections 237.162 and 237.163 and any local right-of-way ordinance adopted under those statutes, a person operating a cable communications ~~company~~ system shall restore the real estate, and any landscaping or improvements thereon, to the condition they were in prior to entry within 30 days of completing the installation of the cables and related cable communications system components upon that real estate and to make changes to the cables or related cable communication systems components. Changing technology has caused and will continue to cause over time the development of new cable communications services requiring changing uses of existing utility easements. Restoration which cannot be completed during the winter months must be accomplished as promptly as weather conditions permit.

Sec. 24. Minnesota Statutes 2002, section 238.36, subdivision 2, is amended to read:

Subd. 2. **CABLE COMMUNICATIONS COMPANY'S SYSTEM'S EQUIPMENT.** "Cable communications ~~company's~~ system's equipment" means aerial wires, cables, amplifiers, associated power supply equipment, and other transmission apparatus necessary for the proper operation of the cable communications system in a franchised area.

Sec. 25. Minnesota Statutes 2002, section 238.39, is amended to read:

238.39 LEGAL AUTHORITY.

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Every pole, duct, and conduit agreement must contain a provision that the cable communications ~~company~~ system shall submit to the public utility company evidence of the cable communications ~~company's~~ system's lawful authority to place, maintain, and operate its facilities within public streets, highways, and other thoroughfares and shall secure the legally necessary permits and consents from federal, state, county, and municipal authorities to construct, maintain, and operate facilities at the locations of poles or conduit systems of the public utility company ~~which~~ that it uses. The parties to the agreement shall at all times observe and comply with, and the provisions of a pole, duct, and conduit agreement are subject to, the laws, ordinances, and rules ~~which~~ that in any manner affect the rights and obligations of the parties to the agreement, so long as the laws, ordinances, or rules remain in effect.

Sec. 26. Minnesota Statutes 2002, section 238.40, is amended to read:

238.40 LIABILITY; INDEMNIFY PUBLIC UTILITY.

(a) Every pole, duct, and conduit agreement must contain a provision that the cable communications ~~company~~ system shall defend, indemnify, protect, and save harmless the public utility from and against any and all claims and demands for damages to property and injury or death to persons, including payments made under any worker's compensation law or under any plan for employees' disability and death benefits, which may arise out of or be caused:

(1) by the erection, maintenance, presence, use, or removal of the cable communications ~~company's~~ system's cable, equipment, and facilities or by the proximity of the cables, equipment, and facilities of the parties to the agreement; or

(2) by any act of the cable communications ~~company~~ system on or in the vicinity of the public utility company's poles and conduit system, in the performance of the agreement. Nothing contained in this section relieves the public utility company from liability for the negligence of the public utility company or anyone acting under its direction and control.

(b) The cable communications ~~company~~ system shall also indemnify, protect, and save harmless the public utility:

(1) from any and all claims and demands ~~which~~ that arise directly or indirectly from the operation of the cable communications ~~company's~~ system's facilities including taxes, special charges by others, claims, and demands (i) for damages or loss for infringement of copyright, (ii) for libel and slander, (iii) for unauthorized use of television broadcast programs, and (iv) for unauthorized use of other program material; and

(2) from and against all claims and demands for infringement of patents with respect to the manufacture, use, and operation of the cable communications equipment in combination with the public utility company's poles, conduit system, or otherwise.

(c) Nothing contained in this section relieves the public utility company from liability for the negligence of the public utility company or anyone acting under its direction and control.

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Sec. 27. Minnesota Statutes 2002, section 238.43, subdivision 1, is amended to read:

Subdivision 1. **DEFINITION REGIONAL CHANNEL ENTITY.** ~~For the purposes of this section~~ “Regional channel entity” or “entity” means an independent, nonprofit corporation to govern the operation of the regional channel.

Sec. 28. REVISOR INSTRUCTIONS.

(a) The revisor of statutes shall delete the words “shall mean” and insert “means” where found in Minnesota Statutes, section 238.02.

(b) The revisor of statutes shall change the term “cable communications company” to “cable communications system” where found in Minnesota Statutes, chapter 238.

(c) In Minnesota Statutes, section 238.18, subdivision 1, the revisor of statutes shall delete paragraph (a) and renumber paragraph (b) as section 238.02, subdivision 1b, and renumber paragraph (c) as section 238.02, subdivision 34.

(d) In Minnesota Statutes, section 238.22, the revisor of statutes shall renumber subdivision 6 as section 238.02, subdivision 1a; subdivision 7 as section 238.02, subdivision 1c; subdivision 8 as section 238.02, subdivision 1d; subdivision 10 as section 238.02, subdivision 21a; subdivision 11 as section 238.02, subdivision 28a; subdivision 12 as section 238.02, subdivision 29a; subdivision 13 as section 238.02, subdivision 31a; and subdivision 14 as section 238.02, subdivision 31d.

(e) In Minnesota Statutes, section 238.36, the revisor of statutes shall renumber subdivision 2 as section 238.02, subdivision 3a; subdivision 3 as section 238.02, subdivision 20a; and subdivision 4 as section 238.02, subdivision 31b.

(f) The revisor of statutes shall renumber Minnesota Statutes, section 238.43, subdivision 1, as section 238.02, subdivision 31c.

Sec. 29. REPEALER.

Minnesota Statutes 2002, sections 238.01; 238.02, subdivisions 2, 17, 18, 19, and 25; 238.082; 238.083, subdivisions 3 and 5; 238.084, subdivisions 2, 3, and 5; 238.12, subdivision 1a; and 238.36, subdivision 1, are repealed.

Presented to the governor May 18, 2004

Signed by the governor May 29, 2004, 2:00 p.m.

CHAPTER 262—H.F.No. 2334

An act relating to natural resources; modifying provisions for the sale and disposition of surplus state lands; modifying certain state land management provisions; authorizing and describing certain state land sales; modifying certain water level controls; adding to and deleting

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