

**CHAPTER 2305**  
**CABLE COMMUNICATIONS BOARD**  
**CABLE SERVICE TERRITORIES**

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**2305.0100 DEFINITIONS.**

Subpart 1. **Scope.** As used in this chapter, the following phrase shall have the meaning given it herein unless a different meaning clearly appears in the text.

Subp. 2. **Cable service territory.** "Cable service territory" means that geographic area, as may be defined by political, metes and bounds, or other appropriate description, which encompasses a cable communications system's or cable communications systems' entire projected service area. The boundaries may include areas in which, in the judgment of the board and the party proposing the cable service territory, extension of service is not immediately feasible but may be in the future.

**Statutory Authority:** *MS s 238.04 subd 9; 238.05 subd 7*

**2305.0200 POLICY.**

This chapter shall be liberally construed to effectuate the purposes and provisions of Minnesota Statutes, section 238.05.

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

**2305.0300 APPROVED CABLE SERVICE TERRITORIES.**

The board hereby recognizes as an approved cable service territory the area of any municipality or group of contiguous municipalities which have granted franchise(s) to a single cable communications company and for which a special certificate of confirmation has been or may be issued pursuant to Minnesota Statutes, section 238.09, subdivision 3, 4, or 5, or for which an interim certificate of confirmation has been or may be issued pursuant to Minnesota Statutes, section 238.09, subdivision 9.

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

**2305.0400 CHANGE OF APPROVED CABLE SERVICE TERRITORIES.**

The board shall approve or disapprove of a change in an approved cable service territory. A change is subject to the procedures provided for in this chapter.

**Statutory Authority:** *MS s 238.04 subd 9; 238.05 subd 6; 238.06 subd 1*

**2305.0500 NOTICE OF PROPOSAL.**

Pursuant to the requirements of part 2310.0200 a cable service territory or a change in a cable service territory may be proposed to the board by a municipality, a group of municipalities in a joint powers agreement, a cable communications company, or any party who has announced an intention to form a cable communications company. The party proposing the cable service territory or the change in a cable service territory shall deliver written notice of its proposal to the governing body of each municipality which is within or

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contiguous to the proposed cable service territory and to the appropriate regional development commission or the Metropolitan Council. At substantially the same time as written notice is delivered, the party proposing the cable service territory or the change in a cable service territory shall publish a notice of its proposal in a newspaper of general circulation in the proposed territory.

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

**2305.0600 NOTICE CONTENT.**

The written and published notices must include at least the following information:

- A. the identity of the party proposing the cable service territory or the change in a cable service territory;
- B. the date, time, and place of the board meeting at which the proposal is expected to be considered;
- C. a statement that interested parties may submit written or oral comments on the proposal to the board;
- D. the name, address, and telephone number of a person representing the party making the proposal who may be contacted for the purpose of obtaining information or making comments about the proposal; and
- E. a brief description of the boundaries of the proposed cable service territory or the change in a cable service territory.

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

**2305.0700 CONTENTS OF PROPOSAL.**

All proposals must be submitted to the board at substantially the same time as notice is provided pursuant to parts 2305.0500 and 2305.0600 and must be in the form of a written application containing at least the following information:

- A. a map (county or township plat or fire map if available) showing the boundaries of the total proposed cable service territory and the boundaries of the area within this territory in which service is expected to be initially provided;
- B. the population and the number of dwelling units in the total service territory and in the area in which service is expected to be initially provided;
- C. population density data or other information to demonstrate to the board that all areas in which service is, or may become feasible, are being included in the cable service territory and in the area within the cable service territory that is expected to be initially served;
- D. proof that the written notice required by parts 2305.0500 and 2305.0600 has been given, which may be in the form of copies of the written notices, an affidavit, or a certificate of service; and
- E. proof of publication of the required notice, which may be submitted separately, but no later than five days prior to the board meeting at which the proposal is to be considered.

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

**2305.0800 COPY OF PROPOSAL TO INTERESTED PERSON.**

A copy of the proposal must be made available upon request to any interested party. If all or a part of the proposed cable service territory or change in a cable service territory is within the seven-county metropolitan area, a copy of the proposal must be submitted to the Metropolitan Council and to each included or contiguous municipality at the same time as the proposal is submitted to the board.

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

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## **2305.0900 COMMENT PERIOD.**

Before considering a proposal, the board shall allow a comment period of at least 20 days from the date of compliance with the notice requirements set forth in parts 2305.0500 and 2305.0600 or submission of the proposal to the board, whichever occurs last. The appropriate regional development commission, an affected municipality or cable communications company, or any other party having a clear interest shall be allowed 30 additional days for comment if the party gives a good reason. If all or a part of the proposed boundaries are within the seven-county metropolitan area, the Metropolitan Council shall be allowed 45 days from the date a copy of the proposal is submitted to it to review and comment on the proposed boundaries.

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

## **2305.1000 ACTION ON PROPOSAL.**

The board shall accept written and oral comment and approve or reject a proposed cable service territory or a proposed change in a cable service territory at its first regularly scheduled meeting after expiration of the applicable comment period. The board may, upon good cause shown by an interested party, postpone action on a cable service territory proposal until its next regularly scheduled meeting.

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

## **2305.1100 REASONS FOR REJECTION.**

If the board determines not to approve a proposal, it shall specify its reasons for rejection in a written statement within 30 days of rejecting the proposal or at its first regularly scheduled meeting after the end of the 30-day period.

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

## **2305.1200 MODIFIED PROPOSALS.**

A proposal rejected by the board may be introduced with appropriate modifications at any time after the rejection. All reintroduced proposals are subject to the same procedures as the original proposal.

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

## **2305.1300 FACTORS AND CRITERIA TO BE CONSIDERED.**

In approving or rejecting a proposal for establishment or a change in a cable service territory the board shall consider the following: the impact on prospects for development of cable communications service in areas which are within and contiguous to the proposed cable service territory; whether the proposed boundaries encompass any areas which would be more appropriately included in another cable service territory; the impact of the proposed territory on any related policies or plans adopted by the Metropolitan Council or the appropriate regional development commission; the economic viability of the proposed cable service territory or the change in an existing cable service territory; and any other factors the board or the applicant deems relevant.

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