

CHAPTER 2320
CABLE COMMUNICATIONS BOARD
CERTIFICATES OF CONFIRMATION

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2320.0200 INTRODUCTION.

The board shall issue certificates of confirmation only in accordance with the rules prescribed in parts 2320.0300 to 2320.0800.

Statutory Authority: *MS s 238.04 subd 9*

2320.0300 NECESSITY FOR A CERTIFICATE OF CONFIRMATION.

Any cable communications company must secure a regular certificate of confirmation from the board before becoming operational. The certificate may be issued only upon compliance with parts 2310.0200 to 2310.0600 or parts 2310.1000 to 2310.1900 and parts 2315.0100 to 2315.0500 after full board proceedings and is effective for the same number of years as the franchise being confirmed.

Statutory Authority: *MS s 238.04 subd 9; 238.05; 238.06; 238.09*

2320.0400 PROCEDURE FOR MAKING APPLICATION FOR A REGULAR CERTIFICATE OF CONFIRMATION.

Subpart 1. Filing date. Each cable communications company applying for a certificate of confirmation pursuant to part 2320.0300 shall file, no later than 30 days before the board is to consider the application, an application in such form and containing such information and supporting documentation as the board may require.

Subp. 2. Publication. Each cable communications company applying for a certificate of confirmation pursuant to part 2320.0300 shall cause to be published, weekly for two successive weeks, at its own expense, in a legal newspaper of general circulation in each municipality for which a certificate of confirmation is sought the following:

A. the name and address of the company, its officers, and its managing offices, as well as the names and addresses of each stockholder owning ten percent or more of the company's stock;

B. that it is seeking a certificate of confirmation from the board and designating the municipality or municipalities;

C. the date, place, and time of the meeting at which the granting of the certificate of confirmation will be considered by the board; and

D. that interested members of the public may submit their views on the application either in writing or orally at the board meeting.

Subp. 3. Proof of publication. A proof of publication must be filed with the board no later than five days before the meeting at which the application for certification is to be considered.

Subp. 4. Additional notice. The executive director of the board may cause such additional notice to be given to such persons as in his opinion is reasonable.

Statutory Authority: *MS s 238.04 subd 9; 238.05 subd 4; 238.06*

2320.0500 PUBLIC MEETING.

No later than 60 days after a completed application for a certificate of confirmation is received, the board shall hold a public meeting thereon. Any such public meeting may be combined with a regular or special board meeting. If, at any such meeting, application is substantially contested, the board may adjourn the public meeting and deem the matter a contested case for disposition in accordance with parts 2300.5100 to 2300.5600, provided that the decision of any hearing examiner, appointed thereunder, shall not be binding unless adopted by the board. For purposes of the contested case procedure, the board shall not be deemed a party to any proceeding in which only the granting of a regular certificate of confirmation is at issue.

Interested persons may submit to the board written testimony concerning the issuance of a regular certificate of confirmation within 20 days after completion of the final public meeting thereon.

Statutory Authority: *MS s 238.04 subd 9; 238.05; 238.09*

2320.0600 GRANT OF CERTIFICATE.

If the board determines to grant a regular or renewal certificate of confirmation it shall issue the certificate of confirmation within 30 days after the public meeting at which the certificate of confirmation is granted. If the board determines not to grant a regular or renewal certificate of confirmation, it shall, within 30 days after the last public meeting at which the granting of the certificate of confirmation is discussed, issue to the applicant a statement of reasons for its decision not to issue a certificate of confirmation. The board may require the applicant for the certificate to complete an application form, which it may by resolution prescribe.

Statutory Authority: *MS s 238.04 subd 9; 238.05; 238.09 subd 6*

2320.0700 RENEWAL OF A CERTIFICATE OF CONFIRMATION.

Upon expiration of its certificate of confirmation or the renewal of its cable communications franchise, a cable communications company must obtain renewal of its certificate of confirmation. The renewal of any certificate of confirmation may be issued only after compliance with parts 2315.0100 to 2315.0500. The renewal of a certificate of confirmation may be issued only after full board proceedings and shall be valid for the same number of years as the renewal franchise period. When a certificate is renewed before its expiration date, the term of the renewed certificate shall begin on the date of its issue; any remaining term of a previously issued certificate is then expired.

The procedure for obtaining the renewal of a certificate of confirmation shall be the same as the procedure for obtaining a regular certificate of confirmation.

Nothing in this part prohibits a cable communications company from renewing its certificate of confirmation prior to the expiration of any existing certificate of confirmation.

Statutory Authority: *MS s 238.04 subd 9; 238.05; 238.06; 238.09 subd 7*

2320.0800 TRANSFERABILITY OF CERTIFICATE OF CONFIRMATION.

A certificate of confirmation shall be transferable or in any way assignable only upon full compliance with the applicable provisions of parts 2310.2200 and 2310.2300 pertaining to the transfer of a franchise. Transfer of the certificate of confirmation shall not extend the duration of the certificate of confirmation. The transferee, as a condition of the transfer of the certificate, shall within 30 days of the transfer complete any application form required of any person for the original grant of a certificate of confirmation.

Statutory Authority: *MS s 238.04 subd 9; 238.05 subd 10*