

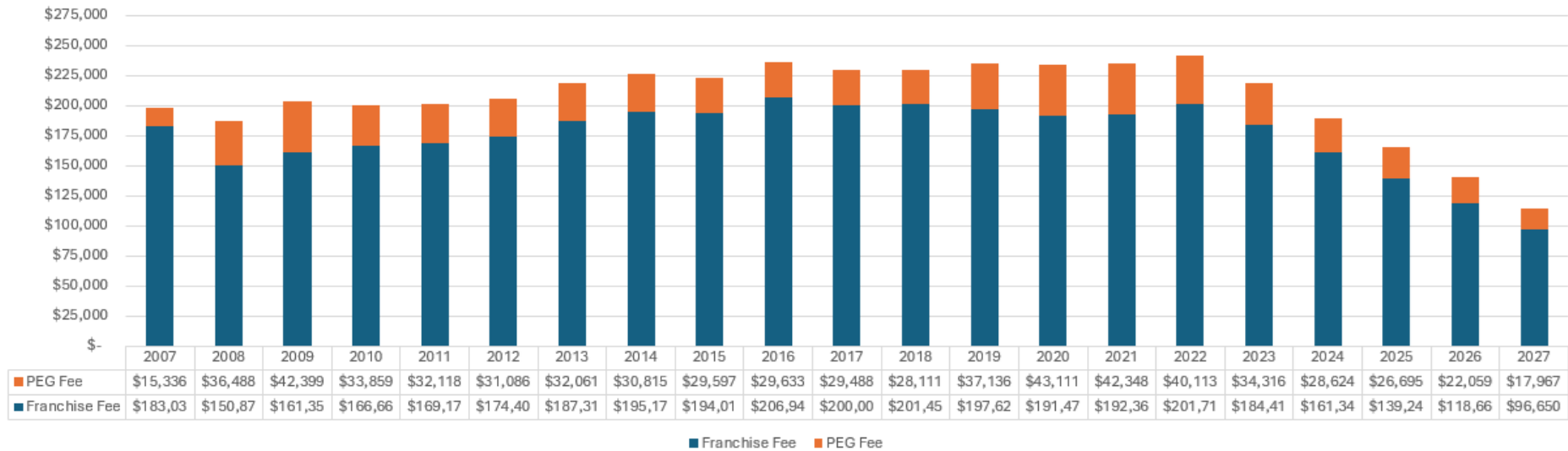


Broadband Franchise

Broadband Franchising:



Communications Fund - Historical Revenue Trend



Strategic Plan: 2025–2028

Improve Financial Strength



- Create a Revenue Diversification Program (new & updates)
 - Develop summary of existing revenues & alternative new revenue options
 - Identify & facilitate prioritization of exploration of existing revenue increases
 - Implement updated revenue and new revenue options

Target

10% increase in non-tax/non-intergovernmental revenue 2025–2028

Michael R. Bradley

Bradley Werner, LLC

More Benefits to City and Residents



- Transfer of Ownership.
- System Quality and Performance.
- Reporting Requirements.
- Customer Service.
- Disabled and Senior Discount.
- Consideration.
- Security, Indemnification, and Insurance.
- Liquidated Damages.

Franchising 101

➤ Franchise Basics

- In simple terms, a franchise is an authorization from a local government entity to a company to use the public rights-of-way to provide services to area residents.

➤ Franchising > Permitting

- The benefits in the first broadband franchise are far superior to permitting.
- See Summary [here](#).



Reassessing Broadband

- Fresh Look at Broadband Franchising
- *Ohio Telecom Ass'n v. FCC (In re MCP No. 185)*, 124 F.4th 993 (6th Cir. 2025).
 - Broadband is not a Telecommunications Service – Under Federal Law
 - Post *Loper Bright* decision
- *Charter v. Lange*, 903 F.3d 715 (8th Cir. 2018); *Vonage v. MN-PUC*, 290 F.Supp.2d 993 (D. Minn. 2003), *aff'd* on other grounds, 394 F.3d 568 (8th Cir. 2004)
 - “Minnesota may not regulate an information service provider such as Vonage as if it were a telecommunications provider”
- Reevaluate State Law Applicable to Broadband
 - Cable Communications System
 - Telecommunications ROW User



Decision Making on Franchising



- **Review City Charter Authority** (if applicable)
 - May provide additional broad authority to franchise in addition to statutory authority
- **Review State Statutory Authority**
 - Cable Communications System v. Telecommunications ROW User
- **Review Benefits and Risks with Management**
- **Refer Franchising to Cable Communications Commission** (if applicable)

Common Broadband Franchise Questions

- What if our city already started issuing permits?
 - Explain the new law
 - Next Construction Season Every BB company will need a franchise
- What about Comcast/Charter/Mediacom/Midco?
- What about Lumen?
- What about Forged Fiber 37, LLC?
 - Purchased Lumen's Quantum Fiber - mass markets fiber assets



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Questions

