

Tennessee Code Annotated
Title 7: Consolidated Governments and Local Governmental Functions and Entities
Chapter 59: Cable Television
Part 1: General Provisions

TCA 7-59-102: Franchise licenses.

- (a) (1) For purposes of this part, unless the context otherwise requires:
- (A) "Cable service provider" has the same meaning as defined in § 7-59-303;
 - (B) "Cable service" has the same meaning as defined in § 7-59-303;
 - (C) "Department" has the same meaning as defined in § 7-59-303;
 - (D) "Video service" has the same meaning as defined in § 7-59-303; and
 - (E) "Video service provider" has the same meaning as defined in § 7-59-303.
- (2) Except with respect to a cable or video service provider that is issued a state-issued certificate of franchise authority by the department pursuant to part 3 of this chapter, the governing body of each municipality in each county in this state has the power and authority to regulate the operation of any cable television company, cable service provider or video service provider that serves customers within its territorial limits, by the issuance of franchise licenses after public notice and showing the terms of any proposed franchise agreement and public initiation for fees and not inconsistent with any rules and regulations of the federal communications commission or § 7-59-304.
- (b) Cable television systems shall not serve customers in any unincorporated area without obtaining a franchise from the county or the department, unless the systems were serving those areas under franchises applied for at least ninety (90) days prior to May 18, 1977.
- (c) A county shall not issue a franchise that is within any municipality.
- (d) A franchise shall not be required for line extensions of a cable television system that do not serve any customers in the unincorporated area through which such lines are extended, or where such line extensions are constructed upon public lands or with easements not obtained from any public body.
- (e) The governing body of a county shall not deny any cable television system a franchise for any area in which such cable television system was in place on May 18, 1977, or held a certificate of compliance from the federal communications commission.
- (f) Franchises issued by a municipality or a county shall not be inconsistent with the rules and regulations of the federal communications commission.
- (g) Nothing in this part shall be construed as prohibiting any county or municipal government from withdrawing a locally issued franchise from a cable television company, cable service provider or video service provider for cause.
- (h) A franchise shall not be required of a cable television system to erect any tower or transmission cable in an unincorporated area for the purpose of providing service for an incorporated area.
- (i) Any municipal electric system permitted to operate under the authority of chapter 52, part 6 of this title, before delivering any cable services, two-way video

transmission or video programming shall obtain a franchise from the appropriate municipal governing body or county governing body.

(j) The franchising authority shall not employ terms more favorable or less burdensome upon a municipal electric system operating under the authority of chapter 52, part 6 of this title than those imposed by the franchising authority upon any private provider's providing the same services within the franchising authority's jurisdiction. The franchising authority shall not impose or enforce any local franchise requirement on any such private provider that is not also made applicable to such a municipal electric system, nor shall the franchising authority discriminate between such providers.

(k) Nothing contained in this section shall be interpreted to limit the authority of a municipality or county to collect franchise fees, control and regulate its streets and public ways, or enforce its powers to provide for the public health, safety, and welfare.

History: [Acts 1977, ch. 334, § 4; T.C.A., § 6-4302; Acts 1999, ch. 481, § 2; 2008, ch. 932, § 20.]