



SUMMARY OF UNIFORM VIDEO SERVICES LOCAL FRANCHISE ACT 2006 PA 480; MCL 484.3301 ET SEQ

§ 1: Definitions. § 1(2)(a)-(r). “Video service” means video programming, cable services, IPTV, or OVS provided through facilities located at least in part in the public rights-of-way without regard to delivery technology, including internet protocol technology” § 1(2)(p).

§ 2: 10 Year franchise required. Form set by State. Issued by Municipality. See *Detroit v Comcast*, 879 F Supp 2d 680 (ED Mich, 2012).

§ 3: Application: 15 business days to notify applicant if incomplete. 30 days to approve a complete application. Franchise transferable, modified or terminated with notice to franchisor. No in-kind demands permitted.

§ 4. Public Access, Education and Government (PEG) Channels: Maintain same number and quality of channels.

§ 5. Franchise Renewal: At discretion of Provider. See *Dearborn v Comcast*.

§ 6. Franchise Fee: Up to 5% of Gross Revenue derived from all sales within a franchisor’s boundaries. § 6(1)-(7). PEG Fees: Up to 2% of Gross Revenue. § 6(8)-(10). See FCC § 621 Orders.

§ 7: Audits: Franchisor may request a 24 month look back audit. 3-year Statute of Limitation. § 7(3)-(4). Fees may be itemized on subscriber bills.

§ 8: Free Access to ROW and public places and buildings.

§ 9: Anti-Redline Provision: Of limited value. See Federal Cable Act Requirements.

§ 10: Customer Service Rules for Providers and Dispute Resolution: Failure to resolve disputes prior to MPSC Final Ruling shall result in loser paying opposition’s actual costs.

§ 11: Trade Secrets including Areas of Coverage are FOIA exempt.

§ 12: MPSC to issues Annual Report on state of competition.

§ 13: Voluntary Franchise: Different Terms Permitted. All Providers to be provided same terms.

§ 14: Violations of Act: May result in fines up to \$40,000, revocation of franchise, and award of fees and costs for frivolous claims.

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