



First Reading: January 22, 2008
Second Reading: Dispensed

RESOLUTION NO. 2008-015

Board of Trustees, Liberty Township
Butler County, Ohio

A RESOLUTION DETERMINING THE VIDEO SERVICE PROVIDER FEE TO BE PAID BY A VIDEO SERVICE PROVIDER OFFERING VIDEO SERVICE IN THE TOWNSHIP PURSUANT TO A VIDEO SERVICE AUTHORIZATION; AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO GIVE NOTICE TO THE VIDEO SERVICE PROVIDER OF THE VIDEO SERVICE PROVIDER FEE

RESOLVED by the Board of Trustees of Liberty Township, Butler County, Ohio, that

WHEREAS, the General Assembly enacted Section 1332.21 through 1332.34 of the Ohio Revised Code, effective September 24, 2007, to provide a statewide “uniform regulatory framework” for the provision of cable television and / or other video service, which will substantially reduce Liberty Township’s traditional franchising authority to regulate cable and / or video service offered in Liberty Township using facilities located in the Township’s public rights-of-way;

WHEREAS, pursuant to O.R.C. Section 1332.23, any new video service provider intending to provide video service to subscribers in the Township must apply for and obtain a video service authorization from the Director of the Ohio Department of Commerce;

WHEREAS, O.R.C. Section 1332.23 also permits a cable operator with an effective franchise agreement to terminate its franchise with the Township, at its option, by applying for a state-issued video service authorization when a competitive video service provider either gives notice that it will begin providing service to subscribers in the Township or actually begins providing service to subscribers in the Township, or if the Federal Communications Commission (“FCC”) determines that the cable operator is subject to “effective competition” in the Township pursuant to 47 CFR 76.907;

WHEREAS, under O.R.C. Section 1332.32, a video service provider that is providing service to subscribers in the Township pursuant to a state-issued video service authorization must pay the Township a video service provider fee (“VSP Fee”) based on a percentage of the provider’s “gross revenues” derived from providing video service in the Township, not to exceed five percent (5%) of such revenues;

WHEREAS, O.R.C. Section 1332.32(C)(2) further requires the Township to provide all video service providers offering service in the Township with notice of the VSP Fee requirements within ten (10) days of receiving notice from the video service provider that it will begin offering service in the Township, or the video service provider is not required to pay the VSP Fee to the Township;

WHEREAS, the Township finds it necessary to authorize the Township Administrator to provide notice of the VSP Fee to a video service provider within ten (10) days of the Township receiving notice that a video service provider will begin providing service in the Township; and

WHEREAS, in order to minimize the negative financial impact on the Township, it is the intent of this Board to charge the Video Service Provider Fee with the most expansive definition of Gross Revenues allowed by law;

THEREFORE BE IT RESOLVED by the Board of Trustees of Liberty Township, Butler County, Ohio:

SECTION 1. That in accordance with the requirements of O.R.C. 1332.32, all video service providers providing video service in the Township pursuant to a video service authorization obtained from the Director of the Ohio Department of Commerce shall pay Video Service Provider Fees (“VSP Fees”) in the amount of five percent (5%) of gross revenues received from providing video service in the Township, which gross revenue base shall include advertising revenues. The VSP Fee shall be paid quarterly, not sooner than forty-five (45) days nor later than sixty (60) days after the end of each calendar quarter.

SECTION 2. That, no later than ten (10) days from receipt of notice from a video service provider that it will begin providing video service in the Township pursuant to a state-issued video service authorization, the Township Administrator is authorized and directed to provide such video service provider with notice of the VSP Fee as determined by this Board above, which notice shall be given by certified mail.

SECTION 3. The Trustees of Liberty Township, upon a majority vote, hereby dispense with the requirement this resolution be read on two separate days, and hereby authorize the adoption of this resolution upon its first reading.

SECTION 4. This resolution shall take effect at the earliest day allowed by law.

Trustee Kern moved for the adoption of the foregoing resolution. Trustee Matacic seconded the motion and upon call of roll, the vote resulted as follows:

Trustee Kern,	yes
Trustee Matacic,	yes
Trustee Hiltman,	yes

Adopted: Tuesday, January 22, 2008

Patrick M. Hiltman, President

David E. Kern, Vice President

Christine Matacic, Trustee

AUTHENTICATION

This is to certify that this resolution was duly passed, and filed with the Liberty Township Fiscal Officer this 22nd day of January, 2008.

Kristen Bitonte on behalf of
Roger Reynolds, CPA
Fiscal Officer

APPROVED AS TO FORM:

Scott D. Phillips, Law Director