

ORDINANCE NO. 9896 (N.S.)

AN ORDINANCE AMENDING SECTION 21.1632 OF THE SAN DIEGO COUNTY
CODE OF REGULATORY ORDINANCES RELATING TO CABLE TELEVISION
SYSTEMS

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that California Public Utilities Code sections 5800 et seq., which became effective on January 1, 2007, authorizes the County to establish a fee of up to one percent of the gross revenues that a provider of video programming, operating under a State franchise, earns within the unincorporated area of the County. Additionally the Board finds and determines that there is a public benefit to establishing a one percent fee on the gross revenues of these State franchisees to support the Public, Education and Government (PEG) channel facilities.

Section 2. Section 21.1632 is hereby amended to read as follows:

SEC. 21.1632. FRANCHISEES TO PROVIDE PEG CHANNELS.

(a) Within three months after receiving a State franchise to provide video programming within the unincorporated area of the County, a franchisee shall provide on its network one public access channel, one educational channel and one government channel. A franchisee, shall not however, be obligated to provide PEG channels before the date it begins providing service to any subscriber. The PEG channels shall comply with Public Utilities Code section 5870 and shall be for the exclusive use of the County or its designee.

(b) After receiving notice that a franchisee has been issued a State franchise to provide video service within the unincorporated area of the County, the County will send written notice to the franchisee reminding the franchisee of its obligation under subsection (a) above to provide PEG channels.

(c) A franchisee issued a State franchise shall pay the County a fee of one percent of its gross revenues to support the PEG channels. The obligation to pay the fee under this subsection shall begin on the effective date of this subsection or the date the franchisee begins providing video service, whichever is later. A franchisee shall remit the PEG fee to the County quarterly, within 45 days after the end of the quarter for that calendar quarter. Each payment shall be accompanied by a summary explaining the basis for the fee calculation. If the franchisee does not pay the PEG fee when due, the franchisee shall pay a late payment charge at a rate per year equal to the legal rate of interest. If the

franchisee has overpaid the PEG fee, it may deduct the overpayment from its next quarterly payment.

Section 3. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the San Diego Commerce, newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED, AND ADOPTED THIS 6th day of November, 2007.