



Municipal Technical Advisory Service
INSTITUTE *for* PUBLIC SERVICE

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State Franchise Authority: Rights Granted

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Reference Number: MTAS-1397

Rights Granted

The state-issued certificate of franchise authority provides authority to construct, maintain, and operate facilities within the public rights of way, subject to the police powers of local governments. No city can require a cable or video services provider to obtain a local franchise agreement, and no additional taxes or franchise fees may be levied by cities on the operations of these providers. The state-issued certificate is valid for 10 years, after which the provider must reapply.

Local ordinances governing utility pole attachment and construction activities in public rights of way remain effective, but not to the extent that permission to attach to utility poles or to use the rights of way may be denied to a company holding a state franchise. The holder of a state franchise must still provide required notice to a city before installing lines in its rights of way or attaching to poles and, further, must repair any pavement or property disturbed during installation. Permit fees also may still be collected by cities.

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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