

Cable Television Franchises

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://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-812

The Cable Television Act of 1977, found at T.C.A. § 7-59-101, expressly declares that

The governing body of *each municipality in each county in this state* [T.C.A. § 7-59-102 (2015)] has the power and authority to regulate the operation of any cable television company which 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 [Emphasis is mine].

Cable television providers must also obtain a franchise to use municipal streets to provide such services [T.C.A. §§ 7-59-101 *et seq.*; *James Cable Partners, L.P. v. City of Jamestown*, 818 S.W.2d 338 (Tenn. App. 1991)].

The Cable Television Act of 1977 provides that, "A county shall not issue a franchise within any municipality" [T.C.A. § 7-59-101(c)]. In addition, 1999 amendments to that Act provide that even electrical systems operating under the Municipal Electrical Plant Law of 1935, and that provide cable television services, must obtain a franchise "from the appropriate municipal governing body or county governing body" [T.C.A. § 7-59-102], and that

Nothing contained in this section shall be interpreted to limit the authority of the franchising authority 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 [T.C.A. § 7-59-102(k)].

That Act and its 1999 and extensive 2008 amendments undoubtedly speak of the "municipality" of the "county," and of the "franchising authority," respectively, as an incorporated municipality within a county, as the territory in the county excluding incorporated municipalities, and as the municipality when the cable television service is provided within a municipality, and as the county when the cable television service is provided within a county outside an incorporated municipality.

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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