

ORDINANCE NO. 766

**CITY OF MILLBRAE, COUNTY OF SAN MATEO
STATE OF CALIFORNIA**

**AN ORDINANCE AMENDING CHAPTER 11.20 OF THE
MILLBRAE MUNICIPAL CODE TO REAUTHORIZE THE
ESTABLISHMENT OF PEG FEES FOR STATE VIDEO
FRANCHISE HOLDERS PROVIDING VIDEO SERVICE WITHIN
THE CITY OF MILLBRAE**

WHEREAS, the Digital Infrastructure and Video Competition Act of 2006 (Pub. Util. Code §§5800 et seq., "DIVCA") went into effect on January 1, 2007;

WHEREAS, DIVCA provides that the California Public Utilities Commission (CPUC) is the "sole franchising authority" for new video service providers operating in any city in the State, but delegates certain rights to local authorities which must be established by local ordinance to be enforceable;

WHEREAS, on September 28, 2010, the City of Millbrae (City) adopted Ordinance Number 736 which added Municipal Code Chapter 11.20 "State Video Franchises" establishing franchise fees; public, educational, and governmental (PEG) fees; and customer service penalties for state video franchise holders providing service within the City;

WHEREAS, on March 30, 2007, AT&T obtained a video services franchise from the CPUC and began offering video services to City residents in July 2007;

WHEREAS, California Video Franchise Certificate Franchise No. 0002 granted to Pacific Bell Telephone Co. d/b/a SBC Pacific Bell Telephone Co. d/b/a AT&T California will expire on March 30, 2017;

WHEREAS, Section 5870(n) of the Public Utilities Code states that a local agency's ordinance establishing a fee on state-franchised video service providers to support PEG access channel facilities will expire, and may be reauthorized, upon the expiration of a state franchise; and

WHEREAS, in order for the City to continue receiving PEG fees from AT&T, the City must reauthorize the establishment of PEG fees.

**NOW THEREFORE THE CITY COUNCIL OF THE CITY OF MILLBRAE
DOES ORDAIN AS FOLLOWS:**

SECTION 1: AMENDMENT OF SECTION 11.20.030(A)

Section 11.20.030(A), "PEG Support Fees," of the Millbrae Municipal Code is hereby amended to add the following language as a separate paragraph under subsection A:

As of March 28, 2017, the City reauthorizes the aforementioned fee on state-franchised video service providers to support PEG channel facilities adopted in Ordinance Number 736 and all other provisions therein. The provisions set forth in Ordinance Number 736, including all fees, shall remain unchanged and in full effect as to all state-franchised video service providers.

SECTION 2: EFFECTIVE DATE; PUBLICATION

This Ordinance shall be in full force and effect thirty days from and after its passage. At least five days prior to its adoption and within fifteen days after its adoption, a summary of this Ordinance shall be published once in a newspaper of general circulation printed and published in the County of San Mateo and circulated in the City of Millbrae.


INTRODUCED at a regular meeting of the City Council of the City of Millbrae held on the 14th day of March, 2017.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Millbrae held on the 28th day of March, 2017.



Mayor


ATTEST:



City Clerk

I do hereby certify that the foregoing Ordinance was duly and regularly passed and adopted by the City Council of the City of Millbrae this 28th day March 2017, by the following vote:

AYES:	COUNCILMEMBERS:	Holober, Papan, Schneider, Lee, and Oliva
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None
EXCUSED:	COUNCILMEMBERS:	None



CITY CLERK