

# AZ LEAGUE CONNECTION



The League's Monthly Online Newsletter

Issue 192: April 2019

## League News

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[Municipal Clerks Week: May 5 – 11, 2019](#) ([municipal-clerks-week.html](#))

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## Other News

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[HUD Announces Request for Information on](#)



## Legal Corner: Video Services Update

In 2018, the Legislature enacted uniform video service license legislation that requires cities and towns to adopt a standard uniform video service license agreement and application for the uniform license by July 1, 2019. This article provides a review of those provisions of the legislation and an update on the form templates that can be used by cities and towns.

### [Senate Bill 1140](#)

(<https://www.azleg.gov/legtext/53leg/2R/laws/0331.htm>) (Laws 2018, Ch. 331) preempts city and town regulation of the licensing of video service providers and the use of video service. The legislation mandated that cities and towns issue uniform video service licenses to video service providers beginning [July 1, 2019](#). Municipalities are required to adopt a standard license agreement and a standard form of application and affidavit signed by one of the principal executive officers or general partners of the applicant. A video service provider

[Maximizing the Positive Impact of Opportunity Zones \(affordable-housing.html\)](#)

## Legal Corner

[Video Services Update \(legal-corner.html\)](#)

## Upcoming Trainings & Events

[2019 ACAA Summer Conference \(training-events.html#event-1\)](#)  
[Trends in Affordable and Workforce Housing: Adapting Best Practices to Arizona \(training-events.html#event-2\)](#)  
[Arizona Women Leading Government Conference \(training-events.html#event-3\)](#)  
[ACMA Summer Conference \(training-events.html#event-4\)](#)

## Throwback

[51 Years Ago \(throwback.html#throwback1\)](#)  
[143 Years Ago \(throwback.html#throwback2\)](#)



## **Calendar of Events**

[\(http://www.azleague.org/calendar.aspx\)](http://www.azleague.org/calendar.aspx)



means any person that provides or offers to provide video service over a video service network to subscribers in Arizona and includes incumbent cable operators (those already providing video service in Arizona through a local license on December 31, 2019 who choose to terminate the local license). [A.R.S. § 9-1401 \(https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/9/01401.htm\)](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/9/01401.htm).

### *Incumbent Cable Operators and Holdover Cable Operators*

From January 1, 2020 until June 30, 2020, incumbent cable operators may elect to continue to operate pursuant to the local license or terminate the local license and apply for a uniform video service license. If the incumbent cable operator obtains a uniform video service license, the local license is terminated when the uniform license is issued and the operator operates within the service area defined in the local license. [A.R.S. § 9-1412 \(https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/9/01412.htm\)](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/9/01412.htm). If the operator does not timely elect to terminate a local license, the person continues to operate the cable system as a holdover cable operator pursuant to the local license. [A.R.S. § 9-1413 \(https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/9/01413.htm\)](https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/9/01413.htm). Following the natural termination of the local license, the holdover cable operator must apply for a uniform video service license at least one month prior to the expiration of the local license.

### *Application and Affidavit Requirements*

The legislation requires the application and affidavit to include the service area, the uniform license agreement provisions, the term of the license, and an agreement to pay any fees and charges. The application and affidavit must be filed with the municipal clerk and must contain the service area where the applicant intends to provide video service, contact information and the date when service will begin (if not an incumbent provider), the term of the license, and an agreement to pay all

## **Municipal Employment Opportunities**

(<http://www.azleague.org/jobs.aspx>)



(<http://azcitieswork.com/>)

lawful fees and charges imposed by the municipality. It is important for your clerk to know the appropriate individual in your city or town who processes the application and affidavit since the city or town has only fifteen business days to make an initial determination and reject the application and affidavit if incomplete or otherwise deficient (by written notice). A.R.S. § 9-1414 (<https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/9/01414.htm>).

### *Uniform Video Service License Agreement*

The uniform video services license agreement contains sixteen separate provisions including the date on which the provider expects to provide video services in the area, a description of the service area to be served, a requirement that the provider will pay the license fees and all other lawful charges imposed by cities and towns, and requirements that the provider comply with federal, state and local laws, consumer privacy mandates and public, education and government programming requirements. A.R.S § 9-1411

(<https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/9/01411.htm>). The city or town must issue the uniform license to the applicant thirty days after the filing of a completed application and affidavit. A.R.S § 9-1415 (<https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/9/01415.htm>).

### **Conclusion**

This article focused on the initial licensing process and the required forms each city and town must utilize to implement the uniform video services legislation. For more information on other provisions of the legislation relating to right-of-way management, appeals process, termination or transfer of licenses, and fee limitations, please see the 2018 League New Laws summary.

(<http://www.azleague.org/ArchiveCenter/ViewFile/Item/338>),

(page 14) or [SB1140](#)

(<https://www.azleg.gov/legtext/53leg/2R/laws/0331.htm>).

The Telecommunications Workgroup has drafted a model video services license agreement and application and affidavit with the assistance of stakeholders and the cable industry. These forms were distributed to all municipal attorneys last week and are available here:

[Video Services Application and Affidavit](#)

(<http://azleague.org/DocumentCenter/View/10922>)

[Video Services License Agreement](#)

(<http://www.azleague.org/documentcenter/view/10921>)

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