

RESOLUTION NO. 11-19094

A RESOLUTION OF THE BILLINGS, MONTANA, CITY COUNCIL, APPROVING A 25-CENT PER MONTH PER SUBSCRIBER PEG FEE TO BE PAID BY BRESNAN COMMUNICATIONS TO SUPPORT CHANNEL 7 OPERATIONS

WHEREAS, on October 25, 2010, the City Council of Billings, Montana, approved Resolution No. 10-19015, which approved an agreement that transfers control of a non-exclusive cable television franchise in the City of Billings from Bresnan Broadband Holdings, LLC, to BBHI Holdings, LLC (the "franchisee"); and

WHEREAS, Section 2.6, PEG Support Payments, of the Transfer Agreement requires the franchisee to pay a sum equal to 25 cents per month per subscriber for the remaining term of the franchise, provided the City adopts a separate resolution authorizing such a fee on or after March 1, 2011; and

WHEREAS, the same section allows that charge to be passed through to subscribers as a PEG fee at the franchisee's option; and

WHEREAS, Section 2.7 Channel 7, of the Transfer Agreement further provides that, if the PEG fee is adopted no later than September 1, 2011, the franchisee shall, at no cost to the City, provide transport to support transmissions in multiple formats, including high definition, to and from the City to the City's PEG playback/control center, and from the Yellowstone County Courthouse to the PEG playback/control center; and

WHEREAS, the Billings Community Cable Corporation Board of Directors has petitioned the City Council of Billings, Montana, to adopt a resolution requiring the PEG fee payment in addition to any portion of the franchise fee that is collected by the City of Billings and passed on to the Billings Community Cable Corporation; and

WHEREAS, the City Council of Billings, Montana, after due and careful consideration, has agreed to require such a PEG fee;

NOW, THEREFORE, THE CITY COUNCIL OF BILLINGS, MONTANA, DOES HEREBY RESOLVE that the franchisee shall pay a PEG fee equivalent to 25 cents per month per subscriber to the City of Billings, effective Dec. 1, 2011; and

THE CITY COUNCIL OF BILLINGS, MONTANA, FURTHER RESOLVES that the PEG fee proceeds shall be passed forward to the Billings Community Cable Corporation for the purpose of providing information from and about the City of Billings to subscribers.

**APPROVED AND PASSED BY THE BILLINGS CITY COUNCIL THIS 22
DAY OF AUGUST, 2011.**



CITY OF BILLINGS

Thomas W. Hanel

Thomas W. Hanel, Mayor

ATTEST:

Cari Martin

Cari Martin, City Clerk