

**REQUEST FOR FORMAL RENEWAL PROPOSAL  
FOR A CABLE FRANCHISE**

**Northern Dakota County Cable Communications Commission**

**5845 Blaine Avenue  
Inver Grove Heights, MN 55076-1401**

**April 4, 2018**

**APPLICANT'S RESPONSE TO THIS REQUEST FOR  
FORMAL RENEWAL PROPOSAL MUST BE RECEIVED AT THE  
ABOVE ADDRESS BY 4:00 PM ON MONDAY, JULY 16, 2018**

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# **REQUEST FOR FORMAL RENEWAL PROPOSAL FOR A CABLE FRANCHISE - NORTHERN DAKOTA COUNTY CABLE COMMUNICATIONS COMMISSION (“NDC4”)**

## **I. INTRODUCTION**

### **A. Invitation to Submit Proposals**

The Northern Dakota County Cable Communications Commission (hereinafter, “NDC4”), is a cable communications commission formed in 1982. The NDC4 consists of the cities of Inver Grove Heights, Lilydale, Mendota, Mendota Heights, South St. Paul, Sunfish Lake, and West St. Paul, Minnesota (“Member Cities”). Pursuant to 47 U.S.C. § 546 (a-g), with this Request for Formal Renewal Proposal (“RFRP”) the NDC4 invites Comcast of St. Paul, Inc. (“Comcast”) to submit a formal cable franchise renewal proposal describing the cable-related facilities, equipment, and services that Comcast proposes to provide to the NDC4 and its Member Cities during a franchise renewal term.<sup>1</sup>

While this RFRP is specifically designed for a cable franchise formal renewal proposal, the NDC4 also invites any other interested party to submit a proposal for a cable franchise using the attached forms by the deadline established herein. Applicants other than Comcast responding to the RFRP may read RFRP language such as “upgrades,” “rebuilds” and “renewal term” as applying equally to proposals for a new cable system with a new initial term.

The NDC4 welcomes proposals by other prospective cable operators and encourages any interested parties to contact the NDC4 at the address on the cover page of this RFRP. The NDC4 and its Member Cities encourage competition into the cable communications market. In 2016, the NDC4 Member Cities granted a Cable Television Franchise Ordinance to Qwest Broadband Services, Inc., d/b/a CenturyLink Inc. Thus, the NDC4 Member Cities are currently served by two cable operators, Comcast and CenturyLink.

If an Applicant submits a complete proposal by the deadline that the NDC4 has established, the proposal will be evaluated in accordance with applicable provisions of federal, state, and local law. In determining whether cable franchise renewal should be granted, the NDC4 will consider, for example, whether an Applicant’s past performance justifies renewal; whether an Applicant has the financial, technical and legal qualifications to perform as promised during a renewal term; and whether an Applicant has submitted a proposal that is reasonable to meet future cable-related needs and interests of this community, considering the cost of meeting those needs and interests.

The NDC4 is seeking a proposal that:

1. describes, in detail, what services, facilities and equipment the Applicant proposes to provide during a renewal franchise term;

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<sup>1</sup> This RFRP will generally refer to Comcast and all of the predecessor companies which have operated pursuant to the Cable Television Franchise Ordinance granted on or about January 17, 2000, by each Member City.

2. demonstrates that Applicant's proposal will satisfy community cable-related needs and interests capably, responsibly and in a manner that will provide the benefits of cable communications technology to the residents, institutions, organizations, and businesses in the NDC4 now and for any franchise term;

3. shows that Applicant is financially, technically, and legally qualified to hold a renewal cable franchise; and

4. explains why the Applicant believes that renewal is warranted in light of its past performance.

## **B. Principles Embodied in the Request for Formal Renewal Proposal**

The following principles are embodied in the RFRP:

1. The NDC4 has conducted a detailed review to identify future cable-related needs and interests. Among other things, the NDC4 commissioned special studies and surveys; reviewed its own records, and collected information that bears upon cable-related needs and interests. Consumer satisfaction with cable services was considered. A series of "Focus Groups" were held to identify the cable related needs and interests. Information from the cable operator was reviewed, and Comcast was provided an opportunity to submit whatever information it had bearing upon cable related needs and interests. The NDC4 conducted hearings where comments were received from the public.

2. The cable system serving the NDC4 should remain state-of-the art. In any renewal term, advanced cable infrastructure needs to be available in all parts of the NDC4 or applicable service area, and the cable system needs to serve any entity that desires cable services. A cable system should employ state-of-the-art technology so that optimal use is made of the NDC4's rights-of-way and private property, and so that subscribers are in a position to benefit from advances in cable technology.

3. It is also critical that the public, government and educational institutions have the opportunity to use Applicant's cable system. The NDC4 therefore requires the Applicant to describe its proposals for public, educational and governmental ("PEG") use in detail, and to explain how it would ensure that the PEG channels and resources promised will be provided in a way that ensures that the needs and interests of the community will be met.

4. High-quality cable service should be available throughout the NDC4 to anyone requesting service, on non-discriminatory terms.

5. With the issuance of a cable franchise, Applicant is granted a special right to use the public rights-of-way that is not available to all. The NDC4 believes that any grant of a cable franchise can have a substantial effect on the quality of life in the community and upon other potential users of the rights-of-way. Therefore, the NDC4 has invoked its right to manage the uses of its public rights-of-way in order to establish a firm and enforceable franchise that adequately protects the public interest.

6. The promises made in any proposal should be enforceable from both a legal and a practical standpoint. Therefore, in evaluating the adequacy of a proposal, the NDC4 will, for example, give little weight to promises that are phrased in a way that allows an Applicant to escape or avoid obligations, that are so vague as to be unenforceable, or that are so vague as to allow the operator to avoid obligations while disputing terms. The NDC4 does not generally engage in binding arbitration, and will not accept a proposal that makes the cable operator's obligations contingent upon an arbitrator's decision. Similarly, Applicant should not seek to add proposal conditions that would render the proposal unworkable or cause it to fail to meet the NDC4's needs and interests. Provisions in this RFRP, which require the NDC4's approval or direction, will be exercised by the NDC4 in a reasonable manner consistent with all applicable laws.

### **C. Format of the RFRP; Evaluation of Responses**

This RFRP is issued pursuant to applicable law. It is intended to satisfy all requirements of the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992 and the Telecommunications Act of 1996, 47 U.S.C. § 521 et seq. The NDC4 reserves the right to modify this RFRP, including the extension of due dates or deadlines established as part of this RFRP and/or to request additional information or clarifications from Applicants.

Sections I-III will summarize the critical needs and interests identified by the NDC4 for which requirements may be established consistent with the Cable Act. Those sections also identify the requirements that the NDC4 has established with respect to those needs and interests. The Cable Act allows the NDC4 to establish requirements in an RFRP:

1. "that channel capacity be designated for public, educational, or governmental use, and channel capacity on institutional networks<sup>1</sup> be designated for educational or governmental use, and may require rules and procedures for the use of the channel capacity designated...." 47 U.S.C. §531(b).

2. "for facilities and equipment." The legislative history explains that this includes requirements for institutional networks, studios, equipment for public, educational and government use, and two-way networks. 47 U.S.C. §544.

The Cable Act also states that "A franchising authority may establish and enforce (1) customer service requirements of the cable operator; and (2) construction schedules and other construction-related requirements, including construction-related performance requirements of the cable operator." The NDC4 believes that this language permits the NDC4 to establish these requirements unilaterally, and the NDC4 does propose to unilaterally establish requirements and conditions related to the use of streets and roads. However, the NDC4 has included as part of the RFRP certain construction requirements related to the timing of system construction and the area to be served by the Applicant. To the extent that the franchising authority has the right to require

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<sup>1</sup>The term "institutional network" means a communication network which is constructed or operated by the cable operator and which is generally available only to subscribers who are not residential subscribers. See 47 U.S.C. § 531(f).

that any franchise be subject to certain conditions, it is the NDC4's view that an unwillingness to accept these conditions could serve to justify non-renewal.

To aid the Applicant, and so that there is no misunderstanding as to the intent of particular requirements, we have set out a Model Cable Television Franchise Ordinance for satisfying the minimum requirements. Applicant is not required to follow the Model Cable Television Franchise Ordinance in every respect. If Applicant proposes a cable system that differs from the Model Cable Television Franchise Ordinance, however, Applicant must explain in detail why it has departed from the Model Cable Television Franchise Ordinance suggested by the NDC4, and demonstrate how the Applicant's proposal will meet the needs and interests embodied in the Model Cable Television Franchise Ordinance. If the change would result in some needs and interests not being satisfied, the Applicant must explain in detail why it believes that the change is justified and provide supporting documentation supporting any assertion that the NDC4's needs are unreasonable due to the cost associated with meeting such need. Applicant must include with its proposal all information on which it intends to rely in making that demonstration.

In addition, Applicant is cautioned that meeting the minimum requirements may be necessary, but not enough to obtain renewal. The Cable Act's legislative history explains that, in evaluating the adequacy of a renewal proposal submitted in response to an RFRP, the issue is whether "the equipment, facilities, and services proposed...are reasonable in light of the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests." H. Rep. 934, 98th Cong. 2d. Sess. at 74, *reprinted at* 1984 U.S.C.C.A.N. 4655 (1984).

In evaluating a proposal the NDC4 will also consider whether Applicant's proposal will, in practice, satisfy the future cable-related needs and interests of the community. For example, an Applicant cannot satisfy the facilities and equipment requirements by "providing" them under conditions that may impede their use. An Applicant may be deemed not to have "provided" the required facilities and equipment for PEG use if under its proposal, for example: (1) PEG use of facilities or equipment would be subordinate to other uses; (2) the facilities generally would not be available for PEG use at all times; or (3) there are conditions on use of such facilities or equipment beyond the conditions that are imposed by the Cable Act.

It is up to the Applicant to submit a proposal consistent with the foregoing. Applicant is encouraged not only to meet but to exceed the requirements of the RFRP in order to ensure that the cable-related needs and interests of the NDC4 are satisfied.<sup>2</sup> Section III includes the application forms which Applicant is to use in submitting its proposal and identifies the materials and information the NDC4 requires an Applicant to provide in its response.

An application must be responsive to, and be submitted in the format required by this RFRP, and must include all required information. The NDC4 reserves the right to reject a nonconforming application or to require Applicant to provide supplemental information or an amended proposal if the Applicant's filing does not conform to the requirements of this RFRP. No proposal shall

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<sup>2</sup>The needs and interests identified by the NDC4 are more fully described in "Formal Needs Assessment - Northern Dakota County Cable Communications Commission" and in the reports referenced therein.

be considered submitted to the NDC4 until all information required by this RFRP has been furnished to the NDC4.

#### **D. Submission of Proposal and Additional Information**

Applicant shall submit one (1) original and twenty-three (23) copies of its proposal to the NDC4 on the date and at the place indicated on the cover page of this RFRP, in accordance with the instructions set forth in Section I - Introduction and Section II - Application Forms - Instructions and Verification. In addition, Applicant shall provide an Executive Summary of its proposal, which shall not exceed ten (10) pages (double-spaced). Applicant shall provide one (1) original and twenty-three (23) copies of the Executive Summary to the NDC4. Applicant shall also provide a copy of its proposal and Executive Summary electronically ([JMiller@townsquare.tv](mailto:JMiller@townsquare.tv) attention Jodie Miller).

Applicant has an obligation to update the information required under the heading “Identification of Applicant” and the information required by Forms 1 and 2 if the information provided changes while the application is pending. If Applicant discovers an error in its submission, the NDC4 shall be notified of the error as soon as possible. If there is a material change in the financial position of the Applicant or any parent company, Applicant should notify the NDC4 of the change promptly and describe the change in detail.

Applicant will be expected to respond to any requests for additional information concerning the proposal fully and promptly, in accordance with the deadlines specified in such requests. Applicant’s proposals may be rejected, consistent with applicable law, if Applicant fails to provide information required in the form requested or submits false, misleading or incomplete information.

If the NDC4 determines that a renewal franchise should be granted, the terms of the proposal will be incorporated into a franchise document, as discussed below.

#### **E. Further Information**

Questions concerning this RFRP should be submitted in writing no later than 4:00 p.m. Central Time, on Monday, July 16, 2018 to Jodie Miller, Executive Director, Northern Dakota County Cable Communications Commission, 5845 Blaine Avenue, Inver Grove Heights, MN 55076-1401. All responses will be issued in writing. However, an Applicant must submit a response to this RFRP by the deadline, regardless of whether the questions asked have been answered.

#### **F. Cable Franchise**

As noted above, the terms of an acceptable proposal will be incorporated in a final franchise. The franchise will include other provisions which the NDC4 may establish (consistent with the Cable Act), including, but not limited to, provisions regarding the following:

1. standards for operation within the NDC4, including standards for use of public rights-of-way;
2. franchise fees;

3. rates;
4. PEG channels, facilities and equipment;
5. I-Net requirements;
6. customer service standards;
7. franchise transfers; and
8. enforcement provisions, including requirements for letters of credit, liquidated damages provisions, and provisions for revoking a franchise.

In February 2015 each NDC4 Member City received a request to initiate proceedings to consider awarding a franchise to CenturyLink in order provide cable communications services to the NDC4 Member Cities. As a result, each NDC4 Member City granted a Cable Television Franchise Ordinance to Qwest Broadband Services, Inc., d/b/a CenturyLink Inc., which became effective on April 5, 2016. Therefore, the NDC4 Member Cities are currently served by two cable operators, Comcast and CenturyLink.

For Applicant's information, the NDC4 is including a Model Cable Television Franchise Ordinance as an attachment to this RFRP. The Model Cable Television Franchise Ordinance is intended to serve as a model for the final franchise that will be entered into with the NDC4. Applicant should assume that the terms of its proposal, if found acceptable, will be incorporated in a franchise using the language and structure of the attached Model Cable Television Franchise Ordinance. Applicant need not discuss the terms set forth in the Model Cable Television Franchise Ordinance if Applicant is willing to accept them, although comments on the Model Cable Television Franchise Ordinance are welcome. Applicant shall address the Model Cable Television Franchise Ordinance in its response if Applicant demands that changes be made to the Model Cable Television Franchise Ordinance as a condition of renewal, or if Applicant believes that a particular provision should have been part of the RFRP itself. If Applicant objects to any particular section of the Model Cable Television Franchise Ordinance, it shall identify the section and explain the basis for its objection, including proposed substitute language. The Applicant shall clearly state whether it is willing to accept the section as proposed in the Model Cable Television Franchise Ordinance, assuming no amendments are made. If Applicant requires the NDC4 to add provisions to the Model Cable Television Franchise Ordinance, Applicant must submit language for each provision that it wants added, and explain why it is demanding that the language be added and provide support for the change. Applicant shall clearly state whether it is willing to accept the Model Cable Television Franchise Ordinance without the added language. For example, the Model Cable Television Franchise Ordinance is for a term of ten (10) years. If the Applicant insists upon a longer or shorter term its proposal shall include specific proof that a longer or shorter term is required.

In determining whether Applicant is legally qualified, the NDC4 intends to consider whether the Applicant is willing to comply with a franchise that is acceptable to the NDC4. If Applicant insists on changes to the franchise or on contract conditions that the NDC4 finds unacceptable, the NDC4 may deny the request for renewal.

With respect to any provision of the Model Cable Television Franchise Ordinance to which the Applicant objects, a conditional response or a failure to state that the Applicant is willing to

accept the condition as is will be assumed to mean that the Applicant is not willing to accept the condition, and Applicant's legal requirements and qualifications will be evaluated accordingly. Similarly, where Applicant does not object to a provision, Applicant must be willing to abide by the provision and enter into a franchise containing the provision.

## II. APPLICATION FORMS - INSTRUCTIONS AND VERIFICATION

### A. Instructions

All questions must be answered and all requested information supplied in the order set forth in the application. Consistent with the Cable Act, there is no requirement under this RFRP that Applicant submit a proposal for specific or broad categories of video programming or other information services. A form is included in this section regarding such services in the event any are proposed. If Applicant makes no such service proposals, it may return blank pages. The application must be verified by signing and returning the Application Form and Affidavit included in Section II(C) - Applicant's Affidavit.

Applicant may use the forms provided. Where that is impractical, forms of Applicant's design may be substituted if all requested information is clearly displayed.

Applicant shall begin a new page wherever indicated. Applications shall be as concise as possible without sacrificing clarity and completeness.

The financial pro forma information submitted must be based upon the requirements specified in this document. If Applicant deviates from those requirements, an additional separate pro forma (which is based on the deviations and explains their impact, in detail) shall be submitted. The NDC4 is subject to Minnesota State law regarding public information. The NDC4 will strictly comply with all requirements of Minnesota Government Data Practices Act § 13.01 et. seq. and any other applicable laws related to public requests for information. If Applicant is seeking protection from such state laws, Applicant must provide clear authority to support its position. The NDC4 retains the right to disclose information in accordance with Minnesota Government Data Practices Act § 13.01 et. seq.

Applicant shall clearly differentiate between those elements in a proposal that it is willing to include in any final franchise; those needs and interests which it intends to satisfy through contractual agreements with others; and those which it expects to provide, but which it is not willing to commit to provide.

### B. Identification of Applicant

Name of Applicant: \_\_\_\_\_

Address of Applicant: \_\_\_\_\_  
(Street)

\_\_\_\_\_  
(City, State, Zip Code)

Telephone: \_\_\_\_\_  
(Area Code and Number)

Date: \_\_\_\_\_

Please provide the name and telephone number of a principal to whom inquiries should be made:

Name: \_\_\_\_\_

Telephone: \_\_\_\_\_  
(Area Code and Number)

Authorized Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**C. Applicant's Affidavit**

1. This application is submitted in response to the RFRP issued by the NDC4. Applicant has read and reviewed the RFRP in preparing its response.

2. The Applicant attests that it has reviewed and checked the information presented, as necessary to determine its accuracy, and represents that it is true, accurate and complete, as required to ensure that the representations explicitly or implicitly made are not misleading.

3. The Applicant recognizes that all representations are binding on it and that failure to adhere to any such representations may, at the NDC4's option, result in revocation of any franchise that may be granted as a consequence of and in reliance upon this application.

4. The Applicant hereby gives the NDC4 permission to inquire into the legal, technical, financial and other qualifications of the Applicant by contacting any persons or organizations named herein as references or by any other appropriate and lawful means.

5. The undersigned has been duly authorized to make these representations on behalf of the Applicant.

Firm Name: \_\_\_\_\_

Affiant's Signature: \_\_\_\_\_

Official Position: \_\_\_\_\_

Date: \_\_\_\_\_

Attest: \_\_\_\_\_

Its: \_\_\_\_\_

**D. Executive Summary of Proposal**

Applicant shall present a clear and concise narrative description of the cable system it proposes to provide. Please limit responses to a maximum of ten (10) pages (double-spaced).

The following subject areas shall be covered in the Executive Summary:

1. Overview of Proposal;
2. Ownership and Management of Cable System;
3. Financial Commitments;
4. System Design and Construction;
5. Program Services and Other Service(s) (if proposed);
6. Public, Educational and Governmental Access;
7. Two-way Services to Governmental and Educational Institutions; and
8. Other.

The purpose of this section is to provide the reader with an understandable overview of the proposal, not to discuss details that will be covered elsewhere in the application forms.

### III. APPLICATION FORMS

#### Form 1. BACKGROUND AND LEGAL QUALIFICATIONS

##### Form 1(A) Legal qualifications

1. Applicant shall answer the following questions “yes” or “no.” For purposes of subsections 1(a)-(f), the term “Applicant” refers to: the Applicant; its principals; any entity which owns or controls, is owned or controlled by, or is under common ownership with the Applicant; and any entity which is expected to control or be responsible for, through any arrangement, the management and operation of the cable system serving the NDC4. The term “franchise” refers to a cable franchise, however nominated, or an open video system franchise, however nominated. The Applicant need not report any case or proceeding where final judgment was rendered ten (10) years or more prior to the date this RFRP was issued. Additionally, the Applicant need not report any franchise revocation that occurred ten (10) years or more prior to the date this RFRP was issued.

a. Is the Applicant authorized under Minnesota law to operate a business, including a cable television business, in the state?

Yes \_\_\_\_\_ No \_\_\_\_\_

b. Does the Applicant hold all federal and state licenses required for the operation of the cable system?

Yes \_\_\_\_\_ No \_\_\_\_\_

c. Does federal law prohibit the Applicant from holding the franchise?

Yes \_\_\_\_\_ No \_\_\_\_\_

d. Has the Applicant been found by a court or other entity of competent jurisdiction to have violated state or federal laws or regulations regarding, or to have engaged in acts which constitute: discrimination on the basis of race, sex or religion or any other prohibited ground; fraud; embezzlement; tax evasion; bribery; extortion; jury tampering; obstruction of justice (or other misconduct affecting public or judicial officers’ performance of their official duties); false or misleading advertising; perjury; violations of laws prohibiting anticompetitive conduct or unfair trade practices (including, but not limited to, violations of the Sherman Act and state consumer protection laws); or racketeering or conspiracy to commit any of the foregoing offenses?

Yes \_\_\_\_\_ No \_\_\_\_\_

e. Has the Applicant ever had a franchise or FCC license revoked for cause where the revoked franchise or license was not reinstated?

Yes \_\_\_\_\_ No \_\_\_\_\_

f. Has the Applicant ever been found by a court or other entity of competent jurisdiction to have made misleading statements to a public body?

Yes \_\_\_\_\_ No \_\_\_\_\_

2. If the answer to any of questions 1(a)-(f) is “yes,” the Applicant shall specifically describe the facts and circumstances concerning the acts or omissions which led to the decisions, revocation, or findings specified in questions 1(a)-(f). It shall identify with specificity each case, revocation, or finding which led the Applicant to respond affirmatively to questions 1(a)-(f). If the Applicant believes the acts or omissions described in response to 1(a)-(f) should not be considered in determining whether to grant or deny it a franchise it shall explain in detail the basis for this contention. In reviewing the information, the NDC4 shall consider: facts and circumstances which show that the acts or omissions are unrelated to the consideration of the Applicant’s willingness to operate a cable system in accordance with lawful requirements; whether the Applicant has fully corrected all harms which flowed from the act or omission; whether the act or omission involved principals of the Applicant; and whether the Applicant has taken adequate steps to ensure that the act or omission will not recur. Particular weight will be given to any failure to correct harms flowing from any past misconduct.

**Form 1(B) Applicant’s Holdings and Present Subscriber Rates**

1. Please list all present holdings (franchises and cable systems) in which the Applicant or any principal\* owns five percent (5%) or more of equity interest. If additional pages are needed, please reproduce this form. An Applicant that already holds a franchise need only list: (1) systems where the franchise was renewed in the last two (2) years; and (2) systems where the franchise is scheduled to expire in the next three (3) years.

Location of System			
Date of Most Recent Franchise Award			
Plant Miles of System			
Approximate number of Subscribers Served			
Level of financial support provided for PEG programming			
Level of franchise fee paid to the franchising authority			
Name of any competing wireline provider			
Description of any institutional network or two-way services offered			
Name and Address of Local Government Officials Responsible for Cable Operations			

\*For purposes of this form, “principal” means any officer or director of Applicant, and any person, firm, corporation, subsidiary, joint venture or other entity, that owns or controls five percent (5%) or more of the voting stock (or any equivalent voting interest of a partnership or joint venture) of Applicant.

2. Please list other investments or affiliations, direct or indirect, with any media, entertainment or telecommunications enterprise serving the NDC4 in which the Applicant or any principal owns five percent (5%) or more of equity interest.

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**Form 2. OWNERSHIP DISCLOSURE**

**Form 2(A) Ownership Information**

1. Organizational Structure

\_\_\_\_\_ Sole Proprietorship      \_\_\_\_\_ Joint Venture  
\_\_\_\_\_ Partnership              \_\_\_\_\_ Unincorporated Association  
\_\_\_\_\_ Corporation              \_\_\_\_\_ Other (explain)

Officers (if Corporation):

President \_\_\_\_\_  
Vice President \_\_\_\_\_  
Secretary \_\_\_\_\_  
Treasurer \_\_\_\_\_

If Sole Proprietorship, list:

Owner \_\_\_\_\_

If Partnership, list:

General Partners \_\_\_\_\_  
Limited Partners (if applicable) \_\_\_\_\_

2. Business Structure

a. If the Applicant is a corporation, please list all members of the Board of Directors, their principal affiliations and their addresses:

\_\_\_\_\_  
\_\_\_\_\_

b. If the Applicant is a partnership, please list all members of any governing body or management committee, their principal affiliations and their addresses:

\_\_\_\_\_  
\_\_\_\_\_

**Form 2(B) Ownership Disclosures**

Please fully disclose:

1. The names and positions of all the NDC4 officers and employees known to the Applicant to have any interest in the entity submitting the application, and the extent of such interest;

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2. The names of all officers of the Applicant (if not fully disclosed on Form 2(A) and the names and last-known addresses of all persons who have acted as attorney, broker, consultant, or agent of the Applicant with respect to the franchise application;

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3. The name and position of each NDC4 officer, employee or immediate family member of any officer or employee to whom or on behalf of whom the Applicant, officer or board member of Applicant; any person in a senior management position for Applicant; and the person or persons who are primarily responsible for the operations of Applicant within the NDC4, has made any gift, donation or political contribution of One Hundred and No/100 Dollars (\$100) or more within three (3) years preceding the filing of the franchise application, the name of the donor, and the amount or value of the gift, donation or political contribution. As to elected city officials, this requirement includes disclosure of donations to their “principal campaign committees” and “authorized committees,” as defined by 2 U.S.C. § 431.

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**Form 2(C) Stock Information**

Please answer the following if the Applicant is a corporation.

1. Is the Applicant a publicly held corporation as defined by the rules and regulations of the Securities and Exchange Commission?

Yes  No

2. Stock of Corporation:

Class of Stock	Par Value	Vote Per Share	No. Shares Authorized	No. Shares Issued	No. Shares Subscribed	Total No. Stockholders

3. Does the Applicant have any other obligations or securities authorized or outstanding which bear voting rights either absolutely or upon any contingency?

Yes  No

If so, submit a statement of (a) the nature of such securities, (b) the face or par value, (c) the number of units authorized, (d) the number of units issued and outstanding, (e) the number of units, if any, proposed to be issued, and (f) the conditions of contingency upon which securities may be voted.

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4. Is the Applicant's corporation directly or indirectly controlled by another corporation or legal entity?

Yes  No

If "yes," please explain.

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5. Nationality and State of Incorporation:

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#### **Form 2(D) Ownership Disclosure**

The Applicant must fully disclose all agreements and understandings with any person, firm, group, association or corporation with respect to the franchise or Applicant's cable system in the NDC4. This includes agreements between local investors and national companies. This includes but is not limited to agreements to lease or sell part of the cable system to any person; or to build or install facilities for others in conjunction with the construction of the cable system.

Please append copies of any written agreements made regarding the ownership or control of the proposed cable system. Please outline any oral agreements or understandings regarding the ownership or control of the proposed cable system.

If Applicant or any affiliate has sold or leased any part of the cable system, or capacity on the cable system to any person, it should identify what has been sold or leased; to whom; and for what purposes.

If Applicant or any affiliate has had any discussions regarding the sale of the cable system or lease of the cable system, or capacity on the cable system to any person, it should disclose these discussions, and describe the status of those discussions.

### **Form 2(E) Limited Partnership**

If the Applicant is a limited partnership, please describe the structure of the partnership and identify the general and limited partners and their principals.

### **Form 2(F) Additional Ownership Disclosures**

If, in response to Forms 2(B)(3) or 2(E), the Applicant listed other partnerships or corporations that are owned, controlled or managed by another corporation or partnership, then additional forms for 2(B)(3) and 2(E) shall be provided for such corporations and partnerships. The same shall be done for each partnership or corporation identified in these additional forms and so on until the ultimate parent of all such entities is identified. Information previously provided on Form 2(B) need not be repeated here.

## **Form 3. FINANCIAL QUALIFICATIONS AND INFORMATION**

An important element of any response to this RFRP is an adequate demonstration of financial capability to perform. Clear, complete and documented financial information is required for the NDC4 to determine the qualifications of the Applicant.

### **Form 3(A) System Financing Plan**

Please attach a detailed description of the financing plan for any cable system construction proposed during the period covered by your response to this RFRP. Indicate the source and amount of financing required to complete the construction in each of these categories, including internally generated funds, newly issued equity, newly issued debt, and any other sources. Identify the issuer, and the anticipated terms of any new debt and equity to be issued. In describing the terms of financing, include interest rates, collateral, guarantees, terms and conditions. Documentation must be submitted which corroborates the commitment of funds (where applicable) and lists the name, address, title and telephone number of the appropriate contact person for each organization involved in funding debt or equity. Copies of financing agreements are to be submitted or otherwise made available for inspection at the location indicated in Section II (A) – Instructions (attach separate pages as necessary).

### **Form 3(B) Applicant's Financial Statements**

1. Please attach audited financial statements, including statements of income, balance sheets and cash flow statements, together with any notes necessary to the understanding of the financial statements, for the last five (5) fiscal years for the Applicant's cable system within the NDC4. If audited information is not available, unaudited information is to be provided and certified as correct by the Applicant's authorized financial officer. In addition, Applicant shall provide separate information for any affiliate or parent company where necessary to understand the statements for Applicant's cable system in the NDC4, or where the debt, interest or other obligations or assets or revenue or expenses of such affiliate or parent company are in any way allocated to Applicant's cable system in the NDC4. Any compensation received by Applicant's owners or related parties from the Applicant - whether in the form of salary, dividends, in-kind payments, fringe or personal benefits, stock options, or otherwise - shall be disclosed as to type and amount in each year.

2. For the last three (3) fiscal years and for each of the entities indicated above, to the extent not provided in the statements identified above, identify:

a. Revenue by type. (e.g., basic service, other tier service, pay service, pay-per-view service, equipment rental, installation, advertising, itemized franchise fees or other fees, etc.) and expenses by type (e.g., programming costs, plant maintenance and technical expenses, marketing expenses, customer service expenses, franchise fee expenses, etc.).

b. Distribution plant miles, homes passed, subscribers, listed separately, for each service tier, and pay units (at year end and at previous year end if not already included).

As part of your response to this form, please provide the historical financial data requested above in the same format used in your response to Form 3(C).

### **Form 3(C) Pro Forma Financial Projections**

The Applicant shall furnish tables following the format below and shall provide the requested pro forma projections for the Applicant's operations within the NDC4 for the proposed franchise term (see Form 10) assuming franchises for the territories specified in this RFRP are awarded on October 1, 2018.<sup>3</sup> If the cable system's assumed revenues or expenses will reflect an allocation of assumed expenses or revenues for some other entity, including, but not limited to, overhead allocations and management fees, pro forma projections for such other entity should be provided as well. The pro forma projections shall include approximately the same line-item level of detail indicated on the attached forms, but particular details of presentation may differ if the Applicant believes that alternatives are more appropriate given its internal accounting practices.

Key assumptions supporting the projections shall be documented and submitted as notes to the pro formas. In particular, assumptions regarding upgrades, PEG requirements, franchise fee expenses, and any other franchise requirements shall be clearly identified and treatment of associated costs or revenues in the financial projections shall be highlighted or explained.

Financial pro formas shall be based upon RFRP requirements. If the application deviates from those requirements, submit separate and additional pro formas showing the financial impact of each difference.

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<sup>3</sup> The NDC4 recognizes that the franchise may not be awarded on October 1, 2018. In part we chose that date for purposes of convenient analysis. In addition, the term proposed is based on the needs and interests of the NDC4, as they exist today. The longer the renewal process takes, the shorter the term may be.

Please provide the following financial projections for each year of the proposed franchise term.

1. <u>REVENUES</u>	<u>YEAR 1</u>	<u>YEAR 2</u>	<u>YEAR 3</u> <u>[to end of term]</u>
<i>Households in franchise area:</i>			
- total			
- homes passed			
Beginning subscribers			
Net subscriber growth/loss			
Penetration percentage			
New subscriber connects			
Household reconnects			
Subscriber disconnects			
Number of basic subscribers			
Number of subscribers for other tiers			
Number of premium units			
Number of pay-per-view units sold			
<i>Revenue per subscriber:</i>			
Basic			
Other tiers			
Premium			
Number of subscribers for each premium service offered			
Cable guide			
Pay-per-view			
Converter/remotes			
Extra outlets			
Installation			
HD service fees			
Advertising			
Home Shopping			
Other (Specify***)			
TOTAL			
<i>Revenue (annual \$ total):</i>			
Basic			
Other tiers			
Premium			
Pay-per-view			
Converter/remotes			
Extra outlets			
Installation			
HD service fees			
Advertising			
Home Shopping			
Other (Specify **)			
TOTAL			

Attach information explaining the assumptions upon which these projections are made.

2. <u>STATEMENT OF INCOME</u>	<u>YEAR 1</u>	<u>YEAR 2</u>	<u>YEAR 3</u> <u>[to end of term]</u>
Revenues			
Operating Expenses			

<u>2. STATEMENT OF INCOME</u>	<u>YEAR 1</u>	<u>YEAR 2</u>	<u>YEAR 3</u> <u>[to end of term]</u>
Programming			
Technical & Plant			
Marketing			
Administration & General			
Other Operating Expenses			
<b>TOTAL OPERATING EXPENSES</b>			
Operating Income			
Less -			
Depreciation			
Amortization			
Interest on Debt to Corporate Parent/related entities			
Other Interest			
Other Expenses/(Income)			
Net Income before Income Taxes			
Income Taxes			
Income Tax Credit			
After-Tax Net Income			

Attach information explaining the assumptions upon which these projections are made.

<u>3. BALANCE SHEET</u>	<u>YEAR 1</u>	<u>YEAR 2</u>	<u>YEAR 3</u> <u>[to end of term]</u>
Current Assets			
Cash			
Cash Equivalents (specify)			
Accounts Receivable			
Inventory			
Prepaid Expenses			
Other (specify)			
Sub-Total			
Property, Plant & Equipment			
Land			
Buildings			
Leasehold Improvements,			
Furniture, Fixtures			
Cable Plant			
Equipment			
Other (specify)			
Less Accumulated Depreciation			
Sub-Total			
Other Assets (specify)			
<b>TOTAL ASSETS</b>			
Current Liabilities			
Accounts Payable			
Accrued Liabilities			
Subscriber Prepayments, Deposits			
Notes Payable - Corporate Parent			
Notes Payable - Other			
Other (specify)			
Sub-Total			
Long-term Debt - Corporate Parent			

3. <u>BALANCE SHEET</u>	<u>YEAR 1</u>	<u>YEAR 2</u>	<u>YEAR 3</u> [to end of term]
Long-term Debt – Other			
Other Liabilities (specify)			
Stockholders' Equity			
<b>TOTAL LIABILITY AND EQUITY</b>			

Attach information explaining the assumptions upon which these projections are made.

4. <u>STATEMENT OF CASH FLOWS</u>	<u>YEAR 1</u>	<u>YEAR 2</u>	<u>YEAR 3</u> [to end of term]
Cash flows from operating activities:			
Net income			
Adjustments to reconcile net income to net cash provided by operating activities:			
Depreciation and amortization			
Changes in current assets and liabilities (non-cash)			
Other (specify)			
Net cash provided by operating activities			
Cash flows from investing activities:			
Capital expenditures for property and equipment			
Other (specify)			
Net cash provided by investing activities			
Cash flows from financing activities:			
Proceeds from borrowings - corporate parent			
Repayment of borrowings - corporate parent			
Proceeds from borrowings - unrelated third parties			
Repayment of borrowings - unrelated third parties			
Proceeds from issuance of stock or other equity			
Dividends Other (specify)			
Net cash provided by financing activities			
Net change in cash			
Beginning cash			
Ending cash			
Supplemental disclosures:			
Cash paid for interest Cash paid for income taxes			

Attach information explaining the assumptions upon which these projections are made.

5. <u>ANTICIPATED CAPITAL EXPENDITURES</u>	<u>YEAR 1</u>	<u>YEAR 2</u>	<u>YEAR 3</u> [to end of term]
Antennas, Towers, Microwave Facilities			
Headend and Hubs/Nodes			
Cable Plant - Subscriber Network			
Distribution Plant			
Rebuild/Upgrade of Distribution Plant			
Extensions			
Replacement			
Subscriber drops			
Cable Plant -- Institutional Network			
Distribution Plant			
Rebuild/Upgrade of Distribution Plant			
Extensions			

<u>5. ANTICIPATED CAPITAL EXPENDITURES</u>	<u>YEAR 1</u>	<u>YEAR 2</u>	<u>YEAR 3</u> <u>[to end of term]</u>
Replacement			
Drops			
Interface Equipment			
Converters			
HD Service			
Replacements			
Buildings and Land			
Leasehold Improvements, Furniture & Fixtures			
Program Origination			
Local Origination			
Access Facility			
Other Access Equipment			
Test Equipment, Spares, Tools			
Vehicles			
Data Processing Equipment			
Other (specify)			
Capitalized Overhead			
TOTAL			

Attach information explaining the assumptions upon which these projections are made.

<u>6. DEPRECIATION SCHEDULE</u>	<u>YEAR 1</u>	<u>YEAR 2</u>	<u>YEAR 3</u> <u>[to end of term]</u>
Antennas, Towers and Microwave Facilities			
Headend and Hubs/Nodes			
Cable Plant - Subscriber Network			
Distribution Plant			
Rebuild/Upgrade of Distribution Plant			
Extensions			
Replacement			
Subscriber drops			
Cable Plant - Institutional Network			
Distribution Plant			
Rebuild/Upgrade of Distribution Plant			
Extensions			
Replacement			
Drops			
Interfaces			
Converters			
HD service			
Replacements			
Buildings and Land			
Leasehold Improvements, Furniture & Fixtures			
Program Origination			
Local Origination			
Access Facility			
Other Access Equipment			
Test Equipment, Spares, Tools			
Vehicles			
Data Processing Equipment			
Other (specify)			

6. <u>DEPRECIATION SCHEDULE</u>	<u>YEAR 1</u>	<u>YEAR 2</u>	<u>YEAR 3</u> [to end of term]
Capitalized Overhead			
TOTAL			

Attach information explaining the assumptions upon which these projections are made.

7. <u>PROGRAMMING EXPENSES</u>	<u>YEAR 1</u>	<u>YEAR 2</u>	<u>YEAR 3</u> [to end of term]
Salaries			
Payroll Taxes			
Overtime			
Benefits			
Buildings/Rent			
Maintenance			
Vehicle Expense			
Premium Programming Expenses			
Expanded Basic Programming Expenses			
Basic Programming Expenses			
Royalty Payments			
Program Guides			
Other Programming Expenses (specify)			
TOTAL			

Attach information explaining the assumptions upon which these projections are made.

8. <u>TECHNICAL AND PLANT OPERATIONS</u>	<u>YEAR 1</u>	<u>YEAR 2</u>	<u>YEAR 3</u> [to end of term]
(Include data for the subscriber network and any institutional network).			
Salaries			
Payroll Taxes			
Overtime			
Benefits			
Contract Labor			
Buildings/Rent			
Maintenance			
Vehicle Expense			
Repairs & Maintenance			
Pole Rentals			
System Power			
Small Tools & Test Equipment			
Other Plant Expenses (specify)			
TOTAL			

Attach information explaining the assumptions upon which these projections are made.

9. <u>MARKETING</u>	<u>YEAR 1</u>	<u>YEAR 2</u>	<u>YEAR 3</u> [to end of term]
Salaries			
Payroll Taxes			
Overtime			
Commissions			

9. <u>MARKETING</u>	<u>YEAR 1</u>	<u>YEAR 2</u>	<u>YEAR 3</u> <u>[to end of term]</u>
Benefits			
Outside Marketing			
Buildings/Rent			
Maintenance			
Vehicle Expense			
Advertising & Promotion			
Other Marketing Expenses (specify)			
TOTAL			

Attach information explaining the assumptions upon which these projections are made.

10. <u>ADMINISTRATIVE AND GENERAL</u>	<u>YEAR 1</u>	<u>YEAR 2</u>	<u>YEAR 3</u> <u>[to end of term]</u>
Salaries			
Overtime			
Payroll Taxes			
Benefits			
Data Processing			
Buildings/Rent			
Maintenance			
Vehicle Expense			
Utilities			
Phone			
Light, Heat/AC			
Power			
State and Local Taxes			
Franchise Fee			
Postage			
Stationery & Supplies			
Training, Travel & Entertainment			
Professional Services			
Services Purchased			
Insurance			
Bad Debts			
License & Permit Fees			
Management Fee:			
By Recipient			
By Parent			
Corporate Allocation			
Other (specify)			
TOTAL			

Attach information explaining the assumptions upon which the projections are made.

11. <u>OTHER OPERATING EXPENSES</u> (specify)
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Attach information explaining the assumptions upon which the projections are made.

12. <u>EMPLOYEE ESTIMATES</u> (specify)
List by category, by title, and by year the total estimated number of employees that will be employed to provide service in the NDC4. If these employees will also provide service to other franchise areas, identify these areas and the number of subscribers in each.

For example:

<u>EMPLOYEES, BY CATEGORY</u>	<u>YEAR 1</u>	<u>YEAR 2</u>	<u>YEAR 3</u> [to end of term]
Technical and Plant			
Operations			
Plant Manager			
Trunk Technicians			
Other (specify)			
Administrative and General			
Customer Service Representatives			
Other (specify)			

Attach information explaining the assumptions upon which the projections are made.

### **Form 3(D) Financial Goals**

1. Attach a brief narrative describing the Applicant's financial goals for the cable system in the NDC4. If the cable system does not meet these goals, describe how the Applicant will improve financial performance. Any discussion should include, at a minimum, operating assumptions such as rate increases, interest rates, sources of revenue, marketing and operational changes.

Include in the narrative your historical rates of return on investment for the cable system, your target rates of return on new cable system investments and your target rate of return for your investment in the cable system. Explain how these rates were arrived at, and the methodology that you will use in comparing the actual results to these targets. Attach separate pages as necessary.

2. Identify any plans that Applicant or its parent companies has to dispose of the cable system directly (by sale of the system) or indirectly (by merger, spin-off, or any other mechanism that results in a change in control of Applicant or its parents).

### **Form 3(E) Applicant's Accountants**

Each Applicant shall provide the name, address, title and telephone number of an appropriate contact person for Applicant's internal financial staff involved in preparing the historical and projected financial statements, as well as any outside accounting firm utilized by the Applicant in preparing the statements.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

**Form 4. GENERAL QUESTIONS REGARDING TECHNICAL QUALIFICATIONS**

The Applicant shall submit information responsive to the questions below, and such other information as may show that the Applicant is capable of constructing and operating a cable system that, consistent with the requirements of this RFRP and the Cable Act, meets the needs and interests of the community.

**Form 4(A) Previous Experience**

1. Has the Applicant ever operated a cable system of the type that it proposes to provide in accordance with this RFRP?

[ ] Yes [ ] No

If the answer is “yes,” please describe that previous experience by identifying the location of the system and a person who can answer additional questions regarding that system.

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2. Please explain why Applicant believes it should be found to have the requisite technical expertise to operate the system. Explain in detail:

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(a) What steps Applicant has taken, if any, to inspect system drops on a comprehensive basis to determine whether those drops need to be replaced?

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(b) What procedures, rules, and customer service quality controls are in place?

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3. Please provide copies of the last two (2) FCC technical standards tests conducted, and if not shown clearly on the report, state the date the tests were conducted; provide information showing what steps the company had taken to ensure the testing equipment was accurate, and the date those steps were taken; and provide any additional relevant information concerning the system.

**Form 4(B) Summary of Access Operations**

Please specify the support, if any, that Applicant proposes to provide to the entity responsible for managing PEG access for each year of the renewal term (not including amounts that would offset the cable franchise fee owed to the NDC4).

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**Form 5. PROPOSAL FOR SYSTEM DESIGN AND CONSTRUCTION**

**Form 5(A) Performance Standards and Testing**

1. Please describe the Applicant’s testing program for the subscriber network, including a summary of procedures for initial proof of performance tests, acceptance tests, continuing tests, tests in response to subscriber complaints, and other tests planned. Test procedures should be submitted for all parameters to be tested.

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2. Please list the key technical performance standards that will be met by the subscriber network. Include for both the forward and reverse system any parameters for:

Bandwidth: \_\_\_\_\_

Carrier-to-Noise Ratio: \_\_\_\_\_

Carrier-to-Cross Modulation: \_\_\_\_\_

Carrier-to-Composite Triple Beat: \_\_\_\_\_

Hum: \_\_\_\_\_

In-Channel Frequency Response: \_\_\_\_\_

System Frequency Response: \_\_\_\_\_

Signal Leakage: \_\_\_\_\_

Signal Levels (peak-to-valley, variation over time): \_\_\_\_\_

Signal-to-Noise: \_\_\_\_\_

Bit Error Rate: \_\_\_\_\_

Color Tests (chrominance-luminance delay inequality): \_\_\_\_\_

Digital video specifications (as adopted in industry practice): \_\_\_\_\_

**Form 5(B) System Maintenance Procedures**

1. Describe the practices and procedures proposed for routine preventive maintenance, including the type and frequency of cable system inspection and testing, and the number and qualifications of technical staff by category (head end, system, line, universal rep.) and service facilities.

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2. Attach any corporate maintenance procedures that the Applicant proposes to follow during the term of the franchise.

**Form 6. PUBLIC, EDUCATIONAL AND GOVERNMENT USE**

**Form 6(A) PEG Use Channel Capacity**

Please describe:

1. The number of forward/downstream channels to be provided, channel number and tier assigned, and date of availability for each PEG channel proposed or, in the alternative, the percentage of the cable system's maximum channel capacity to be provided for PEG use (including storage capacity on video and computer servers).

---

2. The spectrum space to be provided for reverse/upstream access uses, and the manner in which the Applicant proposes to provide reverse/upstream capability from locations specified by the NDC4. This description should also delineate the specific equipment to be provided which is associated with signal transmission (*i.e.*, modulators and demodulators).

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3. The method (*e.g.*, fiber or coaxial cable) by which the access facilities and the head end will be linked. The description should include the channel capacity in both forward and reverse directions to be provided between the locations; and the equipment that will be provided to activate the links and to route or switch signals.

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4. The conditions, if any, under which channel location will be changed.

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5. The conditions under which additional capacity will be provided.

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6. Whether the links and equipment provided will permit the entity responsible for managing a channel to:

a. view the signal before it is transmitted to subscribers;

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b. receive signals originated from distant locations and place these signals on the proper channel;

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c. receive feeds from other locations and select between feeds to program a channel.

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d. send feeds to other entities responsible for programming channels.

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**Form 6(B) Access Management**

1. Describe the manner in which the Applicant proposes to cooperate and coordinate with any access management entity designated by the NDC4.

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2. Please identify any restrictions on PEG use demanded by the Applicant as a condition of providing PEG channel capacity, facilities, equipment and financial support.

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**Form 6(C) Access Facility and Equipment**

1. How much does the Applicant plan to contribute for and in support of facilities or equipment for access (1) above and beyond any costs associated with constructing the cable system (including the links between and among access centers and the head end); and (2) above and beyond the franchise fee?

2. If the Applicant does not propose a capital contribution above and beyond the franchise fee:

a. Describe any access facility or facilities proposed by the Applicant including: location; size (square footage); proposed layout of and type of work areas within a facility (i.e., studio, control room, editing suites, office space, etc.); availability of parking; handicapped accessibility; ability to expand in the future, if needed; and any other information which will clearly and concisely describe the facility or facilities proposed for any PEG use by the Applicant.

b. Describe any equipment packages that the Applicant proposes to provide for PEG purposes. The Applicant must set forth the proposed capital equipment budget for the initial equipment package and a budget outlining the replacement schedule for equipment during the term of the franchise. The Applicant should provide detailed equipment lists, and indicate whether the equipment is new or used. If used equipment is proposed, provide the age of the equipment, and a certification from an independent engineer as to the condition of the equipment.

3. When would the support identified above be provided?

4. Describe the conditions under which the Applicant would agree to be bound to provide additional channels, facilities or equipment for PEG use.

**Form 6(D) Access Services**

1. Please describe the access services the Applicant proposes to provide, or any contribution that Applicant proposes to make to support PEG operations. The Applicant should separately identify each access service it proposes to provide (e.g., training, facilitation, outreach, etc.); who will provide the service; the staff devoted to the service; and the times the service would be available. The description should include any annual budget for the delivery of any access services. The Applicant should assume any such services will be provided in addition to, and not as a part of, the franchise fee paid to the NDC4.

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**Form 7. VIDEO AND INFORMATION SERVICES**

If the Applicant desires to promise to provide certain broad categories of video and other information services to subscribers as part of its proposal, or demonstrate the manner in which it proposes to deliver a greater variety of programming, it should describe those categories here.

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**Form 8. INTERACTIVE SERVICES**

If the Applicant desires to promise to provide certain broad categories of interactive cable services to residential and business subscribers, it should describe them here.

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**Form 9. NARRATIVE SUMMARY OF RESPONSIVENESS TO LOCAL NEEDS AND INTERESTS**

1. Describe in narrative form your concept of the cable system proposed for the NDC4, including anticipated cable system development over the life of the franchise. Describe and emphasize particularly those features which are not included in any other section of the RFRP which the Applicant desires the NDC4 to consider in evaluating the proposal.

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2. If the Applicant proposes to provide any other service, facility or equipment which the Applicant may wish to contend is relevant in determining whether the Applicant's proposal meets the cable-related needs and interests of the community, describe the service, facility or equipment in complete detail; describe how it will be provided, under what circumstances and for what charge.

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3. Emphasis should be given to explain why the Applicant believes its proposal is reasonable to meet the cable-related needs and interests of the community, taking into account the cost of meeting such needs and interests.

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4. Is the Applicant proposing to provide a cable system that conforms to the model in this RFRP? If not, identify each and every deviation from the model and the specific reasons for each deviation.

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5. Please identify any need and interest identified in the Report or RFRP which Applicant was required to satisfy which Applicant has not satisfied, or explain why Applicant believes that need and interest does not need to be satisfied. If Applicant bases its decision in whole or in part on the cost of meeting the need and interest, it should state the cost of satisfying the need and interest; explain why the cost is too high; and provide supporting documentation.

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**Form 10. FRANCHISE TERM**

In the space below, the Applicant shall: (1) state the franchise term it seeks; and (2) describe why it believes the proposed franchise term is appropriate, considering expected changes in cable technology. If the Applicant claims that the franchise term it proposes is required for financial reasons, it shall describe in detail those financial reasons, and provide any documentation required (including, for example, financial projections and depreciation schedules) to substantiate that claim. If the Applicant has already provided the documentation in Form 3, it may reference that information.

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**Form 11. MISCELLANEOUS INFORMATION**

**Form 11(A) Analysis and Studies of Demand for Cable Services**

The Applicant shall attach copies of any analysis, evaluation or study of demand for cable service in the NDC4, and any analysis, evaluation or study of demand for cable services elsewhere which the Applicant believes is relevant to evaluating whether its proposal is reasonable to meet the future cable-related needs and interests of the community, taking into account the cost of meeting those needs and interests.

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**Form 11(B) Surveys**

1. The Applicant shall attach a copy of any survey of the NDC4 residents, businesses or subscribers conducted within the last three (3) years regarding cable services, facilities or equipment; or regarding subscriber willingness to pay for any cable service, facility or equipment (including access services, facilities or equipment). The Applicant shall also attach any reports, analyses, studies or other documents regarding such a survey.

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2. The Applicant shall attach a copy of any survey of the NDC4 residents, businesses or subscribers conducted within the last three (3) years regarding a need or interest in voice, video or data services (other than video programming services).

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**Form 11(C) Compliance**

Has the Applicant been informed that it is out of compliance with any provision of an existing franchise with the NDC4?

Yes \_\_\_\_\_ No \_\_\_\_\_

If the answer is “yes,” will the Applicant take steps to bring itself into compliance?

Yes \_\_\_\_\_ No \_\_\_\_\_

If the answer is “yes,” describe those steps.

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If the answer is “no,” please explain in detail why Applicant believes its request for renewal should not be denied, based upon past performance, and provide supporting documentation.

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**Form 11(D) Cable Franchise Agreements**

1. The Applicant shall attach copies of all cable franchise agreements granted to it by any Minnesota municipality within the last three (3) years. The Applicant shall also attach any related agreements, side letters or other documents regarding such cable franchise agreements.

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Please attach any additional information necessary to respond to the RFRP.

**END OF APPLICATION FORMS**

**ATTACHMENT 1**

**MODEL CABLE TELEVISION FRANCHISE ORDINANCE**