

**VILLAGE OF LODA
IROQUOIS COUNTY, ILLINOIS**

ORDINANCE 2017-01

**AN ORDINANCE ADDRESSING THE PAYMENT OF CABLE
TELEVISION FRANCHISE FEES IN VILLAGE OF LODA**

WHEREAS, Mediacom Illinois LLC operates a cable television system providing cable television services to households in the Village of Loda, Illinois authorized under an Authorization to Offer Cable or Video Services granted by the Illinois Commerce Commission pursuant to (220 ILCS 5/21-401); and

WHEREAS, 220 ILCS 5/21/801 permits the Village of Loda to collect service provider fees from a cable operator operating within the Village of Loda pursuant to a state authorization; and

WHEREAS, the Village of Loda hereby adopts this Ordinance in order to collect service provider fees from Mediacom Illinois LLC.

BE IT ORDAINED by the President and the Board of Trustees of the Village of Loda, Iroquois County, as follows:

SECTION I

That Mediacom Illinois LLC shall pay an annual service provider fee to the Village of Loda in an amount equal to 3% of annual gross revenues derived from the provision of cable or video service to households located within the Village of Loda. The twelve (12) month period for the computation of the service provider fee shall be a calendar year.

SECTION II

That the service provider fee payment shall be due annually and payable within 90 days after the close of the preceding calendar year. Each payment shall be accompanied by a brief report prepared by a representative of the Grantee showing the basis for the computation. If mailed, the fee shall be considered paid on the date it is postmarked.

SECTION III

That for purposes of the calculation of the service provider fee, "gross revenues" shall mean consideration of any kind or nature, including, without limitation, cash, credits, property, and in-kind contributions received by Mediacom Illinois LLC for the operation of its cable systems to provide cable or video service within the County, including the following: (i) recurring charges for cable service or video service; (ii) event-based charges for cable service or video service, including, but not limited to, pay-per-view and video-on-demand charges; (iii) rental of set-top boxes and other cable service or video service equipment; (iv) service charges related to the provision of cable

service or video service, including, but not limited to, activation, installation, and repair charges; (v) administrative charges related to the provision of cable service or video service, including but not limited to service order and service termination charges; and (vi) late payment fees or charges, insufficient funds check charges, and other charges assessed to recover the costs of collecting delinquent payments.

SECTION IV

That for purposes of the calculation of the service provider fee, "gross revenues" shall not include; (1) revenues not actually received, even if billed, such as bad debt; (ii) the service provider fee or any tax, fee or assessment of general applicability; (iii) any revenues received from services not classified as cable service or video service, including, without limitation, revenue received from telecommunications services, voice over internet protocol (VoIP) services, information services, the provision of directory or Internet advertising, or any other revenues attributed by the holder to noncable service or non-video service in accordance with the holder's books, and records and records kept in the regular course of business and any applicable laws, rules, regulations, standards, or orders; (iv) security deposits collected from subscribers, or (v) any amounts paid by subscribers to "home shopping" or similar vendors for merchandise sold through any home shopping channel offered as part of the cable service or video service.

SECTION V

That if any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION VI

That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION VII

That this Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form (which publication is hereby authorized) as provided by the law.

PASSED AND ADOPTED by the President and Board of Trustees of the Village of Loda, Iroquois County, Illinois on the _____ day of _____ 20__.

APPROVED: _____
Village Board President

[SEAL]

ATTEST: _____
Village Clerk