



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
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FRANKFORT, KY. 40602
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July 25, 1991

James Millam, Esq.
100 Park Square
Russellville, Kentucky 42276-1491

Re: Cable TV Franchise Fee

Dear Mr. Millam:

By letter dated January 18, 1991, you asked why the imposition of a utility tax and a franchise fee by a cable TV company did not require Commission approval. On January 23, 1991, the Commission responded by explaining that our jurisdiction extends only to those entities within the definition of "utility" as set forth in KRS 278.010, and that cable television providers are not within that definition. You have now asked whether the Commission's response is the same in the light of the court's decision in Electric and Water Plant Board of the City of Frankfort vs. South Central Bell Telephone, Ky. App., 805 S.W.2d 141 (1990).

The above-cited case states that the Commission has jurisdiction over joint pole-use agreements when at least one party to the agreement is a utility as defined in KRS 278.010. When a Commission regulated utility enters into a joint pole-use agreement with a cable TV company, the latter entity is a customer of the regulated utility and the Commission has jurisdiction to review the rates established by the joint pole-use agreement. However, there is nothing in the case that extends the Commission's jurisdiction to include the rates charged, or service provided, by a cable TV company.

Sincerely,


Richard G. Raff
Staff Attorney

RGR/mdk