



Local Government Franchising Authority

The table below provides more information about the authority local governments have regarding cable television services. Federal law restricts what the City is allowed to regulate in a franchise or negotiate for in a franchise agreement. Below is a table describing what the City of Bellingham can and cannot do as the local franchise authority.

What City Can Do:	What City Cannot Do:
Can require specific cable system capacity and functionality.	Cannot require a specific transmission technology. Cannot specify engineering performance standards in those areas where FCC has preemptive authority.
Must be willing to negotiate in good faith with additional cable companies.	Cannot grant an exclusive franchise.
Can establish customer service standards, including standards related to answering telephone calls, responding to complaints, and imposition of late fees. Can require a local customer service office.	Cannot regulate rates (other than lowest cost tier of service).
Can require franchise fees of up to 5 percent of gross revenues, and through an enabling ordinance can require a specific definition of gross revenues.	Cannot require franchise fees of more than 5 percent of gross revenues, as defined in the franchise agreement.
Can regulate the video portion of services offered.	Cannot regulate any voice (telephone) services (regulated by state Public Utilities Commission). Cannot regulate data services, including Internet services (regulated by the FCC).
Can require construction of an Institutional Network (I-Net) linking schools, libraries, and public buildings for voice, video and data communications.	Cannot specify which channels are or are not carried and cannot specify which channels are on which tier of service (other than PEG access, which must be available in all tiers of service).
Can require support of Public, Educational and Government (PEG) access through facilities, equipment, channels and financial support.	
For the public access channel, can negotiate placement at a specific location.	
When a cable company does construction in public rights of way, can specify that it must do so in a manner that does not disrupt those rights of way unreasonably. Company must apply for and be issued all necessary construction and occupancy permits.	