

**CITY OF CANNON FALLS
GOODHUE COUNTY, MINNESOTA**

RESOLUTION NUMBER 2258

**RESOLUTION APPROVING HBC'S
CABLE FRANCHISE APPLICATION**

WHEREAS, the City of Cannon Falls ("City") initiated the process for considering issuance of a cable franchise under Minnesota Statutes, Chapter 238;

WHEREAS, the City received a timely franchise application from Hiawatha Broadband Communications, Inc., a Minnesota corporation ("HBC") dated August 12, 2016;

WHEREAS, Minn. Stat. § 238.081 requires cable franchise applicants to file information addressing specified matters including financial, legal, and technical qualifications;

WHEREAS, HBC's application describes the company's plan to construct a state-of-the-art, fiber-to-the-home system and introduce competitive cable services in the City;

WHEREAS, HBC's application was considered by the City Council at a duly-noticed public hearing on September 6, 2015;

WHEREAS, Minn. Stat. § 238.084, Subd. 1(d) provides that cable franchises must be non-exclusive, and Minn. Stat. § 238.08, Subd. 1(b) provides for franchising of a competitive provider within an area already served;

WHEREAS, Mediacom Minnesota LLC ("Mediacom") is the incumbent cable operator in the City;

WHEREAS, Mediacom has not commented on or opposed HBC's application;

WHEREAS, the City's special counsel, Kennedy & Graven, has negotiated a proposed franchise with HBC and has provided a report and recommendation to accept HBC's application dated December 15, 2016 ("Report").

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Cannon Falls, Minnesota that the HBC franchise application is approved based on the following findings and conclusions:

1. The recitals above are incorporated herein.
2. As indicated in the Report, HBC's application substantially complies with the City's application instructions and provides the information necessary for a decision.
3. As indicated in the Report, no legally sufficient basis to find HBC unqualified for a franchise has been presented.

4. The franchise negotiated with HBC is reasonable and serves the community's interests in obtaining competitive cable and telecommunications services.

Passed and adopted this _____ day of _____, 2017, with the following vote:
Aye _____; No _____; Absent _____.

Approved and signed this 7th day of February, 2017.

Lyman M. Robinson, Mayor

Attest:

Ronald S. Johnson, City Administrator