

ORDINANCE NO. 2396

**AN ORDINANCE
ADDRESSING THE PAYMENT OF CABLE TELEVISION
SERVICE PROVIDER FEES IN THE VILLAGE OF RANTOUL, ILLINOIS**

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE VILLAGE OF RANTOUL

CHAMPAIGN COUNTY, ILLINOIS

THE 14TH DAY OF OCTOBER, 2014

CERTIFICATE OF PUBLICATION

I, Michael P. Graham, the duly qualified Village Clerk of the Village of Rantoul, Champaign County, Illinois, and the official custodian of the records of said Village, do hereby certify that this Ordinance was published in pamphlet form by authority of the President and Board of Trustees on the 14th day of October, 2014.



Village Clerk

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**AN ORDINANCE
ADDRESSING THE PAYMENT OF CABLE TELEVISION
SERVICE PROVIDER FEES IN THE VILLAGE OF RANTOUL, ILLINOIS**

WHEREAS, Mediacom Illinois LLC (“**Mediacom**”) operates a cable television system providing cable television services to households in the Village of Rantoul, Illinois (the “**Village**”) under an Authorization to Offer Cable or Video Services granted by the Illinois Commerce Commission on June 16, 2014, pursuant to the Cable and Video Competition Law of 2007 (200 ILCS 5/21-100 et seq.) (the “**Act**”); and

WHEREAS, Section 21-801 of the Act (220 ILCS 5/21-801) permits the Village to collect service provider fees from a cable operator operating within the Village pursuant to such authorization; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF RANTOUL, CHAMPAIGN COUNTY, ILLINOIS, as follows:

Section 1. Mediacom shall pay a service provider fee to the Village in an amount equal to 5% of the gross revenues derived from the provision of cable or video service to households located within the Village.

Section 2. The payment of the service provider fee shall be due on a quarterly basis and payable within 45 days after the close of each calendar quarter. Each payment shall be accompanied by a brief report prepared by a representative of Mediacom showing the basis for the computation. If mailed, the fee shall be considered paid on the date it is postmarked.

Section 3. 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 for the operation of its cable system to provide cable or video service within the Village, 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; (vi) late payment fees or charges, insufficient funds check charges, and other charges assessed to recover the costs of collecting delinquent payments; (vii) a pro-rata portion of all revenue derived by Mediacom or its affiliates pursuant to compensation arrangements for advertising or for promotion or exhibition of any products or services derived from the operation of Mediacom’s network to provide cable service or video service within the Village’s jurisdiction. (Such allocation shall be based on the number of subscribers in the Village divided by the total number of subscribers in relation to the relevant regional or national compensation arrangement); (viii) compensation received by Mediacom that is derived from the operation of Mediacom’s network to provide cable service or video service with respect to commissions that are received by Mediacom as compensation for promotion or

exhibition of any products or services on Mediacom's network, such as a "home shopping" or similar channel, subject to item (ix) immediately following; (ix) in the case of a cable service or video service that is bundled or integrated functionally with other services, capabilities or applications, the portion of Mediacom's revenue attributable to the other services, capabilities or applications shall be included in gross revenue unless Mediacom can reasonably identify the division or exclusion of the revenue from its books and records that are kept in the regular course of business; and (x) the service provider fee specified by Section 1 of this Ordinance.

Section 4. For purposes of the calculation of the service provider fee, "gross revenues" shall not include: (i) revenues not actually received, even if billed, such as bad debt, subject to item (vi) of Section 3 above; (ii) any tax or fee of general applicability imposed upon subscribers or the transaction by a city, state, federal or other governmental entity and collected by Mediacom to be remitted to any such taxing entity; (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 Mediacom to noncable service or nonvideo service in accordance with Mediacom's books and records kept in the regular course of business and any applicable laws, rules, regulations, standards or orders; (vi) security deposits collected from subscribers or (vii) 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 5. 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 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. This Ordinance shall become effective ten (10) days after its passage, approval and publication as required by law.

Section 8. The Village Clerk is hereby authorized and directed to publish this Ordinance in pamphlet form.

This ordinance is hereby passed, the "ayes" and "nays" being called, by the concurrence of a majority of the members of the Corporate Authorities then holding office at a regular meeting on the date set forth below.

PASSED this 14th day of October, 2014.



Village Clerk

APPROVED this 14th day of October, 2014.





Village President