

RESOLUTION NO. 11-29

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE,
ELECTING NOT TO REQUIRE THE REMITTANCE OF A PEG FEE BY
HOLDERS OF A STATE ISSUED CERTIFICATE OF FRANCHISE AUTHORITY.**

A regular meeting of the City Council of the City of Commerce, Texas, was held in Commerce, Texas, at City Hall on the 16th day of August 2011, at 6:00 p.m.; a majority of Council Members being present and constituting a quorum, the following resolution was adopted;

WHEREAS, Section 66.005 of the Public utility and Regulatory Act requires the holder of a certificate of franchise authority to pay a franchise fee of five percent of gross revenues; and

WHEREAS, Section 66.006(b) of the Public Utility and Regulatory Act provides that, to fund capital expenses associated with Public, Educational and Governmental facilities, and in lieu of in-kind contributions and grants, a municipality may elect to receive one percent of cable service provider's gross revenues or the per subscriber fee that was paid to it under the incumbent cable service provider's agreement; and

WHEREAS, the holder of a state-issued certificate is entitled to recover any fee imposed by the state and paid to the municipality from the cable service provider's customers; and

WHEREAS, the City does not wish to further burden its citizens with the additional fee authorized by Section 66.006(b) of the Public Utility and Regulatory Act;

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
COMMERCE, TEXAS:**

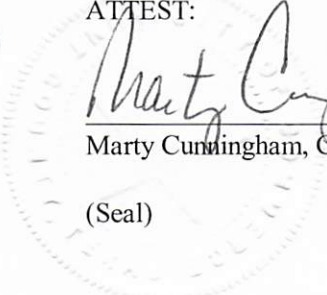
1. The holder of a state-issued certificate of franchise authority shall not remit a percentage or per subscriber fee to the City under Section 66.006(b) of the Public Utility and Regulatory Act.
2. The City Manager shall send a certified copy of this resolution to the Company.
3. This Resolution takes effect immediately upon its adoption.

BE IT FURTHER RESOLVED that the Mayor of the City of Commerce, Texas be authorized and he is hereby authorized to affix his signature to this Resolution.

BE IT FURTHER RESOLVED that the City Secretary be authorized and she is hereby authorized to attest to the signature of the Mayor to this Resolution.

PASSED BY THE GOVERNING BODY of the City of Commerce, Texas, at a regular meeting of the City Council of Commerce, Texas, on the 13th day of May 2011.

ATTEST:


Marty Cunningham
Marty Cunningham, City Secretary

(Seal)

CITY OF COMMERCE

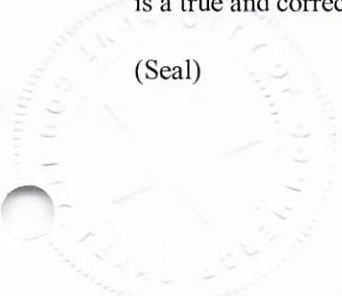
Quay Throgmorton
Quay Throgmorton, Mayor

APPROVED AS TO FORM:

Marty Cunningham for
Jim McLeroy, City Attorney

I, Marty Cunningham, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of a resolution, and that the same has not been repealed and is in full force and effect.

(Seal)


Marty Cunningham
Marty Cunningham, City Secretary
City of Commerce, Texas

Sworn and subscribed before me, on this the 17th day of August, 2011,
to certify which witness my hand and seal of office.

(Seal)

Becky Ratillo
Notary Public, State of Texas