

CHAPTER 8

CABLE TELEVISION

ARTICLE I – VIDEO SERVICE PROVIDER FEE

8-1-1 ANNUAL FEE. Telecommunications Management LLC, d/b/a NewWave shall pay an annual service provider fee to the Village in an amount equal to **five percent (5%)** of annual gross revenues derived from the provision of cable or video service to households located within the Village. The **twelve (12) month** period for the computation of the service provider fee shall be a calendar year.

8-1-2 FEE DUE ANNUALLY. The service provider fee payment shall be due quarterly and payable within **forty-five (45) days** after the close of the preceding calendar quarter. Each payment shall be accompanied by a brief report prepared by a representative of the Grantee showing the basis for the computation. If mailed, the fee shall be considered paid on the date it is postmarked.

8-1-3 GROSS REVENUE DEFINED. 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 Telecommunications Management LLC, d/b/a NewWave 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 cost of collection delinquent payments; (vii) a pro rata portion of all revenue derived by the cable system from advertising or for promotion or exhibition of any products or services; and (viii) a pro rata portion of compensation derived by the cable system from the promotion or exhibition of any product or services sold by “home shopping” channels or similar services carried by the cable system.

8-1-4 CALCULATION OF FEE. 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; (ii) the service provider fee or any tax, fee or assessment of general applicability; (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 the holder to non-cable service or non-video service in accordance with the holder’s books and records and records kept in the regular course of business and any applicable laws, rules, regulations, standards, or orders; (iv) security deposits collected from subscribers; or (v) 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.

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