

VILLAGE OF KINCAID, ILLINOIS

ORDINANCE NO. 912

AN ORDINANCE ADDRESSING THE PAYMENT OF
CABLE TELEVISION/INTERNET FRANCHISE FEES IN THE
VILLAGE OF KINCAID, CHRISTIAN COUNTY, ILLINOIS

ADOPTED BY THE VILLAGE OF KINCAID
VILLAGE BOARD OF TRUSTEES,
KINCAID, ILLINOIS
ON JANUARY 8, 2024

PUBLISHED IN PAMPHLET FORM BY AUTHORITY
OF THE VILLAGE OF KINCAID BOARD OF TRUSTEES, OF
KINCAID, ILLINOIS, THIS 8TH DAY OF JANUARY, 2024

ORDINANCE NO. 912

**AN ORDINANCE ADDRESSING THE PAYMENT OF
CABLE TELEVISION/INTERNET FRANCHISE FEES IN
THE
VILLAGE OF KINCAID, CHRISTIAN COUNTY, ILLINOIS**

WHEREAS, CTI Illinois LLC, operates a cable television/internet system providing cable television/internet services to households in the VILLAGE OF KINCAID, Christian County, Illinois, authorized under an authorization to offer cable or video services granted by the Illinois Commerce Commission pursuant to 220 ILCS 5/21-401; and

WHEREAS, 220 ILCS 5/21-801 permits the VILLAGE OF KINCAID, Christian County, Illinois, to collect service provider fees from a cable operator, operating within the VILLAGE OF KINCAID, Christian County, Illinois, pursuant to a State authorization; and

WHEREAS, the VILLAGE OF KINCAID, Christian County, Illinois, hereby adopts this Ordinance in order to collect service provider fees from CTI Illinois LLC.

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE OF KINCAID Board of Trustees of the VILLAGE OF KINCAID, Christian County, Illinois, as follows:

Section 1. CTI Illinois LLC shall pay an annual service provider fee to the VILLAGE OF KINCAID in an amount equal to 5% of annual gross revenues derived from the provision of cable or video service to households located within the VILLAGE OF KINCAID. The twelve (12) month period for the computation of the service provider fee shall be a calendar year.

Section 2. The service provider fee payment shall be due annually and payable within 90 days after the close of the preceding calendar year. 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.

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 CTI Illinois LLC for the operation of its cable system to provide cable/internet service within the VILLAGE OF KINCAID, including the following: (i) recurring charges for cable service or internet service; (ii) event-based charges for cable service and internet service, including, but not limited to, pay-per-view and video-on-demand charges; (iii) rental of set-top boxes and other cable service, video service equipment and internet equipment; (iv) service charges related to the provision of cable service or internet service, including, but not limited to, activation, installation, and repair charges; (v) administrative charges related to the provision of cable service or internet service, including but not limited to service order and service termination charges; and (vi) late payment fees or charges, insufficient funds check charges, and other charges assessed to recover the costs of collecting delinquent payments.

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; (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 internet 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-internet 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 internet 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.

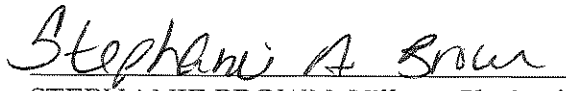
Section 7. This Ordinance shall be in full force and effect upon passage, approval, and publication in pamphlet form (which publication is hereby authorized) as provided by law.

On motion duly made and seconded, and pursuant to roll call vote, this Ordinance was passed, approved, and adopted this 8th day of January, 2024.



ROBERT MORRIS
President of the VILLAGE OF KINCAID

ATTEST:


STEPHANIE BROWN, Village Clerk of
VILLAGE OF KINCAID, Illinois

(Municipal Seal)

AYES: 5

NAYES: 0

ABSENT: 1

FILED IN THE PUBLIC OFFICE OF THE VILLAGE CLERK, VILLAGE OF KINCAID,
ILLINOIS, ON THE 8th DAY OF January, 2024.

PUBLISHED IN PAMPHLET FORM
ON January 8th, 2024.

CERTIFICATE OF PUBLICATION

I, the duly qualified Village Clerk of The Village of Kincaid, Illinois, and the official custodian of the records of said County do hereby certify that this Ordinance was published in pamphlet form by authority of the VILLAGE OF KINCAID on the 8th day of January, 2024.

Stephanie A. Brown
STEPHANIE BROWN, Village Clerk