

CHAPTER 44
CERTIFICATES OF FRANCHISE AUTHORITY FOR
CABLE AND VIDEO SERVICE

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/9/30

199—44.1(17A,476,477A) Authority and purpose. These rules are intended to implement Iowa Code chapter 477A relating to certificates of franchise authority issued by the commission for the provision of cable or video service. The purpose of these rules is to establish procedures for initial applications for and subsequent modifications, transfers, terminations, or updates of certificates of franchise authority issued by the commission.

[ARC 9000C, IAB 3/5/25, effective 4/9/25]

199—44.2(17A,476,477A) Definitions. The following words and terms, when used in this chapter, shall mean the same as defined in 47 U.S.C. Section 522, effective February 8, 1996, and Iowa Code section 477A.1, unless defined below:

“*Certificate of franchise authority*” means the certificate issued by the commission authorizing the construction and operation of a cable or video service provider’s network in a public right-of-way.

“*Commission*” means the Iowa utilities commission.

“*Competitive cable or video service provider*” means a person who provides cable service over a cable system or video system in an area other than the incumbent cable provider providing service in the same area.

[ARC 9000C, IAB 3/5/25, effective 4/9/25]

199—44.3(17A,476,477A) Certificate of franchise authority. After July 1, 2007, a person shall not provide cable or video service in Iowa without a franchise. The franchise may be issued by either the commission pursuant to this chapter or by a municipality pursuant to Iowa Code section 364.2.

44.3(1) Existing franchise agreements. A franchise in effect before July 1, 2007, is subject to the exemptions and requirements of Iowa Code section 477A.2.

44.3(2) Municipal utilities. A municipal utility that provides cable or video service in Iowa is exempt from this chapter pursuant to Iowa Code section 477A.2(2) “c.”

44.3(3) Initial application. The requirements and procedures for obtaining a cable or video service franchise are set forth in Iowa Code section 477A.3. Applications are to be submitted using a form developed by and available from the commission.

44.3(4) Content of certificate. A certificate of franchise authority issued by the commission shall conform to the requirements set forth in Iowa Code section 477A.3(5).

44.3(5) Modification of service area. At least 14 days before expanding cable or video service to a previously undesignated service area or making any other change to its previously designated service area, the holder of a certificate of franchise authority shall update the description of its service area on file with the commission and notify the commission of the effective date of the expansion or other change in service area in a manner prescribed by the commission. The commission will acknowledge receipt of a notice of service area modification by letter.

44.3(6) Transfer of certificate of franchise authority. The holder of a certificate of franchise authority may transfer the certificate to any successor by filing a notice of transfer with the commission and each affected municipality pursuant to Iowa Code section 477A.3(8). The commission will acknowledge receipt of a notice of transfer by letter.

44.3(7) Termination of certificate of franchise authority. The holder of a certificate of franchise authority may terminate the certificate by providing written notice of the effective date of termination to the commission and to each affected municipality using a form prescribed by the commission. The commission will acknowledge receipt of a notice of termination by letter.

44.3(8) Updates. The holder of a certificate of franchise authority shall notify the commission of any change in the name of the entity holding the certificate, contact personnel, principal executive officers,

address of principal place of business, telephone number, and customer service contact information by updating such information in the commission's IUB 24/7 electronic system. The updates shall be completed within 14 days after the effective date of the change.

[ARC 9000C, IAB 3/5/25, effective 4/9/25]

199—44.4(17A,476,477A) Notice to municipality and incumbent cable provider.

44.4(1) *Notice of intent to provide service.* At least 30 days before providing service in any part of a competitive cable or video service provider's service area in which the provider has not yet offered service pursuant to a commission-issued certificate of franchise authority, a competitive cable or video service provider shall notify each municipality and incumbent cable provider pursuant to Iowa Code section 477A.2(4).

44.4(2) *Notice of application.* In addition to the notice of intent to provide service, an applicant shall notify each municipality with authority to grant a franchise in the applicant's proposed service area that the applicant has filed an application with the commission for a certificate of franchise authority. This notice shall be mailed by certified mail on the date the application is filed with the commission.

[ARC 9000C, IAB 3/5/25, effective 4/9/25]

199—44.5(17A,476,477A) Conversion of municipal franchise by incumbent cable provider. If a competitive cable or video service provider applies for a certificate of franchise authority to operate within a municipality, the incumbent cable provider in that municipality may apply for a certificate of franchise authority for that same municipality pursuant to Iowa Code section 477A.2(6).

[ARC 9000C, IAB 3/5/25, effective 4/9/25]

199—44.6(17A,476,477A) Renewal of certificate of franchise authority.

44.6(1) Sixty days prior to the expiration date of a certificate, the certificate holder shall file with the commission a notice of renewal containing the following:

- a. An acknowledgment that the certificate holder continues to hold the certificate;
- b. A statement that the certificate holder continues to provide cable or video service in all or a portion of its approved service territory;
- c. Any necessary updates to the address of the principal place of business, the telephone number for customer service, and the names and titles of the principal executive officers with direct authority over and responsibility for the cable or video operations;
- d. A list of the approved areas the certificate holder currently is serving; and
- e. A list of the areas in which the certificate holder was previously authorized to offer service but where service has ceased or never commenced.

44.6(2) The notice of renewal shall be filed using the VCA docket number in which the initial certificate was issued. The commission will acknowledge the renewal by letter.

[ARC 9000C, IAB 3/5/25, effective 4/9/25]

These rules are intended to implement Iowa Code chapter 477A.

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