



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of April 19, 2007

DATE: April 11, 2008

SUBJECT: Deferral of a Public Hearing to Consider the Request of Cavalier IP TV, LLC (“Cavalier”) for a Certificate of Public Convenience and Necessity for Cable Television.

C.M. RECOMMENDATION:

Defer a public hearing and consideration of granting a Cable Television Franchise to Cavalier IP TV, LLC (“Cavalier”), from the April 19, 2008 meeting to the September 13, 2008 Board Meeting.

ISSUES: After public notice for a public hearing to consider issuance of a Certificate of Necessity and Public Convenience (“Certificate”) to Cavalier was published, Cavalier (“Applicant”) requested a deferral by the Board of consideration of Applicant’s request for a Certificate.

DISCUSSION: Pursuant to Section §41.2-4 of the Arlington County Code, Cavalier IP TV, LLC, (“Cavalier”) applied to the Cable Administrator last year to obtain from the County Board a Certificate of Public Convenience and Necessity for Cable Television (“Certificate”) authorizing Cavalier to provide Cable TV service in Arlington County.

On December 18, 2007, the Board authorized staff to advertise a public hearing for a Certificate for the January 26, 2008 Board meeting. Prior to that date, the County staff and Cavalier completed a mutually acceptable Certificate. It has not been signed by Cavalier. Thereafter, Cavalier requested, and received Board approval to defer consideration of Cavalier’s request from January 26, 2008 to the April 19, 2008 Board meeting. At that time, Cavalier had outstanding business model decisions concerning the type of TV set top box to use for newly established agreements with jurisdictions for franchises. According to Cavalier testing and negotiations between Cavalier and its equipment manufacturers are on-going. As explained in the attached letter from

County Manager: _____
County Attorney: _____
Staff: Rob Billingsley, Department of Technology Services

Cavalier's counsel to the County's Chief Information Officer (Attachment A), dated April 11, 2008, Cavalier informed the County that Cavalier no longer has immediate plans to offer IPTV in Arlington County and would like to delay the formal franchising process. Cavalier requests that consideration of the Certificate by the Board be deferred from the April 19, 2008 meeting to the September 13, 2008 Board meeting. The Chief Information Officer does not object to the requested deferral.

FISCAL IMPACT: None.