



ARLINGTON COUNTY, VIRGINIA

<p>County Board Agenda Item Meeting of September 13, 2008</p>
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DATE: August 28, 2008

SUBJECT: Acceptance of the Withdrawal of the Application of Cavalier IP TV, LLC (“Cavalier”) for a Certificate of Public Convenience and Necessity for Cable Television, and Withdrawal of Cavalier’s Request For a Public Hearing on September 13, 2008.

C.M. RECOMMENDATION:

Accept the withdrawal of an Application of Cavalier IP TV, LLC (“Cavalier”) for a Certificate of Public Convenience and Necessity for Cable Television, and withdrawal of Cavalier’s Request for Public Hearing, September 13, 2008

ISSUES: After the public notice for a public hearing to consider issuance of a certificate to Cavalier was published, Cavalier (“Applicant”) requested a deferral by the Board of consideration of Applicant’s request for a certificate. The matter initially was deferred from the January 26, 2008 County Board Meeting to the April 18, 2008 County Board Meeting, and then to the September 13, 2008 Board Meeting.

DISCUSSION:

Pursuant to Section §41.2-4 of the Arlington County Code, Cavalier IP TV, LLC, (“Cavalier”) informed the Cable Administrator in April 2007 that Cavalier desired 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 November 27, 2007, Cavalier completed an Application with the County Cable Administrator. On January 14, 2008, Cavalier and the County staff completed negotiations for a Certificate. However, Cavalier thereafter did not sign the Certificate. On December 18, 2007, the Board authorized staff to advertise a public hearing for the

<p>County Manager: _____</p>

<p>County Attorney: _____</p>

<p>Staff: Rob Billingsley, Department of Technology Services</p>
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subject Certificate for the January 26, 2008 Board Meeting. Thereafter, Cavalier initially requested and received approval for a deferral to the April 19, 2008 Board Meeting because Cavalier had outstanding business model decisions that depend on the type of TV set top box to use for newly established agreements with jurisdictions for franchises. Cavalier then requested and received approval for a deferral to the September 13, 2008 Board Meeting.

By letter dated, August 12, 2008 (copy attached), Cavalier notified the Cable Administrator that Cavalier has decided to indefinitely postpone the launch of new cable TV markets at this time, and to withdraw its application for a Certificate. One reason for the Board taking an action to accept the withdrawal of Cavalier's application for a Certificate is to memorialize the parties' mutual understanding that no application remains pending.

FISCAL IMPACT: None.