
THE VILLAGE OF SHERMAN

SANGAMON COUNTY, ILLINOIS

ORDINANCE NUMBER 2019-12

**AN ORDINANCE ADDRESSING THE PAYMENT OF VIDEO SERVICE
PROVIDER FEE IN THE VILLAGE OF SHERMAN, ILLINOIS**

TREVOR J. CLATFELTER President
MICHAEL STRATTON, Village Clerk

PAM GRAY
BRET HAHN
BRIAN LONG
KIM ROCKFORD
KEVIN SCHULTZ
JAY TIMM
Village Trustees

ORDINANCE NO. 2019-12

AN ORDINANCE ADDRESSING THE PAYMENT OF VIDEO SERVICE PROVIDER FEE IN THE VILLAGE OF SHERMAN, ILLINOIS

WHEREAS, Cass Cable TV, Inc. operates a cable television system providing cable television services to households in the Village of Sherman, Illinois (hereinafter "Village") authorized under an Authorization to Offer Cable or Video Services granted by the Illinois Commerce Commission on October 18, 2018 pursuant to 220 ILCS 5/21 *et. seq.*; and

WHEREAS, 220 ILCS 5/21-801 permits the Village to collect a service provider fee from a cable operator or a video service provider operating within the Village pursuant to a state authorization; and

WHEREAS, the Village hereby adopts this Ordinance in order to collect a service provider fee from Cass Cable TV, Inc., as well as any other cable service provider or video service provider operating within the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE OF SHERMAN, ILLINOIS AS FOLLOWS:

SECTION 1. Any cable operator or video service provider operating within the Village pursuant to authorization granted by the Illinois Commerce Commission under 220 ILCS 5/21 *et. seq.* shall pay an annual service provider fee to the Village in an amount equal to three percent (3%) of annual Gross Revenues derived from the provision of cable or video service within the Village. 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 respective cable or video service provider showing the basis for the computation. If mailed, the service provider 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 have the same meaning as set forth in 220 ILCS 21/801(c)(1)(i), Specifically recurring subscription charges for the for the one-way transmission of Basic Cable and Expanded Basic Cable video programming services to subscribers.

SECTION 4. 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 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. This Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form (which publication is hereby authorized) as provided by law.

SO ORDAINED this 15th day of October 2019 at Sherman, Sangamon County, Illinois.



VILLAGE OF SHERMAN

Trevor J. Clatfelter

 Trevor J. Clatfelter, President

Attest:
Michael Stratton

 Michael Stratton, Acting Clerk

	YES	NO	ABSENT	PRESENT
GRAY	✓			
HAHN	✓			
LONG	✓			
ROCKFORD	✓			
SCHULTZ			✓	
TIMM	✓			
CLATFELTER				
TOTAL	5	0	1	0

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Cass Cable TV, Inc.)	
)	
Application for State-Issued Authorization to)	Docket No. 18-1007
Provide Cable Service Pursuant to Section)	
401 of the Cable and Video Competition)	
Law of 2007)	

NOTICE OF MODIFICATION OF CABLE SERVICE AREA

1. Pursuant to Section 401 of the Cable and Video Competition Law of 2007 ("the Law") (220 ILCS 5/21-100, et seq.), Cass Cable TV, Inc, ("CASS") hereby notifies the Illinois Commerce Commission ("Commission") of a modification of the cable service area footprint described in CASS's Application for State-Issued Authorization to Provide Cable Service ("Application") in the above captioned docket that was granted on June 14, 2018.

2. In the Application, CASS described the service area footprint as a geographic area that consists of the Village of Bath, the Village of Forest City and the Village of Tallula, Illinois. (See Application - Paragraph 2). With this Notice of Modification of Cable Service Area ("Notice"), CASS is modifying that service area footprint to include the Village of Sherman ("Modified Service Area Footprint"). Attached is Exhibit 1, and it provides a list of the local units of government that comprise the Modified Service Area Footprint.

3. Concurrent with the filing of this Notice, CASS has served the Village of Sherman with a copy of this Notice and the corresponding Affidavit and Exhibits.

4. CASS is an "incumbent cable operator", within the meaning of Section 21-201(m) of the Law (220 ILCS 5/21-201(m)) with respect to the Village of Sherman, as it provides cable services under a franchise agreement with the Village of Sherman that expired on January 1, 2017, and is eligible to seek this state-issued authority pursuant to Section 301(b) of the Law (220 ILCS 5/21-301(b)).

5. Since the expiration of the franchise agreement with the Village of Sherman, CASS has continued to provide cable service in a manner consistent with the franchise renewal provisions of the franchise agreement. As such, CASS has remained eligible to provide service in the Village of Sherman despite expiration of the franchise agreement. CASS is eligible for state-issued authorization pursuant to 220 ILCS 5/21-301(b), which states that "[u]pon expiration of its current franchise agreement, an incumbent cable operator may obtain State authorization from the Commission pursuant to this Article."

6. As shown below and in the attached Affidavit, CASS satisfies the requirements of the Law (See 220 ILCS 5/21-401(b)(4)), and therefore, is eligible to obtain a State-issued authorization for the Modified Service Area Footprint.

7. CASS will continue to offer cable service in the Village of Sherman, which is an area covered by the franchise agreement referenced in Paragraph 4 of this Notice, "at the same levels required by the local franchising authorities for the local unit of government on June 30, 2007." (220 ILCS 5/21-401(b)(4)). CASS is a long-standing incumbent cable operator serving the Village of Sherman, and consistent with its franchise obligations, its cable system/network is fully constructed. On June 30, 2007, CASS's franchise with the Village of Sherman required CASS to provide cable service to all residences and businesses, subject to some "build-out" provisions (i.e. extension of facilities where there are at least twenty (20) single-family residences per mile from the existing system).

8. Biographical information for key personnel responsible for managing CASS's local cable service operations and network in the Village of Sherman is attached as Exhibit 2.

9. The United States Census Bureau's most recent estimate of the number of low income households, as defined in Section 201(p) of the Law (220 ILCS 5/21-201(p)), located within the Village of Sherman is 115 or 6.8%. (220 ILCS 5/21-401(b)(4)). The total number of low income households in the Modified Service Area Footprint is 307 or 15%. (See Exhibit 1).

10. Effective upon the date of this Notice, CASS will begin to operate in that portion of the Modified Service Area Footprint that consists of the Village of Sherman.

11. Under Section 401(g) of the Law, the Commission "is not required or authorized to act" upon this Notice. (220 ILCS 5/21-401(g)).

Respectfully Submitted,



Neil F. Flynn
Daniel M. Flynn
Counsel for Cass Cable TV, Inc.
Neil F. Flynn & Associates
600 S. Second Street, Suite 102
Springfield, IL 62704
(217) 544-0261

Date: October 18, 2018

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the public version of the Notice of Modification of Cable Service Area has been concurrently delivered by first class mail to the Village of Sherman, Illinois.

Respectfully Submitted,



Neil F. Flynn
Daniel M. Flynn
Counsel for Cass Cable TV, Inc.
Neil F. Flynn & Associates
600 S. Second Street, Suite 102
Springfield, IL 62704
(217) 544-0261

Date: October 18, 2018

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Cass Cable TV, Inc.)	
Application for State-Issued Authorization to)	
Provide Cable Service Pursuant to Section)	Docket No. 18-1007
401 of the Cable and Video Competition)	
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**AFFIDAVIT OF CHAD WINTERS, Vice President and Manager of Cable TV
Services for Cass Cable TV, Inc.**

I, Chad Winters, being placed under affirmation, solemnly, sincerely, and truly declare and affirm the following:

I. INTRODUCTION

1. I am currently the Vice President and Manager of Cable TV Services for Cass Cable TV, Inc. As Vice President of Cass Cable TV, Inc., I manage the activities of the television line of business; establish and implement operating procedures to ensure objectives are met; manage daily activities of staff either directly or through subordinate supervisors; evaluate new technologies and business opportunities and recommend new products and services; and ensure operations comply with applicable federal, state and local regulations. Accordingly, as Vice President of Cass Cable TV, Inc, I submit this Affidavit on behalf of Cable TV Services for Cass Cable TV, Inc. (hereinafter "CASS").

2. The purpose of this Affidavit is to provide support for CASS's Notice of Modification of Cable Service Area ("Notice") pursuant to Section 401 of the Cable and Video Competition Law of 2007 ("the Law") (220 ILCS 5/21-401).

3. This Affidavit and supporting Exhibits provide the affirmations and information required by Section 401(b) of the Law.

4. I have knowledge of the facts stated in this Affidavit and the accompanying supporting Exhibits. I am competent to testify to them, and I have authority to make this Affidavit on behalf of and to bind CASS.

5. On June 14, 2018, CASS's Application for State-Issued Authorization to Provide Cable Services ("Application") was granted, with respect to the Service Area Footprint Identified as the Village of Bath, the Village of Forest City and the Village of Tallula, Illinois.

6. With this Notice, CASS is now modifying the Service Area Footprint to include the Village of Sherman, Illinois. Exhibit 1 to this Notice identifies the local units of government that comprise the Modified Service Area Footprint, including the Village of Sherman, Illinois.

7. Exhibit 2 lists the biographical information for key personnel responsible for managing CASS's local cable service operations and network in the Village of Sherman.

8. For purposes of this Notice, CASS is an "incumbent cable operator", within the meaning of Section 201(m) of the Law (220 ILCS 5/21-201(m)) with respect to the Village Sherman, and CASS is eligible to seek State-issued authorization pursuant to 301(b) of the Law (220 ILCS 5/21-301(b)). Consistent with its franchise obligations as an incumbent cable operator serving the Village of Sherman, CASS's cable system and network is fully constructed, and CASS will continue to offer cable service in the Village of Sherman "at the same levels required by the local franchising authorities for the local unit of government on June 30, 2007." (220 ILCS 5/21-401(b)(4)). On June 30, 2007, CASS's franchise with the Village of Sherman required CASS to provide cable service to all residences within the boundaries of the Village of Sherman where there are at least twenty (20) homes per mile from the existing system.

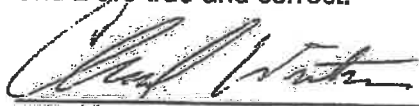
9. The United States Census Bureau's most recent estimate of the number of low income households, as defined in Section 201(p) of the Law (220 ILCS 5/21-201(p)), located within the Village of Sherman is 115 or 6.8%. (220 ILCS 5/21-401(b)(4)). The total number of low income households in the Modified Service Area Footprint is 307 or 15%.

10. Effective upon the date of this Notice, CASS will begin to operate in that portion of the Modified Service Area Footprint that consists of the Village of Sherman.

11. Concurrently with the filing of this Notice, CASS has served the Village of Sherman with a copy of this Notice.

III. AFFIRMATION

I solemnly, sincerely, and truly declare and affirm that all of the foregoing statements and representations made in this Affidavit and accompanying Exhibits 1 and 2 are true and correct.



Chad Winters
*Vice President and Manager of
Cable TV Services for Cass Cable TV, Inc.*

Subscribed and sworn before me on
This 18th day of October,
2018

NOTARY
PUBLIC: Amy Parlier

My Commission
Expires: November 13, 2022



EXHIBIT 1
Modified Service Area Footprint

Local Unit of Government	Low Income Households	Level of service required by the local franchising authority on June 30, 2007
Village of Bath	73 or 59%	The boundaries of the Village of Bath.
Village of Forest City	38 or 46%	The boundaries of the Village of Forest City
Village of Tallula	81 or 39%	The boundaries of the Village of Tallula
Village of Sherman	115 or 6.8%	The boundaries of the Village of Sherman where there are at least twenty homes per mile from the existing system.
TOTAL	307 or 15%	

EXHIBIT 2

Key Personnel

Gerald S. Gill, President

Jerry is the owner of the company and serves on the Board of Directors. He directs all company activities either directly or through subordinate managers. Ensures strategic, operational and financial company objectives are met by providing leadership and direction for all lines of business.

Thomas Allen, Vice President and Chief Operating Officer

Tom has been with CASS for 38 years and serves on the Board of Directors. He oversees all daily company operations either directly or through subordinate managers. Tom establishes and implements policies and procedures to support company objectives. He ensures company goals and objectives are met. He analyzes effectiveness of organizational operations and provides recommendations to employees regarding areas for improvement. Tom also identifies, researches and evaluates new technologies and business opportunities.

Amy Parlier, Controller

Amy has been with CASS for 18 years and serves on the Board of Directors. She manages accounting staff and activities to ensure accurate and timely account information and financial statements. She prepares financial statements and management reports. Amy produces profit and loss statements, balance sheets and financial prospectuses. She ensures filing of reports required by regulatory agencies. Amy also maintains internal accounting controls, policies and procedures. Her other responsibilities include managing investments and cash flow, and assisting in tax return preparation.

Mike Reynolds, Vice President and Manager of Internet and Telecom Services

Mike has been with CASS for 22 years and serves on the Board of Directors. He manages the activities of the Internet and telephone line of business. Mike establishes and implements operating procedures to ensure objectives are met. He manages daily activities of staff either directly or through subordinate supervisors. He evaluates new technologies and business opportunities and recommends new products and services. Mike ensures operations comply with applicable federal, state and local regulations.

Chad Winters, Vice President and Manager of Cable TV Services

Chad has been with CASS for 15 years and serves on the Board of Directors. He manages the activities of the television line of business. Chad establishes and implements operating procedures to ensure objectives are met. He manages daily activities of staff either directly or through subordinate supervisors. He evaluates new technologies and business opportunities and recommends new products and services. Chad ensures operations comply with applicable federal, state and local regulations.

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON)

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Sherman, Sangamon, County, Illinois.

I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance Number 2019-12, adopted by the President and Board of Trustees of said Village on the 15th Day of October 2019. said Ordinance being entitled:

AN ORDINANCE ADDRESSING THE PAYMENT OF VIDEO SERVICE PROVIDER FEE IN THE VILLAGE OF SHERMAN, ILLINOIS

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I hereby set my hand and affix the official seal of said Village this 15th day of October 2019.



[Handwritten Signature]

Acting Village Clerk