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UTILITIES - SOUTH CAROLINA

Horry Telephone Co-op., Inc. v. City of Georgetown

Supreme Court of South Carolina - June 4, 2014 - S.E.2d - 2014 WL 2516069

Telecommunications company brought declaratory-judgment action against city, asserting that city's denial of company's application for franchise to provide cable television services in city was unlawful under Competitive Cable Services Act. The Circuit Court dismissed company's complaint. Company appealed.

The Supreme Court of South Carolina held that:

- Competitive Cable Services Act creates a private cause of action for aggrieved cable television providers;
- Testimony of individual city council members as to their motivations for denying consent was not competent evidence; and
- Evidence supported trial court's finding that city's reasons for denial of application did not violate Competitive Cable Services Act.

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