

Bond Case Briefs

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PUBLIC UTILITIES - TEXAS

City of New Boston, Texas v. Netflix, Inc.

United States District Court, E.D. Texas, Texarkana Division - September 30, 2021 - F.Supp.3d - 2021 WL 4771537

City brought putative class action against video service providers alleging violation of Texas Utility Code franchise fee statute.

Providers filed motion to dismiss.

The District Court held that Texas Utility Code unambiguously granted authority only to Public Utility Commission (PUC) to issue state certificate of franchise for provision of cable service or video service.

Texas Utility Code unambiguously granted authority only to Public Utility Commission (PUC) to issue state certificate of franchise for provision of cable service or video service; statute did not qualify authority in any way, statute did not give court any basis upon which it could act as franchising authority, and statute did not reserve to individual municipalities any authority to declare a provider a holder of a state-issued certificate of franchise authority.