

Bond Case Briefs

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TELECOM - TENNESSEE

City of Knoxville v. Netflix, Inc.

Supreme Court of Tennessee - November 22, 2022 - S.W.3d - 2022 WL 17099921

City brought action in federal court against video streaming services seeking judgment declaring that services were “video service providers” within meaning of Competitive Cable Video Services Act and accordingly were required to apply for a franchise and pay franchise fees to city and other localities.

The United States District Court for the Eastern District of Tennessee certified question to the Supreme Court.

The Supreme Court held that video streaming services did not provide a “video service” within meaning of the Competitive Cable Video Services Act and thus they were not required to apply for a franchise and pay franchise fees to city and other localities.

Video streaming services did not provide a “video service” within meaning of the Competitive Cable Video Services Act, and thus, they were not subject to Act’s requirement that video service providers obtain a franchise and pay franchise fees to localities, because services did not physically occupy public rights-of-way and used another entity’s wireline facilities to deliver video programming.