

INSTRUCTIONS FOR FCC 394

APPLICATION FOR FRANCHISE AUTHORITY CONSENT TO ASSIGNMENT OR TRANSFER OF CONTROL OF CABLE TELEVISION FRANCHISE

- A. This form shall be used when applying for franchise authority approval to assign or transfer control of a cable television system. As required by Section 617(e) of the Cable Television Consumer Protection and Competition Act of 1992, the franchise authority shall have 120 days from the date of filing of this form, complete with all exhibits and any information required by the franchise agreement or applicable state or local law, to act upon such request. If the franchise authority fails to render a final decision on such request within 120 days, such request shall be deemed granted unless the requesting party and the franchise authority agree to an extension of time.

This form consists of the following sections:

- I. General Information: Transferor/Assignor (Part I); Transferee/Assignee (Part II)
- II. Transferee's/Assignee's Legal Qualifications
- III. Transferee's/Assignee's Financial Qualifications
- IV. Transferee's/Assignee's Technical Qualifications
- V. Certification: Transferor/Assignor (Part I); Transferee/Assignee (Part II)

The transferor/assignor will fill out Part I of Section I and Part I of Section V.

The transferee/assignee will fill out Part II of Section I; all of Sections II, III and IV, as appropriate; and Part II of Section V.

- B. In addition to the information requested on this form, cable operators are required to submit all information required by the cable franchise agreement or applicable local law or that the franchising authority deems necessary or appropriate in connection with the transfer determination. Requests for such additional information by the franchise authority shall not toll the 120 day limit on franchise authority consideration of transfer requests.
- C. This form should be filed with the local franchising authority. Prepare and submit an original and two copies of this form and all exhibits associated therewith. Number exhibits serially in the space provided in the body of the form and date each exhibit.
- D. The names of the applicants shall be the exact corporate names, if corporation; if partnerships, the names of all general partners and limited partners with equity interests above 5%, and the names under which the partnerships do business; if unincorporated associations, the names of executive officers, their offices, and the names of the associations.
- E. This application shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; by a member who is an officer, if the applicant is an unincorporated association; or by the applicant's attorney in case of the applicant's physical disability or of his/her absence from the United States. The attorney shall, in the event the attorney signs for the applicant, separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his/her knowledge), he/she shall separately set forth his/her reason for believing that such statements are true.
- F. All items must be answered fully and all necessary information furnished. Time and care should be devoted to all replies, which should reflect accurately the applicants' responsible consideration of the questions asked. If any items of the application are not Applicable, write N.A. Defective or incomplete applications may be returned without consideration.

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

The disclosure of said information is solicited under the Communications Act of 1934, as amended, 47 U.S.C. Section 537. The disclosure of said information is required to obtain the requested authority. The principal purpose of said information is to provide basic legal, technological, financial and ownership data concerning the qualifications of the proposed transferee/assignee. All information provided in this form will be available for public inspection, subject to local requirements. Individuals are not required to respond to collections of information that do not contain a valid Office of Management and Budget control number.

Public reporting for this collection is estimated to average 1 - 5 hours per application, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing the collection of information. If you have any comments on this burden estimate, or on how we can improve the collection and reduce the burden it causes you, please e-mail them to pra@fcc.gov or send them to the Federal Communications Commission, AMD-PERF, Paperwork Reduction Project (3060-0573), Washington, DC 20554. DO NOT SEND COMPLETED FORMS TO THIS ADDRESS. Remember – you are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number of if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0573.

THE FORGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, P.L. 104-13, MAY 22, 1995, 47 U.S.C. 3507.