



**CITY OF ARDEN HILLS  
COUNTY OF RAMSEY  
STATE OF MINNESOTA**

**RESOLUTION NO. 2026-007**

**RESOLUTION DELEGATING TO THE NORTH SUBURBAN  
COMMUNICATIONS COMMISSION THE AUTHORITY TO  
PREPARE BROADBAND FRANCHISES**

**WHEREAS**, the City of Arden Hills (the “City”), is a member of the North Suburban Communications Commission (the “Commission”), a Joint Powers Commission organized pursuant to Minn. Stat. §§ 238.08, subd. 5 and 471.59, as amended, and includes the cities of Arden Hills, Falcon Heights, Lauderdale, Little Canada, Mounds View, New Brighton, North Oaks, Roseville, and St. Anthony, Minnesota (hereinafter, collectively the “Member Cities”); and

**WHEREAS**, under Minn. Stat. §238.08, subd. 5, the City may delegate to the Commission the authority “to prepare, adopt, grant, administer, and enforce a cable communications franchise”; and

**WHEREAS**, the Commission acts on behalf of its Member Cities, including the City, to monitor the operation and activities of cable communication systems and to provide coordination of administration and enforcement of the franchises of the Member Cities; and

**WHEREAS**, the U.S. Court of Appeals determined that broadband is not a telecommunications service in *Ohio Telecom Ass’n v. FCC (In re MCP No. 185)*, 124 F.4<sup>th</sup> 993 (6th Cir. 2025), which prompted the Commission and other municipalities to consider the municipal authority to regulate a broadband system as a cable communications system; and

**WHEREAS**, on December 8, 2025, the Commission passed a recommendation that each of the Member Cities should direct broadband companies, who inquire about installing and constructing facilities in a Member City’s rights-of-way, to the Commission for broadband franchise discussions; and

**WHEREAS**, a broadband system is likely a “cable communications system,” as defined by Minn. Stat. § 238.02, subd. 3., which authorizes the Commission to adopt a franchise; and

**WHEREAS**, the City determines that it would be in the best interest of the community to formally accept the Commission’s recommendation that it direct any applicant for fiber installation or construction to the Commission for a broadband franchise.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF ARDEN HILLS:**

1. Each of the above recitals is incorporated as a finding of fact by the City.
2. The Commission is authorized to prepare, adopt, grant, administer, and enforce a broadband franchise with broadband-only providers.
3. The City staff shall instruct fiber providers to obtain a franchise from the Commission prior to the City issuing any permits to construct facilities in public rights-of-way.

**PASSED AND ADOPTED** by the City Council of the City of Arden Hills this 9<sup>th</sup> day of February 2026.

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David Grant, Mayor

ATTEST:

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Julie Hanson, City Clerk