



Secretary of State

**OFFICE OF SECRETARY OF STATE  
CORPORATIONS DIVISION**

313 West Tower  
2 Martin Luther King Jr. Dr.  
Atlanta, GA 30334  
(404) 656-2817  
sos.georgia.gov/corporations

**FILING PROCEDURES FOR A STATE FRANCHISE  
TO PROVIDE CABLE AND/OR VIDEO SERVICE**

Pursuant to O.C.G.A. § 36-76-4, effective January 1, 2008, a cable service provider or video service provider may file for a state franchise. The procedures for applying for a state franchise, and for submitting subsequent filings regarding such a state franchise, are outlined herein.

**Application for State Franchise:**

Cable service providers and video service providers desiring to pursue a state franchise must submit a completed application to the Corporations Division of the Office of Secretary of State, with a copy of such application provided simultaneously to each affected local governing authority **at least 45 days prior** to the date it intends to provide cable service or video service within a specified service area. The filing fee is **\$500.00** for an application for a state franchise.

The application may be submitted online at <https://ecorp.sos.ga.gov/> or by submitting a completed paper application packet to the Corporations Division. The paper forms may be found on the Corporations Division's website at <http://sos.ga.gov/cgi-bin/corpforms.asp>. A complete paper application packet includes the following:

1. Georgia State Franchise Transmittal Form (GAVFL250)
2. Application for State Franchise (GAVFL001)
3. Certificate of Existence or Certificate of Authority, if applicable.
4. A certified check or money order for the appropriate fee(s) made payable to the Secretary of State.

**If your application is complete –**

1. The Office of Secretary of State will commence processing your application pursuant to the guidelines outlined in O.C.G.A. § 36-76-4.
2. Pursuant to O.C.G.A. § 36-76-4(f), a municipal or county governing authority that reasonably believes an applicant that has not yet accessed rights of way in that municipality or unincorporated area of a county and does not possess satisfactory financial and technical capability to provide cable service or video service or is not duly authorized to conduct business in Georgia shall object to the issuance of a state franchise before it is officially issued by the Secretary of State. A county or municipal governing authority has fifteen (15) business days from the filing date of the application to object to the state franchise application. The county or municipal governing authority has an additional fifteen (15) days to provide sufficient documentation to support its objection. If a municipal or county governing authority objects to the issuance of a state franchise on these grounds, the Secretary of State shall consider whether the objection is well founded and shall make a determination as to whether to grant the state franchise notwithstanding the objection or to deny or suspend the application pending the receipt of information sufficient to demonstrate the applicant has satisfactory financial and technical capability. If the Secretary of State has not acted on the objection of a municipal or county governing authority's objection and a state franchise is issued as set forth in O.C.G.A. § 36-76-4(e), then such temporary issuance of the state franchise shall be subject to the Secretary of State's determination on the objection.

3. If approved, the applicant will be issued a Certificate of State Franchise and the certificate and application will be posted to the Corporations Division's website. In addition, the certificate will be sent via email or first class mail to the individual listed as filer. Pursuant to O.C.G.A. § 36-76-4(d), the certificate shall include the following information:
  - a. A nonexclusive grant of authority to provide cable service or video service as requested in the application;
  - b. A nonexclusive grant of authority to construct, maintain, and operate facilities along, across, or on the public right of way in the delivery of cable service or video service, subject to applicable federal and state laws and regulations, including municipal and county ordinances and regulations, regarding the placement and maintenance of facilities in the public right of way that are generally applicable to all users of the public right of way and specifically including Chapter 9 of Title 25, the 'Georgia Utility Facility Protection Act'; and
  - c. The expiration date of the state franchise, which shall be ten (10) years from the date of issuance, subject to renewal.
4. A state franchise expires 10 years from the date of issuance, subject to renewal.

**If the application is incomplete –**

1. The Office of Secretary of State must notify applicant within ten (10) days of receipt and give the applicant reasonable time to complete the application. If no such notification is made within ten days of the receipt of the application, the application shall be deemed complete.
2. The application will be held in an "incomplete" status in the Office of Secretary of State, Corporations Division, until the applicant has satisfied the requirements to make the application complete.
3. Once the application is complete, the Office of Secretary of State will commence processing your application pursuant to the guidelines outlined in O.C.G.A. § 36-76-4.

**Amendments, Transfers, Renewals, and Terminations:**

Franchise certificate holders may amend, transfer, renew, and/or terminate a state franchise. The filing fee is \$250.00 for an amendment or transfer of a state franchise; the processing fee is \$50.00 for the renewal of a state franchise; and there is no fee for the termination of a state franchise. These applications may be submitted online at <https://ecorp.sos.ga.gov/> or by submitting the appropriate completed paper application to the Corporations Division. The paper application forms may be found on the Corporations Division's website at <http://sos.ga.gov/cgi-bin/corpforms.asp>.

**Amendment:**

To amend the service area covered by a state franchise, a franchise certificate holder must notify the Secretary of State of changes to the service area by submitting an amendment filing online or by submitting a completed Form GAVFL002 or by filing online, with a copy of such notice provided to each affected municipal or county governing authority, **at least 20 days prior** to the effective date of such change.

To amend the franchise certificate holder's name, principal place of business address, and/or principal executive officer(s), a franchise certificate holder submits an amendment online or submits a completed Form GAVFL002, with a copy of such application mailed or provided to each affected municipal or county governing authority **within 7 business days** following the delivery of the application to the Secretary of State. For changes to a certificate holder's name, please include supporting documentation showing the change of the entity's name with Form GAVFL002. An effective date is not required when changing the certificate holder's name, principal place of business address, and/or principal executive officer(s).

The filing fee is \$250.00.

Transfer:

To transfer a state franchise, a successor in interest to a franchise certificate holder (the “transferee”) must file with the Secretary of State a notice of transfer. The notice may be submitted online or by submitting a completed Form GAVFL003. A copy of the notice of transfer must be provided to each affected municipal or county governing authority, **within 45 days** of such transfer. The filing fee is \$250.00.

Termination:

To terminate a state franchise, a franchise certificate holder must submit a notice of termination to the Secretary of State either by filing it online or by submitting a completed Form GAVFL004. A copy of the notice of termination must be provided to each affected municipal or county governing authority. The effective date of the termination **shall not be more than 60 days** from the date of filing the notice of termination. There is no fee to file a notice of termination.

Renewal:

A state franchise expires 10 years from the date of issuance, subject to renewal. To renew a state franchise, a franchise certificate holder must submit a completed Application to Renew a State Franchise prior to the expiration of the franchise. The renewal application may be submitted online or by submitting a completed Form GAVFL005. The certificate holder must provide a copy of the renewal application each affected municipal or county governing authority **within 7 business days** following the delivery of the application to the Secretary of State. The fee is \$50.00.

Renewal applications must be delivered to the Secretary of State on or before the franchise’s expiration date. There is no grace period. An expired state franchise may not be renewed or reinstated. If the holder of an expired state franchise wishes to continue to hold a state franchise in Georgia, then that holder must apply for a new state franchise.

**Counties and Municipalities:**

Pursuant to O.C.G.A. § 36-76-6(a), each affected local governing authority or its authorized designee shall provide written notice to the Secretary of State and each applicant for or holder of a state franchise with a service area located within that affected local governing authority’s jurisdiction of the franchise fee rate that applies to the applicant for or holder of such state franchise.

Each affected local governing authority may adopt a resolution or ordinance establishing its franchise fee rate to be paid by any cable service provider or video service provider approved for a state franchise and may file that resolution with the Corporations Division of the Office of Secretary of State at:

OFFICE OF SECRETARY OF STATE  
Corporations Division  
Attention: State Franchise Authority Department  
313 West Tower  
2 Martin Luther King, Jr. Drive  
Atlanta, Georgia 30334

Each affected local governing authority shall be responsible for providing written notice to the Secretary of State and any relevant applicants for or holders of a state franchise when there is a change in the fee rates.