

Oklahoma Tax Commission
Ad Valorem Division
Public Service Section Update
April 2, 2015

Assessors,

You were previously advised that Cable One, Inc. would be centrally valued for 2015. Pursuant to Court Order, the Oklahoma State Board of Equalization and Oklahoma Tax Commission are currently enjoined from centrally assessing Cable One's Oklahoma property for ad valorem taxation. Accordingly, and until otherwise advised, Cable One, Inc. may be valued at the county level. Please seek advice of your counsel, your local District Attorney, should you have any questions regarding county valuation.

Should you have any questions, please contact our office.

Attachment: Cable One Journal Entry of Judgement

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

MAR 10 2015

TIM RHODES
COURT CLERK

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

CABLE ONE, INC.,)	
)	
Plaintiff,)	Case No. CJ-2013-6994
)	consolidated with
v.)	Case No. CJ-2014-4056
)	
OKLAHOMA STATE BOARD OF)	Hon. Patricia G. Parrish
EQUALIZATION and)	
OKLAHOMA TAX COMMISSION,)	
)	
Defendants.)	

JOURNAL ENTRY OF JUDGMENT

Before the Court are the parties' cross-motions for summary judgment in consolidated cases CJ-2013-6994 and CJ-2014-4056. The Court has received and considered the parties' briefs and the authorities and evidence submitted therewith, as well as heard the oral arguments of counsel on December 18, 2014. Consistent with the Court's ruling from the bench at the conclusion of oral arguments,

IT IS HEREBY ORDERED this 5 day of March, 2015:

1. The motion for summary judgment filed by Defendants Oklahoma State Board of Equalization and Oklahoma Tax Commission is DENIED;
2. The motion for summary judgment filed by Plaintiff Cable One, Inc. ("Cable One") is GRANTED.
3. Cable One is entitled to judgment as a matter of law on the First Cause of action in both of its Petitions, which request a declaratory judgment pursuant to 12 Okla. Stat. § 1651, *et seq.* The Court hereby DECLARES that now and at all times relevant to this litigation:

a. The Court determines that based on the evidence provided that Cable One is a "cable television company" within the meaning of 68 Okla. Stat. § 2808(B). The Court further finds that Cable One is also a "transmission company" pursuant to 68 Okla. Stat. § 2808(A)(3) in that Cable One owns, operates or leases for hire a telephone line within the meaning of § 2808(A)(3). Pursuant to 68 Okla. Stat. § 2808(B), a "transmission company" shall not be construed to include "cable television companies" and thus Cable One shall be construed as a "cable television company" pursuant to the provisions of § 2808(B).

b. As a "cable television company" under 68 Okla. Stat. § 2808(B), Cable One is not subject to central assessment of its Oklahoma property for ad valorem taxation.

c. Defendants did not have the jurisdiction in tax years 2013 and 2014 to centrally assess Cable One's Oklahoma property for ad valorem taxation. Cable One is entitled to a refund for tax years 2013 and 2014 equal to the difference between the amount in ad valorem taxes it paid under central assessment and what it would have paid under local county assessment.

d. Because of the Court's determinations above, the Court finds that Defendants did not have the lawful authority in tax year 2014 to impose on Cable One an administrative penalty pursuant to 68 Okla. Stat. § 2857(B). Cable One is entitled to a refund of the \$206,800 administrative penalty it paid Defendants.

4. Cable One is entitled to judgment as a matter of law on the Second Cause of Action in both of its Petitions, which request injunctive relief pursuant to 12 Okla. Stat. § 1381, *et seq.* The Court hereby PERMANENTLY ENJOINS Defendants from centrally

assessing Cable One's Oklahoma property for ad valorem taxation so long as Cable One remains a "cable television company" under 68 Okla. Stat. § 2808(B).

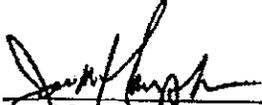
5. This represents the FINAL JUDGMENT of the Court in cases CJ-2013-6994 and CJ-2014-4056.

6. In accordance with 12 Okla. Stat. § 66, the execution of this Order is automatically STAYED without the execution of a supersedeas bond until any appeal of this judgment has been finally determined.

PATRICIA G. PARRISH

PATRICIA G. PARRISH
Judge of the District Court

APPROVED AS TO FORM:



Joe M. Hampton, OBA No. 11851
Amy J. Pierce, OBA No. 17980
Corbyn Hampton, PLLC
One Leadership Square, Suite 1910
211 North Robinson
Oklahoma City, OK 73102
405-239-7055 (telephone)
405-702-4348 (facsimile)
apierce@corbynhampton.com
jhampton@corbynhampton.com

Taylor P. Henderson, OBA No. 30581
Assistant General Counsel
Oklahoma Tax Commission
120 North Robinson, Suite 2000 W
Oklahoma City, OK 73102-7801
405-319-8538 (telephone)
405-601-7144 (facsimile)

**ATTORNEYS FOR DEFENDANTS
OKLAHOMA STATE BOARD OF
EQUALIZATION & OKLAHOMA
TAX COMMISSION**



William K. Elias, OBA No. 2667
ELIAS BOOKS BROWN & NELSON
Two Leadership Square
211 North Robinson, Suite 1300
Oklahoma City, OK 73103
405-232-3722 (telephone)
405-0232-3746 (facsimile)
wkellas@eliasbooks.com

Chérie R. Kiser, *pro hac vice*
Angela F. Collins, *pro hac vice*
CAHILL GORDON & REINDEL LLP
1990 K Street, NW, Suite 950
Washington, DC 20006
202-862-8900 (telephone)
866-255-0185 (facsimile)
ckiser@cahill.com
acollins@cahill.com

Thorn Rosenthal, *pro hac vice*
CAHILL GORDON & REINDEL LLP
80 Pine Street, 17th Floor
New York, NY 10005
212-701-3823 (telephone)
212-269-5420 (facsimile)
trosenthal@cahill.com

**ATTORNEYS FOR PLAINTIFF
CABLE ONE, INC.**