

1972 WL 25230 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 1, 1972

**\*1 In Re: Richland County Council Cable TV Franchise**

The Honorable Ray D. Lathan  
Acting County Attorney  
1311 Marion Street  
Columbia, South Carolina

Dear Mr. Lathan:

You have inquired as to the authority of Richland County Council with regard to proposed operation of cable-tv in Richland County.

I shall assume that you have reference to exclusive or franchise rights, since I am informed that Richland County has not attempted to impose normal business license requirements.

Basically, the right to grant franchises in any area of service is exclusively in the General Assembly. South power may be delegated by legislative act to subdivisions of state government, such as cities, counties, or special regulatory agencies such as the South Carolina Public Service Commission. Any legislative grant of such authority must be specific, however. It is accepted generally that authority of a county or other political subdivisions of a state to grant franchises is not implied from the use of general language in statutes or charters. Nor is it enough that the power is convenient to other powers possessed by the Governing body.

The power of the South Carolina Public Service Commission to grant franchises is limited to specific authority delegated by the General Assembly, that is, in the areas of transportation, utilities such as electricity and gas, telephone and telegraph, sewage, and water companies.

There is no language in the law under which Richland County Council was created and exists specifically authorizing the Council to grant franchises.

In view of the foregoing, it is the opinion of this office that Richland County Council is not now empowered to grant franchise, exclusive or otherwise, to any person or corporation for the operating of cable-tv in Richland County.

Yours very truly,

Joseph C. Coleman  
Deputy Attorney General

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