STATE OF CALIFORNIA

STATE BOARD OF EQUALIZATION
1020 N STREET, SACRAMENTO, CALIFORNIA
(P.O. BOX 942879, SACRAMENTO, CALIFORNIA 94279-0001)
(916) 445-4982

No. 92/47

July 17, 1992

TO COUNTY ASSESSORS:

CABLE TELEVISION LITIGATION

The Fifth Appellate District Court of Appeal recently reversed the Stanislaus County Superior Court in a decision in the case of Stanislaus County v. Assessment Appeals Board. The court concluded that neither the Assessment Appeals Board nor the trial court assigned value attributable to the presence of intangible assets necessary to put the possessory interest to beneficial or productive use in the operation of the cable system. The court also concluded neither the trial court nor the board enhanced the value of the possessory interest by measuring the degree to which income was based on the right to engage in business. The preceding deficiencies were then described as "fundamental legal errors," and the court further noted that the record failed to support the value established by the board.

The decision will not be published in official reports on direction of the Court. A copy of the decision is enclosed for your information.

Sincerely,

Verne Walton

Verne Walton, Chief
Assessment Standards Division

VW:sk
Enclosure