



This Week in State Tax (TWIST)

October 20, 2025



Missouri: Appellate court holds broadcast satellite and streaming not subject to local video service fee

The Missouri Court of Appeals recently affirmed a lower court ruling that certain streaming service providers are not subject to Video Service Provider (VSP) fees under the Missouri Video Service Provider Act (VSPA). The VSPA was enacted in 2007 to modernize the franchising system for accessing public rights-of-way in Missouri to provide video services to consumers. Prior to the VSPA, cable companies negotiated individual franchise agreements with municipalities. VSPA replaced this system with a statewide authorization process managed by the Missouri Public Service Commission. In return, “video service providers” were required to pay VSP fees to municipalities for using the public rights-of-way.

As enacted in 2007, the VSPA excluded from the purview of the VSP “... any video programming provided solely as part of and via a service that enables users to access content, ... or other services over the public Internet.” In 2018, the City of Creve Coeur brought an action against several video providers arguing they were not excluded under the VSPA because their service involved, in part, delivery via direct internet service provider-to-subscriber connections, thus bypassing the “public Internet” and bringing the services within the scope of the VSPA. In 2024, while the case was pending, the Missouri Legislature amended the VSPA to explicitly exclude “... any video programming accessed via a service that enables users to access content, ... or other services offered over the internet, including streaming content” from being subject to the VSP fee.

In December 2024, the trial court issued its decision in the matter, holding that the legislative amendment to the VSPA “did not effectuate a substantive change of law,” but merely resolved any ambiguities in the “video service” definition. It found the taxpayers were not responsible for the VSP. Creve Coeur appealed and raised three issues: (1) the 2024 amendment substantively changed the law, (2) the lower court’s ruling violated the Missouri Constitution by extinguishing municipal indebtedness, and (3) the city was entitled to relief under unjust enrichment.

The appellate court, as had the lower court, found that the 2024 amendment to the VSPA did not substantively change the law. While legislative amendments are presumed to alter existing law, courts recognize that some changes are intended to clarify ambiguity. In this case, the amendment added specific language excluding “streaming content” accessed via the public Internet from the definition of “video service.” The court found these changes to be narrowly tailored to reinforce the original exclusion of streaming services. The court concluded that the legislature never intended the VSPA to apply to streaming platforms such as the taxpayers provided and that

Learn about us:



[kpmg.com](https://www.kpmg.com)

The following information is not intended to be “written advice concerning one or more federal tax matters” subject to the requirements of section 10.37(a)(2) of Treasury Department Circular 230.

The information contained herein is of a general nature and based on authorities that are subject to change. Applicability of the information to specific situations should be determined through consultation with your tax adviser.

© 2025 KPMG LLP, a Delaware limited liability partnership and a member firm of the KPMG global organization of independent member firms affiliated with KPMG International Limited, a private English company limited by guarantee. All rights reserved. USCS011027-1AG



This Week in State Tax (TWIST)

October 20, 2025



the 2024 amendment made that intent explicit. Therefore, the 2024 amendment could be applied retroactively without violating legal principles. Given that the VSPA never applied to streaming content, the streaming service providers were never obligated to pay VSP fees, and no indebtedness was extinguished,] and no unjust enrichment occurred. Contact [John Griesedieck](#) for more information on [City of Creve Coeur, Mo. v. DirecTV LLC](#).

Learn about us:



kpmg.com

The following information is not intended to be "written advice concerning one or more federal tax matters" subject to the requirements of section 10.37(a)(2) of Treasury Department Circular 230.

The information contained herein is of a general nature and based on authorities that are subject to change. Applicability of the information to specific situations should be determined through consultation with your tax adviser.

© 2025 KPMG LLP, a Delaware limited liability partnership and a member firm of the KPMG global organization of independent member firms affiliated with KPMG International Limited, a private English company limited by guarantee. All rights reserved. USCS011027-1AG