

# ORDINANCE No. 184227

\* Extend term of Comcast cable franchises (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Cable franchises granted by the City of Portland to KBL-Portland Cablesystems, L.P. ("East Portland franchise") and to TCI Cablevision of Oregon, Inc. ("West Portland franchise"); and by Multnomah County and the Cities of Fairview, Gresham, Troutdale, and Wood Village to KBL-Multnomah Cablesystems, L.P.) ("East Multnomah franchise") (collectively, the "Franchises") were duly transferred to and accepted by Comcast Corporation and all appropriate Comcast subsidiaries (collectively "Comcast") with the approval of each Jurisdiction in 2002.
2. The Franchises by their terms expire December 31, 2010.
3. The Mt. Hood Cable Regulatory Commission ("MHCRC" or "Commission") was created by an Intergovernmental Agreement dated December 24, 1992) (the "IGA") to carry out cable regulation and administration on behalf of Multnomah County and the cities of Gresham, Fairview, Portland, Troutdale, and Wood Village (the "Jurisdictions"). Among other things, the Commission acts in an advisory capacity to the Jurisdictions in connection with renewal or extension of any cable franchisee of the Jurisdictions. As set forth in the IGA, the Jurisdictions have reserved full authority to act on their own behalf regarding any proposed renewal or extension of the term of a cable franchise. However, each Jurisdiction has agreed to take no action in these areas until the Commission has had an opportunity to give prior consideration to the matter.
4. The MHCRC on behalf of the Jurisdictions is in negotiations with Comcast regarding the terms of renewal of the Franchises. All parties acknowledge that cable franchise renewals are subject to the provisions of Section 626 of the Cable Communications Policy Act of 1984, 47 U.S.C. §546.
5. An extension of the terms of the Franchises to June 30, 2011 will allow time to complete the current MHCRC franchise renewal negotiations.
6. At a meeting held October 18, 2010, the MHCRC recommended the Jurisdictions extend the terms of the current Franchises to June 30, 2011 to allow for orderly conclusion of the current franchise renewal negotiations.
7. The public interest will be served by extending the terms of the Franchises to June 30, 2011.
8. MHCRC staff has verified that Comcast has no objection to extending the terms of the Franchises to June 30, 2011.

NOW, THEREFORE, the Council directs:

- (a) Subject to the conditions set out in the acceptance form attached as Exhibit A to this Ordinance, the Portland City Council approves an extension to the terms of the cable franchises granted to KBL-Portland Cablesystems, L.P. ("East Portland franchise") and to TCI Cablevision of Oregon, Inc. ("West Portland franchise") to June 30, 2011.
- (b) Section 1.2 of the East Portland franchise and Section 1.3 of the West Portland franchise are amended to delete the date "December 31, 2010" and substitute the date "June 30, 2011". All other terms and provisions of the East Portland franchise and West Portland franchises, together with all related documents and agreements pertaining thereto, shall continue in effect without modification.
- (c) On or before December 31, 2010, Comcast Of Illinois/Ohio/Oregon, LLC, Comcast Of Oregon II, Inc, and Comcast Corporation, as Guarantor of the Franchises shall file a written, executed acceptance of this Ordinance, meeting the approval of the City Attorney. The written acceptance shall be in the form attached hereto as Exhibit A.
- (d) The executed acceptances filed by the parties as applicable shall be unqualified and shall be construed to be an acceptance of all the terms, conditions and restrictions contained therein.
- (e) The failure, refusal or neglect by Comcast and its affiliated entities, as specified, to file such written acceptances by such time shall constitute an abandonment and rejection of the rights and privileges conferred hereby and this ordinance shall thereupon be null and void.

Section 2. The Council declares that an emergency exists because the public welfare would be harmed by any gap in franchise terms effecting the provision of services; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

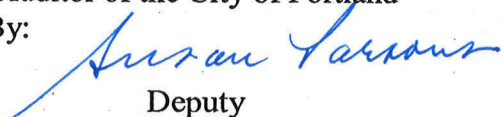
Passed by the Council:

NOV 10 2010

Commissioner Fritz  
David Olson  
October 26, 2010

**LaVonne Griffin-Valade**  
Auditor of the City of Portland

By:

  
Deputy

1451

Agenda No. **184227**  
**ORDINANCE NO. 184227**  
 Title

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INTRODUCED BY Commissioner/Auditor: <b>Fritz</b>	CLERK USE: DATE FILED <b>NOV 05 2010</b>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz <i>✓</i> Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland  By: <i>[Signature]</i> Deputy
BUREAU APPROVAL Bureau: OCCFM Bureau Head: David C. Olson  Prepared by: David C. Olson/RG Date Prepared: October 25, 2010	ACTION TAKEN:
Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input type="checkbox"/>	
Council Meeting Date <b>November 10, 2010</b>	
City Attorney Approval <i>Benjamin Walters</i>	

<b>AGENDA</b> 1092 <b>TIME CERTAIN</b> <input checked="" type="checkbox"/> <b>Start time: 10:20am</b>  <b>Total amount of time needed: 10 min.</b> (for presentation, testimony and discussion)
<b>CONSENT</b> <input type="checkbox"/>
<b>REGULAR</b> <input type="checkbox"/> <b>Total amount of time needed: _____</b> (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	<input checked="" type="checkbox"/>	
Adams	<input checked="" type="checkbox"/>	