

ORDINANCE No. 184575

*Extend term of Comcast cable franchise (Ordinance)

The City of Portland ordains:

Section 1. RECITALS

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 Mt. Hood Cable Regulatory Commission (“MHCRC”) 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 MHCRC acts in an advisory capacity to the Jurisdictions in connection with renewal or extension of any cable franchise 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 MHCRC has had an opportunity to give prior consideration to the matter.
3. The Franchises by their original terms expired December 31, 2010. The City of Portland and Comcast agreed to extend the terms of the Franchises to June 30, 2011. (Ordinance 184227, passed by the Council November 10, 2010).
4. The MHCRC on behalf of the Jurisdictions is in negotiations with Comcast regarding the terms of renewal of the East Multnomah Franchise. 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. At a meeting held April 18, 2011, the MHCRC recommended the Jurisdictions grant an additional extension of the terms of the Franchises from June 30, 2011 to December 31, 2011 to allow for orderly conclusion of the current franchise renewal negotiations.
6. The public interest will be served by granting an additional extension of the terms of the Franchises to December 31, 2011.

7. MHCRC staff has verified that Comcast has no objection to extending the terms of the Franchises to December 31, 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 additional extension to the terms of the cable franchise granted to KBL-Portland Cablesystems, L.P. ("East Portland franchise") and to TCI Cablevision of Oregon, Inc. ("West Portland franchise") from June 30, 2011 to December 31, 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 "June 30, 2011" and substitute the date "December 31, 2011". All other terms and provisions of the East Portland franchise and the West Portland franchise, together with all related documents and agreements pertaining thereto, shall continue in effect without modification.
- (c) On or before June 30, 2011 Comcast of Illinois/Ohio/Oregon, LLC and Comcast Corporation, as Guarantor of the Franchise, 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 acceptance 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 of Illinois/Ohio/Oregon, LLC and Comcast Corporation, as Guarantor of the Franchise, to file such written acceptance 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: **MAY 11 2011**

Commissioner Saltzman
David Olson
May 11, 2011

LaVonne Griffin-Valade
Auditor of the City of Portland
By: *Emily Matason*
Deputy

Agenda No.
ORDINANCE NO. 184575
Title

✓ * Extend term of Comcast cable franchises (Ordinance)

<p align="center">INTRODUCED BY Commissioner/Auditor: Saltzman</p>	<p>CLERK USE: DATE FILED <u>MAY 06 2011</u></p>
<p align="center">COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman <i>Am Saltzman</i></p> <p>Position 4/Safety - Leonard</p>	<p align="center">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <u><i>factr</i></u> Deputy</p>
<p align="center">BUREAU APPROVAL</p> <p>Bureau: OCCFM Bureau Head: <i>David C. Olson</i></p> <p>Prepared by: David C. Olson/RG Date Prepared: May 4, 2011</p> <p>Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Council Meeting Date May 11, 2011</p> <p>City Attorney Approval <i>Benjamin Walters</i></p>	
<p>ACTION TAKEN:</p>	

AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input checked="" type="checkbox"/></p> <p>Total amount of time needed: 5 min (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Leonard	_____	
Adams	✓	