

METROPOLITAN AREA COMMUNICATIONS COMMISSION

RESOLUTION 2013-08

A RESOLUTION RATIFYING THE EXECUTIVE COMMITTEE'S DIRECTION TO BEGIN THE FORMAL RENEWAL PROCESS TO RENEW COMCAST'S FRANCHISE AND RECOMMENDING THAT THE MACC MEMBER JURISDICTIONS EXTEND THE COMCAST FRANCHISE TO ENABLE THE COMMISSION TO COMPLETE THE FORMAL RENEWAL PROCESS

WHEREAS, in 1980 the Metropolitan Area Communications Commission ("MACC") was formed by Intergovernmental Agreement ("IGA") to work cooperatively and jointly on communications issues, in particular the joint franchising of cable services and the common administration and regulation of such franchise agreements; and

WHEREAS, today the member jurisdictions of MACC consist of Washington County and the cities of Banks, Beaverton, Cornelius, Durham, Forest Grove, Gaston, Hillsboro, King City, Lake Oswego, North Plains, Rivergrove, Tigard, Tualatin, and West Linn ("Member Jurisdictions"); and

WHEREAS, the IGA contemplates that MACC and its Member Jurisdictions may grant one or more nonexclusive cable franchise agreements to construct, operate, and maintain a cable service system within the combined boundaries of the Member Jurisdictions; and

WHEREAS, on February 1, 1999, MACC and its Member Jurisdictions at that time, granted nonexclusive cable franchise agreements ("Comcast Franchises") which are now held by Comcast of Oregon II, Inc. ("Comcast"); and

WHEREAS, the Comcast Franchises will expire on January 31, 2014; and

WHEREAS, on March 9, 2011, Comcast requested that the Comcast Franchises be renewed; and

WHEREAS, the IGA authorizes MACC to process Comcast's renewal request on behalf of the Member Jurisdictions, including informal negotiations as set forth in 47 U.S.C. 546 (h) and the formal renewal process set forth in 47 U.S.C. 546 (a-g); and

WHEREAS, in its letter of April 5, 2011, MACC, on behalf of its Member Jurisdictions, properly responded to Comcast's request for renewal of the Comcast Franchises and thereafter properly commenced the franchise renewal process set forth in federal law at 47 U.S.C. 546 by budgeting funds to support renewal efforts, discussing the renewal process at MACC meetings, and by developing/issuing a formal Request for Proposals ("RFP") for professional assistance to conduct a Technical Review of Comcast's operations and a Community Needs Assessment ("Needs Assessment") as provided under 47 U.S.C. 546; and

WHEREAS, on January 24, 2013 CBG Communications, Inc. ("CBG"), MACC's consultant, presented CBG's informal Technical and Needs Assessment findings, to-date, to MACC; and

WHEREAS, on January 24, 2013, the Commission directed staff to begin informal franchise renewal negotiations with Comcast, as set forth in 47 U.S.C. 546 (h); and

WHEREAS, staff began holding informal negotiations sessions with Comcast in February 2013; and

WHEREAS, on June 5, 2013, the Commission authorized the MACC Executive Committee to invoke the formal renewal process set forth in 47 U.S.C. 546 (a-g), if informal renewal negotiations were not successful; and

WHEREAS, on November 22, 2013, the Executive Committee found that further informal renewal negotiations have no reasonable prospect of success and directed MACC staff to begin the formal renewal process set forth in 47 U.S.C. 546 (a-g); and

WHEREAS, the formal renewal process cannot be completed prior to the expiration of the Comcast Franchises; and

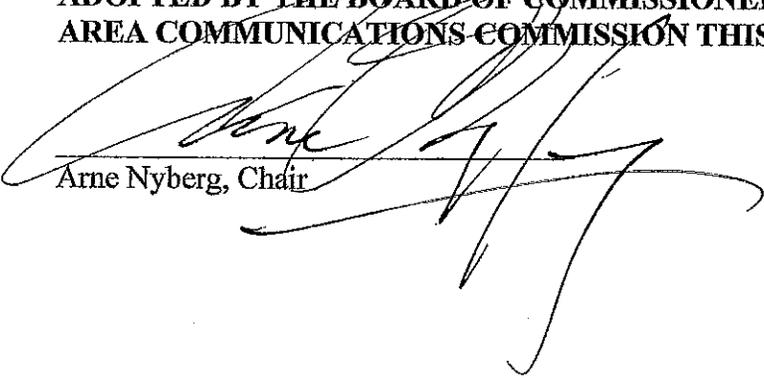
WHEREAS, MACC finds that extending the term of the Comcast Franchises is in the best interest of the Member Jurisdictions and the residents of the Member Jurisdictions; and

WHEREAS, Comcast has agreed to execute extension agreements with each Member Jurisdiction.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE METROPOLITAN AREA COMMUNICATIONS COMMISSION THAT:

1. Resolution 2013-06, adopted by the Executive Committee on November 22, 2013, directing MACC staff to begin the formal renewal process set forth in 47 U.S.C. 546 (a-g) is hereby ratified.
2. MACC recommends that the Member Jurisdictions extend the Comcast Franchises to the earlier of December 31, 2014, or the effective date of a renewed franchise.
3. This Resolution shall be effective from and after its adoption.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE METROPOLITAN AREA COMMUNICATIONS COMMISSION THIS 11th DAY OF DECEMBER 2013.


Arne Nyberg, Chair