REPORT TO MACC MEMBER JURISDICTIONS
RECOMMENDATION
COMCAST CABLE FRANCHISE TERM EXTENSION
OCTOBER 2014
(Prepared by MACC Staff)

Your jurisdiction is a member of the Metropolitan Area Communications Commission (MACC), the intergovernmental agency that administers and regulates cable television franchises for fourteen cities and Washington County. MACC currently administers Comcast's multiple cable television franchises (Comcast Franchise) on behalf of its members, as well as a Frontier Cable Franchise for eleven jurisdictions where that service is offered. MACC staff, its legal counsel and advisors, negotiate directly on your behalf. Each MACC jurisdiction has its own representative, a MACC Commissioner.

MACC Recommendation – On October 9, 2014, the MACC Board of Commissioners (MACC Commission) unanimously passed a resolution (copy attached as Exhibit A) recommending its fifteen member jurisdictions extend the current Comcast Franchise term from December 31, 2014 **to June 30, 2015**, in order to provide time to complete the ongoing process to renew the Comcast Franchise.

Background

Comcast was granted a 15 year renewal of its cable television franchise in 1999 (then held by TCI Cable). That Franchise was to expire on January 31, 2014.

As we reported to you last winter, informal negotiations with Comcast began in February 2013 and continued over eight months until it became clear to MACC that continued informal negotiations with Comcast would not result in an acceptable franchise agreement before the franchise expired. Therefore, the Commission voted on December 11, 2013, to move negotiations into the Federal Formal Renewal Process (Formal Process) and requested that the member jurisdictions agree to extend the term of the Comcast Franchise from January 31, 2014 to December 31, 2014 in order to provide time to complete that Formal Process. That extension was unanimously approved by the Member Jurisdictions.

MACC Formal Process and Need for a Second Extension

The move to a Formal Renewal Process placed the renewal into a structure similar to a "request for proposal," where the cable operator must provide a response that meets the "cable related needs and interests of the MACC communities." It also requires MACC to carefully review the operator's response before making a recommendation to either grant or deny a new franchise agreement. Typically, the Formal Process provides an additional incentive and structure for the parties to agree on a new franchise agreement. That has been the MACC/Comcast experience as well.

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On April 8, 2014, the Commission took the next step in the Formal Process and approved the MACC Request for Formal Renewal Proposal (RFRP). The RFRP, among other things, set forth the results of MACC's Needs Assessment and provided Comcast with a model franchise agreement. Comcast provided its response to MACC's RFRP on August 6, 2014. Under the Formal Process, MACC has four months from this date in which to either renew the franchise or issue a preliminary assessment that the franchise should not be renewed and commence an administrative proceeding to consider the matter.

However, between April and September, MACC and Comcast agreed to continue informal negotiations. These talks have resulted in significant progress on a number of major franchise issues. At the end of September, MACC and Comcast agreed to "toll" or delay the Formal timeline to allow time for the informal negotiations to continue and conclude prior to a decision on the RFRP.

As part of the agreement to toll the Formal timeline, both parties also agreed to ask for an extension of the Comcast Franchise term until June 30, 2015. This action ensures both parties' rights are reserved, including the requirement on Comcast to provide service under the existing franchise agreement, and pay the member jurisdictions franchise fees.

At the MACC Commission's October 9th meeting, the Board unanimously agreed to recommend that the MACC member jurisdictions extend the term of the Comcast Franchise Agreement to June 30, 2015.

Action Requested

Today, MACC asks you to extend the term of the Comcast Cable Franchise Agreement until the **end of June 2015** in order to accommodate the time needed to complete the current informal negotiations. If negotiations are not successful (which we do not expect), the Formal process and its deadlines will still be there to conclude the process in that timeframe.

We have worked with your staff and legal counsel to prepare a resolution to effect this change in your jurisdiction.

In addition to this report and a copy of MACC's recommending resolution, we have also enclosed a "Question & Answer" memorandum that addresses expected questions about this action. Your MACC Commissioner is a good resource to contact regarding this requested action.

MACC staff would be happy to answer any questions you have about this recommended action.

Enclosures:

- MACC Resolution 2014-03
- MACC "Questions & Answers"