METROPOLITAN AREA COMMUNICATIONS COMMISSION

RESOLUTION 2015-08

A RESOLUTION RECOMMENDING THAT THE CITY OF BEAVERTON, A MEMBER OF THE METROPOLITAN AREA COMMUNICATIONS COMMISSION, GRANT QWEST BROADBAND SERVICES, INC. d/b/a/ CENTURYLINK, A CABLE SERVICES FRANCHISE

WHEREAS, in 1980 the Metropolitan Area Communications Commission (hereinafter MACC) was formed by Intergovernmental Cooperation Agreement, amended in 2002 and now an Intergovernmental Agreement (hereinafter IGA) to work cooperatively and jointly on communications issues, in particular the franchising of cable services and the common administration and regulation of such franchises;

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;

WHEREAS, the IGA authorizes MACC to grant one or more nonexclusive franchises to construct, operate, and maintain a cable system within the combined boundaries of the member jurisdictions;

WHEREAS, the IGA requires that each member jurisdiction in which cable service will be provided under the franchise formally approve any joint cable services franchise agreements, or any amendment or renewal of such agreements;

WHEREAS, in February 2015, Qwest Broadband Services, Inc. d/b/a CenturyLink (hereinafter "CenturyLink"), formally requested a franchise authorizing the provision of cable services to the following MACC member jurisdictions: Lake Oswego, Tigard, North Plains, West Linn and unincorporated Washington County ("Affected Jurisdictions");

WHEREAS, the MACC Board of Commissioners recommended, and the Affected Jurisdictions approved, a franchise which has been accepted by CenturyLink;

WHEREAS, CenturyLink subsequently requested that the City of Beaverton be included in the franchise approved by the Affected Jurisdictions;

WHEREAS, the terms and conditions of the recommended franchise will be identical to those recommended by the Commission to the Affected Jurisdictions in July 2015, except that the City of Beaverton will be added as a party to the franchise;

WHEREAS, MACC has provided adequate notice and opportunities for public comment on the proposed new cable services franchise including a public hearing held on October 29, 2015;

WHEREAS, the MACC Board of Commissioners finds the proposed new cable franchise reflects the cable-related community needs of the City of Beaverton, and that CenturyLink has the legal, technical, and financial qualifications to own and operate the proposed cable services system, and therefore recommends to the City of Beaverton that it grant the franchise to Qwest Broadband Services, Inc. d/b/a/ CenturyLink;

WHEREAS, to maintain consistency among the MACC jurisdictions' CenturyLink franchise and to comply with the intent of the franchise granted to the Affected Jurisdictions, the MACC Board of Commissioners recommends that the Affected Jurisdictions approve amendments to the existing CenturyLink franchise to add the City of Beaverton as an "Affected Jurisdiction" as defined therein, as well as any other necessary conforming amendments to add the City of Beaverton as a party to the franchise.

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

1. MACC recommends to the City of Beaverton that it grant CenturyLink a cable services franchise substantially in the form attached hereto as Exhibit A ("Franchise").

2. In accordance with the requirements of the IGA, the City of Beaverton's grant of the Franchise shall be contingent on the affirmative vote of the Beaverton City Council and each Affected Jurisdiction's governing body approving the necessary amendments to the existing CenturyLink franchise to add the City of Beaverton as a party.

3. MACC recommends to the Affected Jurisdictions that they approve amendments to the CenturyLink franchise to add the City of Beaverton as an "Affected Jurisdiction" as defined therein, as well as any other necessary conforming amendments.

3. The MACC Administrator is hereby authorized to execute the Franchise on behalf of the Affected Jurisdictions and the City of Beaverton only after MACC staff's determination that CenturyLink has fulfilled the Franchise acceptance provisions contained in the Franchise, the City of Beaverton has approved the Franchise and each Affected Jurisdiction has approved the necessary amendments to the existing CenturyLink franchise to add the City of Beaverton as a party. The MACC Administrator is further authorized to execute any agreements required to effectuate the amendments to the existing CenturyLink franchise recommended in this Resolution and approved by the Affected Jurisdictions.

4. This resolution shall be effective from and after its adoption.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE METROPOLITAN AREA COMMUNICATIONS COMMISSION THIS 29TH DAY OF OCTOBER, 2015.

Arne Nyberg, Chair

Attachment: Exhibit A - CenturyLink Cable Services Franchise