

RESOLUTION NO. 13-01

A RESOLUTION APPROVING AN EIGHTH EXTENSION OF THE CABLE FRANCHISE AGREEMENT WITH AT&T COMCAST CORPORATION

OREGON CITY MAKES THE FOLLOWING FINDINGS:

WHEREAS, the City of Oregon City, a municipal corporation of the State of Oregon ("City"), and AT&T Comcast Corporation ("Comcast") are parties to a Cable Franchise Agreement passed and approved by the City on May 7, 1997, (the "Franchise"), pursuant to which the City granted a cable television franchise to Comcast to construct, maintain and operate a cable television system throughout the City; and

WHEREAS, the Franchise expired on May 6, 2009; and

WHEREAS, Comcast and the City have begun renewal negotiations in accordance with Section 626(h) of Title VI of the Communications Act of 1934, as amended, and the parties continue to reserve all rights under Section 626 of Title VI of the Communications Act of 1934, as amended, and do not waive any rights related thereto; and

WHEREAS, because the City and Comcast have not yet reached agreement on the renewal, the City deemed it necessary to extend the Franchise by Resolution No. 09-24 on August 5, 2009 to October 31, 2009; a second extension to January 15, 2010 by Resolution No. 09-29; and a third extension to August 31, 2010 by Resolution No. 10-03; a fourth extension to December 31, 2010 by Resolution No. 10-21; and a fifth extension to June 30, 2011 by Resolution No. 10-32; and a sixth extension to March 31, 2012 by Resolution No. 11-18; and a seventh extension to December 31, 2012 by Resolution No. 12-07; and

WHEREAS, it is in the public interest to extend the Franchise for an additional period of time so that cable service to the public will not be interrupted; and

WHEREAS, the City requested that Comcast enter into an extension agreement reflecting the extension described above, but Comcast would not enter into a written extension agreement. We understand that Comcast, without waiving any of its rights under Section 626 of Title VI of the Communications Act, does not object to extending the franchise to June 30, 2013, or until a renewed franchise is agreed upon, whichever occurs first.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. That the Franchise shall be extended through June 30, 2013, or until a renewed franchise is agreed upon, whichever occurs first.

Section 2. This Resolution shall be effective following adoption by the City Commission.

Approved and adopted at a regular meeting of the City Commission held on the 2nd day of January 2013.

DOUG NEELEY, Mayor

Attested to this 2nd day of January 2013:

Approved as to legal sufficiency:

Nancy Ide, City Recorder

City Attorney