

MAPLE VALLEY, WASHINGTON

RESOLUTION NO. R-16-1092

A RESOLUTION CONCERNING THE COMMENCEMENT OF FORMAL RENEWAL PROCEEDINGS UNDER THE FEDERAL CABLE COMMUNICATIONS POLICY ACT OF 1984, AS AMENDED.

WHEREAS, the City of Maple Valley, Washington (“City”) renewed, by Ordinance No. O-11-469, a Franchise to Comcast of Washington IV, Inc. & Comcast of California/Colorado/Washington I, Inc. (“Comcast”); (the “Franchise”), to provide cable television service within the territorial limits of the City on 26th day of September, 2011; and

WHEREAS, by certified letter dated November 26, 2013, from Comcast to the City, Comcast invoked the formal renewal procedures set forth in Section 626 of the Cable Communications Policy Act of 1984, as amended (the “Cable Act”), 47 U.S.C. § 546; and

WHEREAS, Section 626(a)(1) of the Cable Act, 47 U.S.C. § 546(a)(1), provides that if a written renewal request is submitted by a cable operator during the 6-month period which begins with the 36th month before franchise expiration and ends with the 30th month prior to franchise expiration, a franchising authority shall, within six months of the request, commence formal renewal proceedings to identify the future cable-related community needs and interests, and to review the performance of the cable operator under its franchise during the then current franchise term; and

WHEREAS, the City is desirous of commencing the formal renewal proceedings specified in Section 626(a)(1) of the Cable Act, 47 U.S.C. § 546(a)(1) and, at the same time, of pursuing the informal renewal process with Comcast pursuant to Section 626(h) of the Cable Act, 47 U.S.C. § 546(h); and

WHEREAS, the City intends to take any and all steps required or desired to comply with the franchise renewal and related requirements of the Cable Act, Washington law and the Franchise; and

WHEREAS, the City, must provide the public with notice of, and an opportunity to participate in, formal renewal proceedings under Section 626(a) of the Cable Act; and

WHEREAS, formal Section 626(a) proceedings and the informal franchise renewal process may involve the collection and analysis of information from Comcast (and its affiliates and subsidiaries), City agencies and departments, the public and other interested parties, and may require one or more public hearings.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, THAT:

Section 1. The City hereby commences formal franchise renewal ascertainment and past performance proceedings under Section 626(a)(1) of the Cable Act, 47 U.S.C. § 546(a)(1), concerning Comcast and the Franchise. These proceedings, and all applicable procedures, timelines and deadlines set forth in Section 626(a)-(g) of the Cable Act, 47 U.S.C. § 546(a)-(g), may be tolled if Comcast and the City enter into a lawful and binding tolling agreement (“Standstill Agreement”).

Section 2. The City or its designee(s) may conduct such hearings, surveys and meetings they deem appropriate to assess community cable-related needs and interests, evaluate Comcast's past performance and enable the public an opportunity to participate in formal Franchise renewal proceedings conducted under Section 626(a)(1) of the Cable Act, 47 U.S.C § 546(a)(1). City staff and/or their designee(s) shall provide the public with notice of, and an opportunity to participate in, any public hearings or public meetings conducted under Section 626(a)(1), unless Section 626(a)(1) proceedings are tolled pursuant to a binding Standstill Agreement, in which case such notice and an opportunity to participate will only be required if the Standstill Agreement ceases to be effective or if the Cable Act's formal renewal process is reactivated in accordance with the Standstill Agreement.

Section 3. City staff and/or designee(s) is authorized to manage and conduct the formal franchise renewal proceedings specified in 626(a)(1) of the Cable Act, 47 U.S.C. § 546(a)(1), and to take all steps and actions necessary or desired to assess the community’s cable-related needs and interests, to review Comcast’s past performance under the Franchise and applicable laws and regulations, and to comply with applicable laws, regulations, orders and decisions.

Section 4. City staff and/or their designee(s), may explore with Comcast the possibility of pursuing the informal renewal process under Section 626(h) of the Cable Act, 47 U.S.C. § 546(h). If City staff and Comcast decide to utilize the informal renewal process, City staff shall inform the City of the decision, and the City may approve informal renewal discussions and enter into a Standstill Agreement with Comcast, if appropriate or desired. Should the City and Comcast follow the informal franchise renewal process under Section 626(h), 47 U.S.C. § 546(h), City staff and/or their designee(s) are authorized to enter into Franchise renewal and/or extension negotiations with Comcast, to prepare informal renewal proposals and to respond to informal renewal proposals from Comcast, to communicate with Comcast on the City’s behalf, to perform past performance and needs assessment reviews, and to take all other steps and actions necessary or desired to engage in the informal renewal process and/or to comply with applicable laws, regulations, orders and decisions. The City will provide adequate public notice of and an opportunity to comment on any informal Franchise renewal proposal(s) submitted by Comcast before taking any final action on such proposal(s).

Section 5. City staff and/or their designee(s) may establish procedures and dates for the conduct of any hearings, meetings and/or surveys related to any Section 626(a) proceedings or the informal renewal process, and may establish procedures and dates for the submission of

testimony and other information in connection with such proceedings and/or the informal renewal process.

Section 6. City staff and/or their designee(s) are authorized to request and require Comcast and its affiliates and subsidiaries to submit such information as may be deemed appropriate in connection with any Section 626(a) proceedings or the informal renewal process under Section 626(h) (including any needs assessment(s) or past performance review(s) associated therewith), to the maximum extent permitted by the Franchises and applicable laws, ordinances, regulations, resolutions, settlement agreements, and memoranda of understanding, to gather such other information from other persons, agencies or sources as may be deemed appropriate, and to take such further steps as may be needed or desired to ensure the City and the public's cable-related needs and interests are satisfied and fully protected consistent with applicable law.

Section 7. Nothing in this Resolution shall be construed to waive or limit the City's authority, rights, remedies and defenses under applicable agreements, laws, regulations, orders and decisions.

Section 8. City staff shall keep the City fully apprised of the status and progress of the formal and informal renewal processes, as appropriate.

Section 9. This Resolution shall become effective immediately upon adoption.

**ADOPTED BY THE CITY COUNCIL AT THE REGULAR BUSINESS MEETING
THIS 13th DAY OF JUNE 2016.**

CITY OF MAPLE VALLEY

Sean P. Kelly, Mayor

ATTEST:

Shaunna Lee-Rice, MMC, City Clerk

APPROVED AS TO FORM:

Patricia Taraday, City Attorney