

ORDINANCE NO. 1988

INTRODUCED BY: AMADOR, BENSON, BULLOCK, CARSON, DOUGLAS, ELLIOTT, MCELLOWNEY, TETER

AN ORDINANCE APPROVING THE GRANT OF A CABLE FRANCHISE TO COMCAST COLORADO IX, LLC, APPROVING A CABLE FRANCHISE AGREEMENT BETWEEN COMCAST COLORADO IX, LLC, AND THE CITY OF COMMERCE CITY, COLORADO, AND APPROVING AND ADOPTING CUSTOMER SERVICE STANDARDS FOR CABLE OPERATORS

WHEREAS, in 1995, the Council of the City of Commerce City (the “City”) adopted Ordinance No. 1128 approving the grant of a nonexclusive Franchise Agreement to Mountain States Video Inc., doing business as TCI of Colorado, a wholly owned subsidiary of United Cable Television of Colorado, Inc. (hereinafter, “TCI”), for its construction and operation of a cable television system within the City (the “1995 Franchise”);

WHEREAS, on October 25, 2010, the City Council adopted an ordinance providing for the extension of the existing term of the 1995 Franchise from November 6, 2010, through December 31, 2013, upon which date the current Cable Franchise will expire;

WHEREAS, Comcast Colorado, IX, LLC, (“Comcast”) is the successor in interest to TCI;

WHEREAS, Comcast has preserved its right of renewal by timely filing a request with the City to activate the formal process for renewing the Franchise pursuant to the provisions of the Cable Communications Policy Act of 1984 (“Cable Act”);

WHEREAS, Comcast has requested, and the City desires to grant to Comcast, a new cable franchise;

WHEREAS, City staff and Comcast representatives have met and agreed to the provisions of the attached new cable franchise agreement (the “2014 Franchise Agreement”) to govern the new cable franchise;

WHEREAS, the 1995 Franchise contained certain customer services standards that are also set to expire on December 31, 2013;

WHEREAS, the Greater Metro Cable Consortium (“GMCC”) n/k/a Colorado Communications and Utilities Alliance (“CCUA”), was a Colorado agency formed by intergovernmental agreement among local governmental subdivisions of the State of Colorado to, if authorized by its members, enforce cable television franchises and cable system operations for its member communities and administer certain functions thereof;

WHEREAS, the CCUA has approved and adopted new Customer Service Standards for Cable Operators (the “Standards”), to which Comcast of Colorado IX, LLC (successor in interest

to TCI), has also agreed, and which are incorporated into the 2014 Franchise Agreement as Exhibit A thereto; and

WHEREAS, the City Council hereby finds and determines that the grant of a cable franchise to Comcast as herein provided, and the adoption of the 2014 Franchise Agreement and Standards to govern such franchise, are and shall be in the best interest of the residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. Grant of Franchise. The City of Commerce City hereby grants to Comcast Colorado IX, LLC, effective January 1, 2014, a nonexclusive Cable Franchise subject to the terms and conditions set forth in the attached Cable Franchise Agreement between Comcast Colorado IX, LLC, and the City of Commerce City, Colorado.

SECTION 2. Franchise Agreement. The City of Commerce City hereby approves and adopts the attached Cable Franchise Agreement between Comcast Colorado IX, LLC, and the City of Commerce City, Colorado, including the Customer Service Standards for Cable Operators attached thereto as Exhibit A, which shall become effective January 1, 2014.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 4TH DAY OF NOVEMBER, 2013.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 2ND DAY OF DECEMBER, 2013.

CITY OF COMMERCE CITY, COLORADO

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, CMC, City Clerk