

RESOLUTION 2006-2**AUTHORIZING FURTHER DISCUSSIONS CONCERNING SECTION 16(2)(F) OF THE FRANCHISES AND SETTING CONDITIONS FOR THOSE DISCUSSIONS**

WHEREAS, Lane County and the cities of Eugene and Springfield, the local franchising authorities, have entered into franchises with Comcast Cable Communications, LLC, for the operation of a cable communication system and have designated the Commission as the representative of the local franchising authorities in administration of the franchise; and

WHEREAS, Section 16(2)(f) of the franchise provides “[a]nytime between May 1, 2005 and October 31, 2005, upon reasonable demonstration by Grantee to commission that Grantee is in substantial compliance with the material terms of the franchise as it then exists, the Commission shall renew the franchise for an additional ten year term commencing July 1, 2008. A denial of renewal by the commission shall be made if it reasonably initially determines that the Grantee has not substantially complied with the material terms of the franchise. In the event of such a denial, the commission shall also immediately proceed under Section 626 of the Federal Act. If the commission conducts the hearing required in subpart 626(c)(2) of the Federal Act, a decision by the commission to deny the renewal or Grantee’s proposal shall be the final decision of the franchising authority”; and

WHEREAS, on October 21, 2005, Comcast submitted a letter requesting an extension of the current franchises, and accompanied that letter with a list of what Comcast considered to be the material terms of the franchise and assertions of Comcast’s compliance with the listed provisions of the franchises.

NOW, THEREFORE, BE IT RESOLVED:

1. For purposes of consideration of a franchise renewal proposal such as is contemplated by Section 16(2)(f) of the franchise, the Commission directs Commission staff and invites Comcast and staff of the local franchise authorities, Eugene, Lane County, and Springfield, to develop what documentation is available concerning compliance with the material provisions of the franchise.
2. That the Commission believes that an additional ten year renewal, based on compliance with the current franchise, must include the Commission’s determination that, for all material provisions of the current franchise, all questions regarding compliance under the current franchise, are resolved with as much specificity as possible, so that all parties to a renewed franchise can begin the renewed period with some confidence that questions regarding these matters are less likely to appear during the renewed period.
3. That this resolution regarding discussions of franchise renewal pursuant to Section 16(2)(f) does not constitute an agreement that Comcast has made or will make a reasonable

demonstration of substantial compliance with the material provisions of the franchise, only a statement that more information is necessary before the Commission can exercise the authority granted in Section 16(2)(f).

4. That the Commission is not making or ordering a waiver of any party's rights under Section 16(2)(f) or Section 626 of the Federal Cable Communications Act; and the Commission, as the body delegated administrative responsibilities by the franchise, expressly reserves all rights and authority granted under the franchise or Federal Act for itself and for the local franchising authorities.
5. That, without any waiver of any rights, the Commission expects that this matter will be resolved and information prepared for Commission consideration no later than the normally scheduled time for the Commission meeting in June 2006.

PASSED AND APPROVED THIS 9th DAY OF FEBRUARY, 2006, BY THE METROPOLITAN POLICY COMMITTEE.

ATTEST:

George Kloepfel
Executive Director
Lane Council of Governments

Bobby Green, Chair
Metropolitan Policy Committee