

Introduced: Ms. Pope
1st Reading: September 8, 2014
Passed: September 22, 2014
Posted: September 23, 2014
Effective: September 22, 2014

ORDINANCE NUMBER 1339

AN ORDINANCE TO RATIFY AND ADOPT AN EXTENSION OF THE FRANCHISE AGREEMENT WITH COMCAST OF MARYLAND, INC

WHEREAS on April 1, 1999, the City of Greenbelt, herein referred to as "City" granted a cable television franchise (the "Franchise") to Jones Cable, which was thereafter transferred to Comcast of Maryland; and

WHEREAS, the Franchise is now held by Comcast of Maryland, Inc. (the "Franchisee"); the Franchise, without amendment, terminated on April 1, 2014; and

WHEREAS, the City and the Franchisee are engaged in discussions concerning the renewal of the Franchise, and those discussions are expected to take some time to complete; and

WHEREAS, the City wishes to ratify and adopt an extension of the term of the Franchise, beginning at the end of the franchise term on April 1, 2014, to allow time for the parties to complete negotiations; and

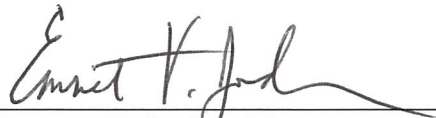
WHEREAS, the Franchisee has provided its consent to the proposed extension of the Franchise, in the form of the attached letter, which is incorporated herein by reference as Exhibit A; and

WHEREAS, the City and the Franchisee both desire to reserve their respective rights under state and federal law, including, without limitation, 47 U.S.C. § 546. NOW, THEREFORE,

BE IT ORDAINED by the Council of the City of Greenbelt that the amendment to extend the said Franchise Agreement between the City and the Franchisee be and it is hereby adopted and ratified effective April 1, 2014, and the said Franchise Agreement is extended until a new cable franchise becomes effective, or until the franchise is either renewed, terminated or final action is taken not to renew the franchise in accordance with the agreement, the Federal Cable Act and other applicable law, whichever occurs first, as is more particularly stated in the attached Exhibit A, which is incorporated herein by reference. The extension of the franchise is contingent upon the City receiving from Comcast of Maryland, Inc., a signed letter substantially in the form attached as Exhibit A. During said extension, the terms and conditions of the Agreement shall remain in full force and effect. This extension shall be effective as to Franchisee immediately upon receipt by the Franchisee.

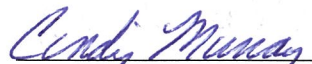
BE IT FURTHER ORDAINED by the Council of the City of Greenbelt that this ordinance shall be effective immediately upon its passage.

PASSED by the Council of the City of Greenbelt, Maryland, at its regular meeting of September 22, 2014.



Emmett V. Jordan, Mayor

ATTEST:



Cindy Murray, City Clerk

EXHIBIT A

Date

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

RE: (Community) - Franchise Extension

Dear XXXXXX:

I am writing about the proposal to extend the 19xx Franchise Agreement currently held by Comcast of Maryland, Inc. ("Comcast") that is scheduled to expire on XXXXX(date), in order to accommodate further renewal discussions between Comcast and the XXXXXX, ("Franchise Authority"), which are ongoing and active. Both parties agree that additional time is necessary in order to facilitate the renewal process, and wish to enable this process without prejudicing the rights of either party set forth in the Federal Cable Act. 47 U.S.C. §546 and applicable regulations promulgated thereunder.

Upon action by the Franchise Authority, Comcast agrees to extend the terms and conditions of the 19xx Franchise Agreement until a new cable franchise becomes effective, or until the franchise is either renewed, terminated, or final action is taken not to renew the franchise, in accordance with the agreement, the Federal Cable Act and other applicable law, whichever occurs first. During said extension, the terms and conditions of the Agreement shall remain in full force and effect. This consent to the extension shall not be construed to prejudice or waive any rights which either party may have under The Communications Act of 1934, as amended, 47 U.S.C. §§ 521 *et seq.*, or any other applicable laws, rules or regulations of the United States, State of Maryland, or the Franchise. Comcast's agreement to the extension is subject to the following understanding:

Comcast and the Franchise Authority retain and reserve all of their franchise renewal rights under applicable law, including, without limitation, Communications Act Section 626 (47 U.S.C. § 546)

In the event this extension is declared invalid for any reason, the parties shall retain all rights to the formal renewal process as they existed on the date this extension was executed.

Should you have any questions regarding this matter, please feel free to contact me.

Sincerely,

COMCAST OF MARYLAND, INC.

By:

John Conwell
Vice President, Government & Regulatory Affairs