


City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 3, 2009

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER 

SUBJECT: RESOLUTION PROVIDING FOR A SIX-MONTH EXTENSION OF THE CITY'S CABLE TELEVISION FRANCHISE AGREEMENT WITH COMCAST OF VIRGINIA, INC. FROM JUNE 18, 2009 TO DECEMBER 31, 2009

ISSUE: Request to extend the expiration dates, based on the same terms and conditions, of the City's cable television franchise agreement with Comcast for six additional months so that staff can complete the negotiations and franchise renewal process.

RECOMMENDATION: That City Council approve the request and adopt the attached resolution (Attachment 1) which extends the expiration date of the cable television franchise agreement with Comcast of Virginia, Inc. from June 18, 2009 to December 31, 2009.

DISCUSSION: On June 18, 1994, the City Council approved the terms and conditions of the cable television franchise between the City of Alexandria and Comcast of Virginia, Inc. The 15-year franchise expires on June 17. Staff has begun the franchise renewal process, which is taking longer than was anticipated, and hopes to conclude the negotiations in the fall. The six-month extension will allow staff to finalize the negotiations and complete the process for renewing the cable television franchise.

The basis for denying a franchise renewal for an incumbent cable television franchisee is set by federal statute. Since the franchise was awarded to Comcast in 1994 there have been changes in Virginia state communications law. Only the following four factors under the law that may be considered in deciding whether to deny a request for renewal:

1. Whether the operator has failed to substantially comply with the material terms of the existing franchise and applicable law;
2. Whether the quality of the operator's service has been reasonable in light of community needs;
3. Whether the operator has the financial, legal and technical ability to comply with its proposed terms; and
4. Whether the proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting those needs and interests.

Comcast has reviewed the attached resolution and by letter (Attachment 2) consent to the extension of the expiration date of the franchise agreement to December 31 with the same terms

and conditions, without waiving any of its rights under federal or Virginia state law. I recommend that Council approve the proposed resolution extending the expiration date of the Comcast cable television franchise to December 31, 2009.

ATTACHMENTS:

Attachment 1. Proposed Resolution

Attachment 2. Letter from Robert S. Jacobs to Rose Williams Boyd

STAFF:

Rose Williams Boyd, Director of Citizen Assistance

Karen Snow, Assistant City Attorney

RESOLUTION NO. _____

Resolution to extend the term of the cable television franchise held by Comcast of Virginia, Inc., until December 31, 2009, for the purpose of permitting the City of Alexandria and the Franchisee to complete renewal discussions

WHEREAS, on June 18, 1994, the City of Alexandria, Virginia (the "City"), granted a cable television franchise (the "Franchise") to Jones Intercable of Alexandria, Inc.; and

WHEREAS, in or about December 1999, Jones Intercable of Alexandria, transferred the Franchise to Comcast of Virginia, Inc., (the "Franchisee") who currently holds the Franchise; and

WHEREAS, the Franchise expires on June 17, 2009; and

WHEREAS, the City and the Franchisee are engaged in discussions concerning the renewal of the Franchise and those discussions have not been completed; and

WHEREAS, the City wishes to extend the term of the Franchise 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; 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 RESOLVED by the City Council of Alexandria, Virginia:

1. That the term of the Franchise is hereby extended until December 31, 2009; and
2. That this Resolution shall be effective immediately upon passage.

ADOPTED: _____

WILLIAM D. EUILLE, MAYOR

ATTEST:

Jacqueline M. Henderson, CMC, City Clerk



Comcast Cable
1301 McCormick Drive
Largo, MD 20774

May 21, 2009

Ms. Rose Boyd
Director of Citizen Assistance
City of Alexandria
301 King Street, Room 1900
Alexandria, VA 22314

RECEIVED
JUN 01 2009
CITIZEN ASSISTANCE
OFFICE

RE: Cable Franchise Extension

Dear Ms. Boyd:

I am writing in regard to the County's proposed extension of the franchise agreement held by Comcast of Virginia, Inc. ("Comcast") that is currently scheduled to expire on June 17, 2009, in order to accommodate further renewal discussions between Comcast and the City. Comcast has reviewed the resolution proposed by the City, and by this letter consents to a resolution substantially in the form attached hereto to extend the expiration date of the franchise agreement to December 31, 2009, without waiving any of its rights under federal or Virginia state law.

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

Sincerely,

COMCAST OF VIRGINIA, INC.

By:

Robert S. Jacobs
Vice President, Franchising and Government Affairs
Comcast Beltway Region

cc: Matt Ames, Esq.
Donna Rattley Washington
Marie Schuler

RESOLUTION NO. 2346

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WHEREAS, the Franchisee has provided its consent to the proposed extension of the Franchise, in the form of the attached letter; and

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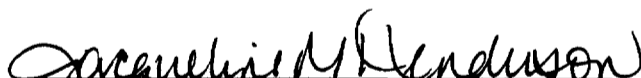
ADOPTED: June 9, 2009



WILLIAM D.EUILLE

MAYOR

ATTEST:



Jacqueline M. Henderson, CMC City Clerk



Comcast Cable
1301 McCormick Drive
Largo, MD 20774

May 21, 2009

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Director of Citizen Assistance
City of Alexandria
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