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**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_

COUNCIL BILL NO. \_\_\_\_\_

SERIES OF 2012

COMMITTEE OF REFERENCE:  
Government and Finance

**A BILL**

**For an ordinance modifying the Comcast cable franchise agreement to extend the term of the franchise for an additional six months to June 30, 2013**

**WHEREAS**, pursuant to Ordinance No. 617, Series of 1999, the City granted a franchise to Mile Hi Cable Partners, L.P., the details of which are more fully set forth in the document at Clerk Filing No. 99-056 (the “Franchise”); and

**WHEREAS**, pursuant to Ordinance No. 577, Series 2002, the City approved the transfer of the Franchise to AT&T Comcast Corp. (“Comcast”); and

**WHEREAS**, pursuant to Ordinance No. 218, Series 2007, the City and Comcast previously agreed to a modification of the Franchise related to the allocation of Public Access channels; and

**WHEREAS**, pursuant to Ordinance No. 532, Series 2008, the City and Comcast agreed to extend the term of the original Franchise for an additional three years; and

**WHEREAS**, according to Section 2.3 (A) of the Franchise, as amended, the term of the Franchise is currently scheduled to end on December 31, 2012; and

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

28           **WHEREAS**, the City and Comcast are currently engaged in negotiations for the  
29 renewal of the franchise; and

30           **WHEREAS**, representatives of the City and Comcast have met and conferred,  
31 and agreed that the term of the existing Franchise should be extended for an additional  
32 six months while maintaining all other terms and conditions of the Franchise intact  
33 during the period of the extension, in order to provide additional time for negotiation of  
34 the renewal of the Franchise; and

35           **WHEREAS**, Section 4.9 of the Franchise authorizes the Franchise to be modified  
36 upon mutual agreement of the parties;

37

38           **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND**  
39 **COUNTY OF DENVER:**

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41           **Section 1.** That section 2.3 (A) of the Franchise is hereby modified by deleting  
42 the language stricken and adding the language underlined to read as follows:

43

44           **2.3.1 Effective Date and Term of Franchise**

45           (A) The Franchise and the rights, privileges and authority granted  
46 hereunder shall take into effect on January 1, 2000 (the “Effective Date”)

47 and shall terminate on ~~December 31, 2012~~ June 30, 2013, unless  
48 terminated sooner as hereinafter provided.

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50 **Section 2.** Except as specifically set forth herein, all other terms and conditions  
51 of the Franchise shall remain in full force and effect during the extended term of the  
52 Franchise, including by way of example but not by way of limitation the amendatory  
53 terms previously set forth in Ordinance No. 218, Series 2007 concerning allocation of  
54 Public Access channels.

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56 **Section 3.** Neither Comcast nor the City waives any right which it enjoys under  
57 law as a result of agreeing to this Franchise extension, and Comcast shall not be  
58 required to file any additional request or document in order to preserve its right of  
59 renewal under Section 626 of the Cable Act.

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61 COMMITTEE APPROVAL DATE:

62 MAYOR-COUNCIL DATE:

63  
64 PASSED BY THE COUNCIL \_\_\_\_\_, 2012

65  
66 \_\_\_\_\_ - PRESIDENT

67 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2012

68 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER  
69 EX-OFFICIO CLERK OF THE  
70 CITY AND COUNTY OF DENVER

71 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_ 2012 \_\_\_\_\_ 2012

72  
73 PREPARED BY: David W. Broadwell, Asst. City Attorney; November 12, 2012

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75 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office  
76 of the City Attorney. We find no irregularity as to form, and have no legal objection to the  
77 proposed ordinance. The proposed ordinance is not submitted to the City Council for approval  
78 pursuant to § 3.2.6 of the Charter.  
79

80 Douglas J. Friednash, City Attorney

81

82 BY: \_\_\_\_\_, Asst. City Attorney

DATE: \_\_\_\_\_

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87 Accepted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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MILE HI CABLE PARTNERS, L.P.

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By: Comcast of Florida, Its General Partner

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By: Tele-Communications of Colorado, Inc., Its General Partner

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By: \_\_\_\_\_

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Authorized Agent

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Richard C. Jennings, Regional Vice President