

1 **BY AUTHORITY**

2 ORDINANCE NO. _____

COUNCIL BILL NO. CB12-0898

3 SERIES OF 2012

COMMITTEE OF REFERENCE:

4 Government and Finance

5
6 **A B I L L**

7 **For an ordinance modifying the Comcast cable franchise agreement**
8 **to extend the term of the franchise for an additional six months to**
9 **July 1, 2013**
10

11 **WHEREAS**, pursuant to Ordinance No. 617, Series of 1999, the City granted a
12 franchise to Mile Hi Cable Partners, L.P., the details of which are more fully set forth in
13 the document at Clerk Filing No. 99-0576 (the "Franchise"); and

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

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

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

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

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

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

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

32

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

35

36 **Section 1.** The Franchise heretofore granted by the City to Comcast is hereby
37 amended as follows:

38

39 **Amendment to Cable Franchise Agreement**

40 Section 2.3 (A) of the Franchise is hereby modified to read as follows:

41

42 **2.3.1 Effective Date and Term of Franchise**

43 (A) The Franchise and the rights, privileges and authority granted
44 hereunder shall take into effect on January 1, 2000 (the "Effective Date")
45 and shall terminate on June 30, 2013, unless terminated sooner as
46 hereinafter provided.

47

71 **Contract Control Number:**

72 **Contractor Name: Mile Hi Cable Partners, L.P.**

73

74 IN WITNESS WHEREOF, the parties have set their hands and affixed their seals at

75 Denver Colorado as of

76

77 SEAL

CITY AND COUNTY OF DENVER

78 ATTEST:

79

80 _____

By _____

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84 APPROVED AS TO FORM:

REGISTERED AND COUNTERSIGNED:

85

86 Douglas J. Friednash, Attorney
87 For the City and County of Denver

By _____

88

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90 By _____

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By _____

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95 **Contract Control Number:**

96

97 **Contractor Name: Mile Hi Cable Partners, L.P.**

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MILE HI CABLE PARTNERS, L.P.

101

By: Comcast of Florida, Its General Partner

102

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

103

104

105

106

By: _____

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108

Name: Richard C. Jennings

109

110

Title: Authorized Agent; Regional Vice President

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112

113

ATTEST: (if required)

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115

116

By: _____

117

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119

Name: _____

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(please print)

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Title: _____

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(please print)

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129 COMMITTEE APPROVAL DATE:

130 MAYOR-COUNCIL DATE:

131
132 PASSED BY THE COUNCIL _____, 2012

133
134 _____ - PRESIDENT

135 APPROVED: _____ - MAYOR _____, 2012

136 ATTEST: _____ - CLERK AND RECORDER
137 EX-OFFICIO CLERK OF THE
138 CITY AND COUNTY OF DENVER

139 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ 2012 _____ 2012

140
141 PREPARED BY: David W. Broadwell, Asst. City Attorney; December 6, 2012

142
143 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office
144 of the City Attorney. We find no irregularity as to form, and have no legal objection to the
145 proposed ordinance. The proposed ordinance is not submitted to the City Council for approval
146 pursuant to § 3.2.6 of the Charter.

147
148 Douglas J. Friednash, City Attorney

149
150 BY: _____, Assistant City Attorney DATE: _____, 2012

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