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BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2013

COUNCIL BILL NO. _____
COMMITTEE OF REFERENCE:

A BILL

For an ordinance modifying the Comcast cable franchise agreement to extend the term of the franchise for an additional three months to September 30, 2013, subject to additional month-to-month extensions thereafter upon the written approval of the Mayor.

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. 99-0576 (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, pursuant to Ordinance No. 656, Series of 2012, the City and Comcast agreed to extend the term of the Franchise for an additional six months; and

25 **WHEREAS**, according to Section 2.3 (A) of the Franchise, as amended, the term
26 of the Franchise is currently scheduled to end on July 1, 2013; and

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

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

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

36

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

39

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

42

43 **Amendment to Cable Franchise Agreement**

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

45

46 **2.3.1 Effective Date and Term of Franchise**

47 (A) The Franchise and the rights, privileges and authority granted
48 hereunder shall take effect on January 1, 2000 (the "Effective Date") and
49 shall terminate on September 30, 2013, unless terminated sooner or
50 extended as hereinafter provided. If the City and the Franchisee have not
51 reached an agreement for renewal of the Franchise by September 30,
52 2013, the Franchise may continue on a month-to-month basis upon the
53 written consent of the Mayor of the City or the Mayor's designee.

54
55 Except as specifically set forth herein, all other terms and conditions of the
56 Franchise shall remain in full force and effect during the extended term of the Franchise,
57 including by way of example but not by way of limitation the amendatory terms
58 previously set forth in Ordinance No. 218, Series 2007 concerning allocation of Public
59 Access channels.

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

64
65 **[Remainder of page intentionally left blank.]**

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Contract Control Number:

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

IN WITNESS WHEREOF, the parties have set their hands and affixed their seals at
Denver Colorado as of

SEAL

CITY AND COUNTY OF DENVER

ATTEST:

By _____

APPROVED AS TO FORM:

REGISTERED AND COUNTERSIGNED:

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

By _____

By _____

By _____

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Contract Control Number:

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

MILE HI CABLE PARTNERS, L.P.

By: Comcast of Florida, Its General Partner

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

By: _____

Name: Richard C. Jennings

Title: Authorized Agent; Regional Senior Vice President
– Cable Management

ATTEST: (if required)

By: _____

Name: _____
(please print)

Title: _____
(please print)

135 COMMITTEE APPROVAL DATE:

136 MAYOR-COUNCIL DATE:

137

138 PASSED BY THE COUNCIL _____, 2013

139

140 _____ - PRESIDENT

141 APPROVED: _____ - MAYOR _____, 2013

142 ATTEST: _____ - CLERK AND RECORDER
143 EX-OFFICIO CLERK OF THE
144 CITY AND COUNTY OF DENVER

145 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ 2013 _____ 2013

146

147 PREPARED BY: David W. Broadwell, Asst. City Attorney; April 22, 2013

148

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

153

154 Douglas J. Friednash, City Attorney

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156 BY: _____, Asst. City Attorney DATE: _____

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