

1
2 **BY AUTHORITY**

3
4 ORDINANCE NO. _____
5 SERIES OF 2012

COUNCIL BILL NO. _____
6 COMMITTEE OF REFERENCE:

7 **A BILL**

8 **For an ordinance modifying the Comcast cable franchise agreement**
9 **to extend the term of the franchise for an additional six months to**
10 **July 1, 2013**
11

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

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

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

20 **WHEREAS**, pursuant to Ordinance No. 582, Series 2008, the City and Comcast
21 agreed to extend the term of the original Franchise for an additional three years; and

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

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

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

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

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

36
37 **Section 1.** That section 2.3 (A) of the Franchise is hereby modified by deleting
38 the language stricken and adding the language underlined to read as follows:

39
40 **2.3.1 Effective Date and Term of Franchise**
41 (A) The Franchise and the rights, privileges and authority granted
42 hereunder shall take into effect on January 1, 2000 (the “Effective Date”)
43 and shall terminate on ~~December 31, 2012~~ June 30, 2013, unless
44 terminated sooner as hereinafter provided.

45
46 **Section 2.** Except as specifically set forth herein, all other terms and conditions
47 of the Franchise shall remain in full force and effect during the extended term of the
48 Franchise, including by way of example but not by way of limitation the amendatory

49 terms previously set forth in Ordinance No. 218, Series 2007 concerning allocation of
50 Public Access channels.

51

52 COMMITTEE APPROVAL DATE:

53 MAYOR-COUNCIL DATE:

54

55 PASSED BY THE COUNCIL _____, 2012

56

57 _____ - PRESIDENT

58 APPROVED: _____ - MAYOR _____, 2012

59 ATTEST: _____ - CLERK AND RECORDER
60 EX-OFFICIO CLERK OF THE
61 CITY AND COUNTY OF DENVER

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

63

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

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

70

71 Douglas J. Friednash, City Attorney

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

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78 Accepted and approved this _____ day of _____, 2012.

79

80 AT&T COMCAST CORP.

81

82

83 By: _____
84 Authorized Agent