

City/County Telecommunications Commission

RESOLUTION 2023 – 01

Regarding a Recommendation to Extend the Franchise Agreement Now Held by Comcast of Washington V, LLC for a Period Not to Exceed July 1, 2024

Section 1. Findings

- 1.1 The City of Vancouver (“City”), Washington and Clark County (“County”), Washington granted separate, but parallel, non-exclusive ten-year franchises for cable television services to Comcast of Washington V, LLC (“Comcast”). The current franchises are scheduled to expire June 30, 2023.
- 1.2 As authorized by Vancouver Municipal Code (“VMC”) Chapter 5.19.090 and Clark County Code (“CCC”) 36.04A.090 and .130, the City and County may extend the term of a cable franchise beyond its original expiration date when found to be in the interest of the public upon agreement with the cable company.
- 1.3 The City, County and Comcast have pursued renewal of the current franchise under the informal renewal process for Comcast’s City and County cable franchises as provided for by Section 626(h) of the Cable Communications Policy Act of 1984, as amended by the Cable Televisions Consumer Protection Act of 1992 (the “Acts”), 47 USC § 546(h).
- 1.4 While good progress has been made in reaching an agreement on the terms and conditions of renewed franchises, additional time is necessary to complete the renewal process in an orderly manner and before the current City and County franchises expire.
- 1.5 Staff proposes a twelve-month extension of the current Comcast cable franchise for a period not to exceed July 1, 2024, to complete the renewal process in an orderly manner, subject to the following terms and conditions:
 - 1.5.1 That all terms of the existing franchises with the City and County shall remain in full force and effect and binding on Comcast, the City and County during the Franchise extension;

- 1.5.2 That Comcast, the County and City expressly reserve all their rights under the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection Act of 1992 (“the Acts”), including without limitations their rights in regard to the franchise renewal process under 47 USC § 546 (Renewal); and
- 1.5.3 That Comcast shall provide its written and sworn unconditional acceptance and promise to comply with all provisions, terms and conditions of the Franchises as extended.
- 1.6 The City/County Telecommunications Commission (“Commission”) is established by VMC Chapter 5.19 and CCC Chapter 36 to, among other duties, review and make recommendations on all applications for franchises (including franchise extensions) to provide cable television service within the City or the unincorporated County, and in such connection to hold public hearings thereon and to make written reports and recommendations to the Vancouver City Council (“City Council”) and the Clark County Council (“County Council”).
- 1.7 The Commission conducted a public hearing regarding the franchise extension proposal at its April 19, 2023, meeting.
- 1.8 Following conclusion of the public hearing the matter was returned to the Commission for consideration of Resolution 2023-01.
- 1.9 The Commission finds that the proposed franchise extension period, not to exceed July 1, 2024, provides adequate time to promote and facilitate an orderly franchise renewal process.

NOW, THEREFORE BE IT RESOLVED:

Section 2.

- 2.1 The City/County Telecommunications Commission adopts the findings and recommendations as presented in Section 1 above, including all attachments, considerations, and conditions for a twelve-month extension of the current franchise agreement with Comcast of Washington V, LLC to a period not to exceed July 1, 2024.
- 2.2 The Commission recommends that the City and the County adopt the franchise extension agreement and extend the current franchise with Comcast for a period not to exceed July 1, 2024.
- 2.3 The Commission directs staff to immediately forward a copy of this Resolution 2023–01 and its attachments to the Vancouver City Council and Clark County Council.

Approved (Date): _____, **2023**

Paul Dicker, Chair, City/County Telecommunications Commission

Exhibit:

Exhibit A – Draft Comcast Letter of Acceptance and Promise to the City of Vancouver, submitted April 19, 2023

Exhibit B – Draft Comcast Letter of Acceptance and Promise to the Clark County, submitted April 19, 2023

**FORM OF CITY OF VANCOUVER
LETTER OF ACCEPTANCE AND PROMISE**

City of Vancouver
Cable Television Office
ATTENTION: Jim Demmon
City/County Cable Television Manager
415 W. 6th Street
P.O. Box 1995
Vancouver, Washington 98668-1995

LETTER OF ACCEPTANCE AND PROMISE

To: City of Vancouver and Vancouver/Clark County Telecommunications Commission

1. Comcast of Washington V, LLC, a limited liability corporation organized under the laws of the State of Washington (the “Grantee”), through its authorized representative(s) below signed does hereby submit this sworn and notarized Letter of Acceptance and Promise as required pursuant to Section 2.C of Vancouver Ordinance M-_____ ¹and VMC 5.19.090.
2. The signatory to this letter has full authority to make the statements and representations in this letter on behalf of the Grantee.
3. The Grantee, by and through the below signed and sworn representative(s) hereby unconditionally accepts and promises to comply with all terms, provisions and conditions of the cable Franchise granted by the City of Vancouver, Washington (the Franchise Authority), under Ordinance M-4053 and with the terms and conditions of Ordinance M-_____ extending the Franchise through July 1, 2024.
4. Grantee expressly reserves all rights under the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection Act of 1992, including without limitation its rights in regard to the franchise process under 47 USC §546.
5. This Letter of Acceptance and Promise is binding upon the Grantee effective the date of signing of this Letter of Acceptance and Promise as shown below.

¹ The Ordinance number will be filled in/provided by the assistant to City Council as soon as the extension ordinance is adopted.

COMCAST OF WASHINGTON V, LLC

By: _____

Name: _____

Title: _____

Date: _____

STATE OF)
) ss.
COUNTY OF)

I certify that I know or have satisfactory evidence that _____ signed this instrument, and on oath stated that s/he was authorized to execute this instrument and acknowledged it as the _____ of Comcast of Washington V, LLC to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

Signature of Notary Public
Name: _____ (Please print)
Title: NOTARY PUBLIC
My Commission Expires: _____

Exhibit "A" - Franchise Extension Ordinance

**FORM OF CLARK COUNTY
LETTER OF ACCEPTANCE AND PROMISE**

City of Vancouver
Cable Television Office
ATTENTION: Jim Demmon
City/County Cable Television Manager
415 W. 6th Street
P.O. Box 1995
Vancouver, Washington 98668-1995

LETTER OF ACCEPTANCE AND PROMISE

To: Clark County and Vancouver/Clark County Telecommunications Commission

1. Comcast of Washington V, LLC, a limited liability corporation organized under the laws of the State of Washington (the “Grantee”), through its authorized representative(s) below signed does hereby submit this sworn and notarized Letter of Acceptance and Promise as required pursuant to CCC 36.04A.090 and .130.
2. The signatory to this letter has full authority to make the statements and representations in this letter on behalf of the Grantee.
3. The Grantee, by and through the below signed and sworn representative(s) hereby unconditionally accepts and promises to comply with all terms, provisions and conditions of the cable Franchise granted by the County extending the Franchise from July 1, 2023, through and including July 1, 2024.
4. Grantee expressly reserves all rights under the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection Act of 1992, including without limitation its rights in regard to the franchise process under 47 USC §546.
5. This Letter of Acceptance and Promise is binding upon the Grantee effective the date of signing of this Letter of Acceptance and Promise as shown below.

COMCAST OF WASHINGTON V, LLC

By: _____
Name: _____

