



Legislation Details (With Text)

File #: 14-0274 **Version:** 2 **Name:**
Type: Informational Report **Status:** Filed
File created: 5/28/2014 **In control:** Council Work Session
On agenda: 5/11/2015 **Final action:** 5/11/2015
Title: Briefing on Renewal of the Cable Television Franchise being Operated by Comcast of Colorado/Pennsylvania/West Virginia, LLC (locally known as Comcast)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Memo to City Council re Comcast franchise negotiations (final 4-24-15).pdf

Date	Ver.	Action By	Action	Result
5/11/2015	2	Council Work Session	received	
6/9/2014	1	Council Work Session	referred	

Briefing on Renewal of the Cable Television Franchise being Operated by Comcast of Colorado/Pennsylvania/West Virginia, LLC (locally known as Comcast)

From:

City Attorney's Office
Ken Fellman, outside counsel

Summary:

The City of Colorado Springs granted a cable television franchise to the predecessor of Comcast of Colorado/Pennsylvania/West Virginia, LLC (locally known as Comcast) ("Comcast") on November 7, 2000 by the electors of Colorado Springs voting to approve Ordinance No. 00-119. The franchise is due to expire on November 7, 2015 and Comcast had requested commencement of the franchise renewal procedures under Section 626 of the Cable Communications Policy Act of 1984 (the "Cable Act"), 47 U.S.C. § 546. Cable television franchise renewals are subject to certain requirements contained in the Cable Act.

Previous Council Action:

On March 24, 2014, in closed executive session, Council met with the City's Director of Informational Technology, the Chief Financial Officer, and the Deputy City Attorney to discuss the legal issues and negotiation strategy involved with renewing the franchise with Comcast.

On June 9, 2015, Tom Florczak, Deputy City Attorney, briefed Council on procedures relating to the renewal of the franchise agreement.

Background:

Pursuant to Colorado law, the City Charter and ordinances, and federal law, including the Cable Act,

the City is authorized to grant or renew franchises to construct, operate and maintain cable television systems utilizing public rights-of-way and properties within the City's jurisdiction. In 2000, by Ordinance No. 00-119 which was approved by City Council and a vote of a majority of the Colorado Springs electors, the City of Colorado Springs entered into an agreement (the "Franchise Agreement") with Century Colorado Springs Partnership, d/b/a Adelphia Cable Communications ("Adelphia") whereby the City granted a revocable, non-exclusive cable television franchise to Adelphia. Adelphia's successor-in-interest under the Franchise Agreement is Comcast.

Pursuant to the terms of the Franchise Agreement, the City's grant of the franchise now held by Comcast expires on November 7, 2015. The Cable Act includes the procedures for renewing a franchise agreement. In accordance with the Cable Act, Comcast had requested the City to commence the formal renewal process under the Cable Act.

See attached Memorandum from Ken Fellman, Esq. dated April 24, 2015 for further information.

Financial Implications:

The City's annual gross revenue from the Franchise Agreement is approximately \$1 Million.

Board/Commission Recommendation:

N/A

Stakeholder Process:

Enter stakeholder process. Enter N/A if not applicable.

Alternatives:

See attached Memorandum

Proposed Motion:

Enter proposed motion. Enter N/A if not applicable.

N/A