

Introduced and Read: September 2nd, 2014
Second Reading and Adoption: 9/16, 2014
Posted: _____ to _____, 2014
Effective Date: Sept 17, 2014

CITY OF MOUNT RAINIER, MARYLAND
ORDINANCE 5 -2014
(Drafted by City Attorney)

Introduced by: _____

An Ordinance extending the City of Mount Rainier's cable franchise agreement with Comcast of Maryland to allow continued negotiations for renewal of the franchise agreement with Comcast of Maryland.

WHEREAS, in 1999, the City of Mount Rainier ("City") granted a cable franchise agreement (the "Franchise") to Jones Communications of Maryland, which franchise was subsequently transferred to Comcast of Maryland ("Comcast"); and

WHEREAS, the Franchise has a term of fifteen years and expires in 2014; and

WHEREAS, the City, along with Prince George's County and other Prince George's County municipalities, is engaged in negotiations with Comcast concerning the terms for a renewal of the Franchise and these negotiations will take some time to complete; and

WHEREAS, the City wishes to extend the term of the Franchise to allow the parties to complete negotiations; and

WHEREAS, Comcast will provide its consent to the proposed extension of the Franchise, in the form of the attached letter, which is incorporated herein by reference as Exhibit A; and

WHEREAS, the City and Comcast desire to reserve their respective rights under local, state, and federal law, including, but not limited to 47 U.S.C. § 546.

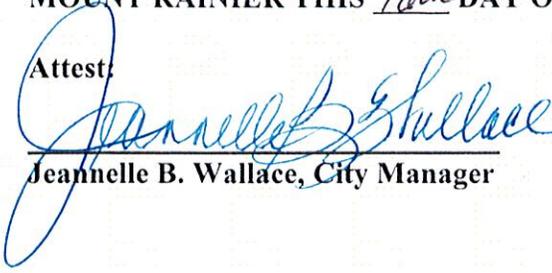
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER, MARYLAND, that:

SECTION 1. The amendment to extend the Franchise Agreement between the City and Comcast is hereby adopted and ratified effective as of the date of termination of the Franchise, and the Franchise Agreement between the City and Comcast is extended until a new cable franchise becomes effective, or until the franchise is renewed, terminated or final action is taken not to renew the franchise in accordance with the terms of the franchise, the Federal Cable Act, and other applicable law, whichever occurs first. The extension of the Franchise is contingent upon the City receiving a signed letter from Comcast in substantially the form attached as Exhibit A. During this extension, the terms and conditions of the Franchise remain in full force and effect. This extension shall be effective as to Comcast immediately upon receipt of a copy of this Ordinance by Comcast.

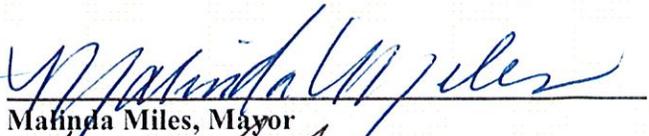
SECTION 2. This Ordinance is effective immediately upon adoption.

THIS ORDINANCE IS ADOPTED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER THIS 16th DAY OF September, 2014.

Attest:



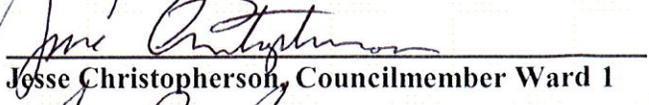
Jeannelle B. Wallace, City Manager



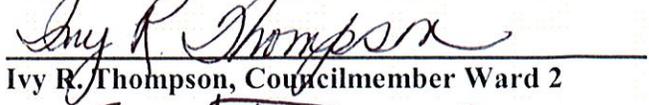
Maifinda Miles, Mayor



Jimmy Tarlau, Councilmember Ward 1



Jesse Christopherson, Councilmember Ward 1



Ivy R. Thompson, Councilmember Ward 2



Brent Bolin, Councilmember Ward 2

EXHIBIT A

Date

Mayor Malinda Miles
City of Mount Rainier
1 Municipal Place
Mount Rainier, MD 20712

RE: Mount Rainier - Franchise Extension

Dear Mayor Miles:

I am writing about the proposal to extend the 1999 Franchise Agreement currently held by Comcast of Maryland, LLC ("Comcast") in order to accommodate further renewal discussions between Comcast and the XXXXXX, ("Franchise Authority"), which are ongoing and active. Both parties agree that additional time is necessary in order to facilitate the renewal process, and wish to enable this process without prejudicing the rights of either party set forth in the Federal Cable Act, 47 U.S.C. §546 and applicable regulations promulgated thereunder.

Upon action by the Franchise Authority, Comcast agrees to extend the terms and conditions of the 1999 Franchise Agreement until a new cable franchise becomes effective, or until the franchise is either renewed, terminated, or final action is taken not to renew the franchise, in accordance with the agreement, the Federal Cable Act and other applicable law, whichever occurs first. During said extension, the terms and conditions of the Franchise Agreement shall remain in full force and effect. This consent to the extension shall not be construed to prejudice or waive any rights which either party may have under The Communications Act of 1934, as amended, 47 U.S.C. §§ 521 *et seq.*, or any other applicable laws, rules or regulations of the United States, State of Maryland, or the Franchise. Comcast's agreement to the extension is subject to the following understanding:

Comcast and the Franchise Authority retain and reserve all of their franchise renewal rights under applicable law, including, without limitation, Communications Act Section 626 (47 U.S.C. § 546)

In the event this extension is declared invalid for any reason, the parties shall retain all rights to the formal renewal process as they existed on the date this extension was executed.

Should you have any questions regarding this matter, please feel free to contact me.

Sincerely,

COMCAST OF MARYLAND, LLC

By: _____
John Conwell
Vice President, Government & Regulatory Affairs