



Sue Hildick

Director

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March 5, 2020

Board of County Commissioners  
Clackamas County

Members of the Board:

Approval an Extension of the Cable Television Franchise with  
Comcast of Oregon II, Inc., Comcast of Tualatin Valley, Inc., and  
Comcast of Illinois/Ohio/Oregon, LLC.

<b>Purpose/Outcome</b>	Extend current cable television franchise to allow time for evaluation and negotiations.
<b>Dollar Amount and Fiscal Impact</b>	N/A
<b>Funding Source</b>	N/A
<b>Duration</b>	Effective March 5, 2020 through March 31, 2021.
<b>Previous Board Action/Review</b>	The original franchise agreements were approved by the BCC in February 2010, and extended in March 2015, October 2015, March 2016, September 2016, and March 2017 for 6 month periods per extension, and September 2017 and September 2018 for a one year periods.
<b>Strategic Plan Alignment</b>	Building public trust through good government.
<b>Counsel Review</b>	Feb. 25, 2020
<b>Contact Person</b>	Sue Hildick, Public and Government Affairs, 503-742-5900
<b>Contract No.</b>	N/A

**BACKGROUND:**

Comcast of Oregon II, Inc., Comcast of Tualatin Valley, Inc. and Comcast of Illinois/Ohio/Oregon, LLC. (Comcast collectively) Cable Franchise Permit Agreements expired on October 31, 2019, but the respective contracts have continued under the same terms and conditions pursuant to applicable law unless and until the County issues a termination of franchise notice. Comcast is currently serving over 22,000 subscribers in unincorporated areas of Clackamas County and the County is currently negotiating a renewal of the cable franchises with Comcast.

This extension, if granted, would not affect either party's rights in the renewal process and includes a provision to preserve the County's right to retroactive PEG funding negotiated in the renewal. The County will evaluate Comcast's legal, technical and financial qualifications to operate the cable system, as well as the community's needs, in its determination of whether to renew the franchise and on what terms and conditions.


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Staff Report – Comcast Extension  
March 5, 2020

This cable franchise agreement extension has been reviewed and approved by County Counsel.

**RECOMMENDATION:**

Staff respectfully recommends the Board approve the extension of the franchise permit agreement to assure that the terms of the current franchise agreement continue to be met through March 31, 2021.

Respectfully submitted,



Sue Hildick, Director  
Public and Government Affairs

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of Approving an  
Extension of the Cable Television  
Franchise with Comcast of  
Oregon II, Inc., Comcast of Tualatin  
Valley, Inc., and Comcast of  
Illinois/Ohio/Oregon, LLC



Order No. \_\_\_\_\_  
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This matter coming before the Clackamas County Board of Commissioners at its regularly scheduled public meeting on March 5, 2020 to consider approving an extension of the cable television franchises with Comcast of Oregon II, Inc., an Oregon corporation, Comcast of Tualatin Valley, Inc., an Oregon corporation, and Comcast of Illinois/Ohio/Oregon, LLC, a Delaware limited liability company (collectively, the "Franchisees").

**Whereas**, Comcast of Oregon II, Inc., Comcast of Tualatin Valley, Inc., and Comcast of Illinois/Ohio/Oregon, LLC hold cable franchises with Clackamas County, each of which expired on October 31, 2019. The respective contracts, which originally expired on March 22, 2015, have continued via extensions under the same terms and conditions pursuant to applicable law unless and until the County issues a termination of franchise notice; and

**Whereas**, County staff and representatives of the Franchisees began meeting in the fall of 2014 to negotiate open issues regarding the renewal of the applicable franchises; and

**Whereas**, the amount of time required to conclude negotiations and allow for public review of new franchise agreements extended beyond the current expiration date; and

**Whereas**, it is in the public interest to extend the current franchises for an additional period of time to accommodate the renewal process and avoid a potentially unnecessary disruption of service to affected residents.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of Approving an  
Extension of the Cable Television  
Franchise with Comcast of  
Oregon II, Inc., Comcast of Tualatin  
Valley, Inc., and Comcast of  
Illinois/Ohio/Oregon, LLC



Order No. \_\_\_\_\_  
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**NOW THEREFORE it is hereby ordered that** the franchises granted to Comcast II of Oregon, Inc., Comcast of Tualatin Valley, Inc., and Comcast of Illinois/Ohio/Oregon, LLC shall be extended until and including March 31, 2021, and that all rights and obligations provided the parties under the franchise agreement shall remain in full force and effect during that period, including the rights of the parties under the Cable Communications Policy Act of 1992 and the Telecommunications Act of 1996. Neither Comcast nor the County shall assert any claim, denial or defense based upon the original expiration date of the Franchise Agreement, excepting therefrom that the County may assert in negotiations that any increase in PEG funding included in the new franchise agreement shall include the time period covered by this extension. This extension of franchises is explicitly conditioned upon written acceptance thereof by each of the Franchisees.

**DATED** this \_\_\_\_\_ day of March, 2020

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary



Sue Hildick

Director

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March 5, 2020

Board of County Commissioners  
Clackamas County

Members of the Board:

Board Order in the Matter of an Extension of the Cable Television Franchise with  
Canby Telephone Association (dba Canby Telcom/DirectLink)

<b>Purpose/Outcome</b>	Extend current cable television franchise to allow time for evaluation and negotiations.
<b>Dollar Amount and Fiscal Impact</b>	N/A
<b>Funding Source</b>	N/A
<b>Duration</b>	Effective March 5, 2020 through March 31, 2021.
<b>Previous Board Action/Review</b>	The franchise was approved by the BCC in January 2006, and extended in January 2016 for five months, June 2016 for three months, October 2016 for six months, October 2017 for one year, and October 2018 for one year.
<b>Strategic Plan Alignment</b>	Building public trust through good government.
<b>Counsel Review</b>	Feb. 25, 2020
<b>Contact Person</b>	Sue Hildick, Public and Government Affairs, 503-742-5900
<b>Contract No.</b>	N/A

**BACKGROUND:**

Canby Telephone Association (dba Canby Telcom/DirectLink) Cable Franchise Permit expired on October 31, 2019. As the County and Canby Telephone Association will need additional time to evaluate and negotiate a new cable franchise agreement, it is desirable to continue the current contract under the same terms and conditions pursuant to applicable law unless and until the County issues a termination of franchise notice. Canby Telephone Association currently serves over 220 subscribers in the unincorporated area of Clackamas County.

This extension, if granted, would not affect either party's rights in the renewal process and includes a provision to preserve the County's right to retroactive PEG funding negotiated in the renewal. The County will evaluate Canby Telephone Association's legal, technical and financial qualifications to operate the cable system, as well as the community's needs, in its determination of whether to renew the franchise and on what terms and conditions.

This cable franchise agreement extension has been reviewed and approved by County Counsel.

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Staff Report – Canby Telephone Association (dba Canby Telecom/DirectLink) Extension  
March 5, 2020

**RECOMMENDATION:**

Staff respectfully recommends the Board approve the extension of the franchise permit agreement to assure that the terms of the current franchise agreement continue to be met through March 31, 2021.

Respectfully submitted,



Sue Hildick, Director  
Public and Government Affairs

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of Approving an  
Extension of the Cable Television  
Franchise with Canby Telephone  
Association  
(dba Canby Telcom/DirectLink)



Order No. \_\_\_\_\_  
*Page 1 of 2*

This matter coming before the Clackamas County Board of Commissioners at its regularly scheduled public meeting on March 5, 2020 to consider approving an extension of the cable television franchise with Canby Telephone Association (dba Canby Telcom/DirectLink).

**Whereas**, Canby Telephone Association holds a cable television franchise with Clackamas County, which expired on October 31, 2019; and

**Whereas**, County staff and representatives of Canby Telephone Association began meeting in the winter of 2015 to evaluate and negotiate terms regarding the renewal of the applicable franchise; and

**Whereas**, the amount of time required to conclude negotiations and allow for public review of a new franchise agreement extended beyond the current expiration date; and

**Whereas**, it is in the public interest to extend the current franchises for an additional period of time to accommodate the renewal process and avoid a potentially unnecessary disruption of service to affected residents.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of Approving an  
Extension of the Cable Television  
Franchise with Canby Telephone  
Association  
(dba Canby Telcom/DirectLink)



Order No. \_\_\_\_\_  
*Page 2 of 2*

**NOW THEREFORE it is hereby ordered that** the franchise granted to Canby Telephone Association shall be extended until and including March 31, 2021, and that all rights and obligations provided the parties under the franchise agreement shall remain in full force and effect during that period, including the rights of the parties under the Cable Communications Policy Act of 1992 and the Telecommunications Act of 1996. Neither Canby Telephone Association nor the County shall assert any claim, denial or defense based upon the original expiration date of the Franchise Agreement, excepting therefrom that the County may assert in negotiations that any increase in PEG funding included in the new franchise agreement shall include the time period covered by this extension. This extension of the franchise is explicitly conditioned upon written acceptance thereof by the Franchisee.

**DATED** this \_\_\_\_\_ day of March, 2020

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary