



March 30, 2023

BCC Agenda Date/Item: _____

Stephen L. Madkour
County Counsel

Kathleen Rastetter
Scott C. Ciecko
Amanda Keller
Nathan K. Boderman
Shawn Lillegren
Jeffrey D. Munns
Andrew R. Naylor
Andrew Narus
Sarah Foreman
Assistants

Board of County Commissioners
Clackamas County

Approval of a Board Order to Extend the Cable Television Franchise with WaveDivision VII, LLC, dba Astound Broadband.

Previous Board Action/Review	March 31, 2011, Board Order 2011-21		
Performance Clackamas	Building public trust through good government.		
Counsel Review	JM	Procurement Review	N/A
Contact Person	Jeffrey D. Munns	Contact Phone	503-742-5984

EXECUTIVE SUMMARY:

The WaveDivision VII, LLC (dba, Astound Broadband “Astound”) cable television franchise agreement serving the unincorporated area outside of Sandy expires on March 31, 2023. Astound also has another franchise agreement serving the unincorporated area outside of Canby area which expires on July 26, 2024. PGA and County Counsel’s office have been negotiating with Astound on the process to combine the two franchise agreements for a new term. Staff requests that the Sandy area franchise agreement be extended to July 26, 2024 to match the other Astound franchise agreement. Staff estimates that the new franchise agreement will be completed in approximately 90 days. This extension, if granted, would not affect either party's rights in the renewal process.

RECOMMENDATION:

Staff recommends the Board approve an Order to extend the cable television franchise agreement with WaveDivision VII, LLC from March 31, 2023 to July 26, 2024.

Respectfully submitted,

Jeffrey D. Munns
Assistant County Counsel

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**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 WaveDivision VII, LLC
(dba Astound Broadband)

} Order No. _____

This matter coming before the Clackamas County Board of Commissioners at its regularly scheduled public meeting on March 30, 2023 to consider approving an extension of the cable television franchise granted to WaveDivision VII, LLC dba Astound Broadband (“Astound”).

WHEREAS, Astound holds a cable television franchise with Clackamas County, granted under Order No. 2011-21, which will expire on March 31, 2023 (the “Franchise”). County staff and representatives of Astound began meeting in early 2022 to evaluate and negotiate terms regarding the renewal of the Franchise; and

WHEREAS, the amount of time required to conclude negotiations and allow for public review of a new franchise agreement will extend beyond the Franchise current expiration date; and

WHEREAS, it is in the public interest to extend the term of the Franchise for an additional period of time under the same terms and conditions pursuant to applicable law to accommodate the renewal process and avoid a potentially unnecessary disruption of service to affected residents.

WHEREAS, it is beneficial to the parties to extend the Franchise to July 26, 2024, the same expiration date as Astound’s other cable television franchise agreement with Clackamas County.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT the term of the Franchise granted to Astound under Order No. 2011-21 shall be extended until and including July 26, 2024, and that all rights and obligations provided the parties under the Franchise 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 Astound nor the County shall assert any claim, denial or defense based upon the original expiration date of the Franchise. This extension of the Franchise is explicitly conditioned upon written acceptance thereof by the Franchisee.

DATED this 30th day of March, 2023.

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

Chair

Recording Secretary