



October 11, 2018

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)

Purpose/Outcome	Extend current cable television franchise to allow time for evaluation and negotiations.
Dollar Amount and Fiscal Impact	N/A
Funding Source	N/A
Duration	Effective October 31, 2018 through October 31, 2019.
Previous Board Action/Review	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 and October 2017 for one year.
Strategic Plan Alignment	Building public trust through good government.
Contact Person	Gary Schmidt, Public and Government Affairs, 503-742-5908
Contract No.	N/A

BACKGROUND:

Canby Telephone Association (dba Canby Telcom) Cable Franchise Permit will expire on October 31, 2018. 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 300 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
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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 October 31, 2019.

Respectfully submitted,

Gary Schmidt, 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)



Order No. _____

This matter coming before the Clackamas County Board of Commissioners at its regularly scheduled public meeting on October 11, 2018 to consider approving an extension of the cable television franchise with Canby Telephone Association (dba Canby Telcom).

Whereas, Canby Telephone Association holds a cable television franchise with Clackamas County, which will expire on October 31, 2018; 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 will extend 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.

NOW THEREFORE it is hereby ordered that the franchise granted to Canby Telephone Association shall be extended until and including October 31, 2019, 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 11th day of October, 2018

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary



October 11, 2018

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.

Purpose/Outcome	Extend current cable television franchises to allow time for evaluation and negotiations.
Dollar Amount and Fiscal Impact	N/A
Funding Source	N/A
Duration	Effective October 11, 2018 through October 31, 2019.
Previous Board Action/Review	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 in September 2017 for a one year extension.
Strategic Plan Alignment	Building trust through good government.
Contact Person	Gary Schmidt, Public and Government Affairs, 503-742-5908

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 September 28, 2018, 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 24,000 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.

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 agreements to assure that the terms of the current franchise agreements continue to be met through October 31, 2019.

Respectfully submitted,

Gary Schmidt, 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. _____

This matter coming before the Clackamas County Board of Commissioners at its regularly scheduled public meeting on October 11, 2018 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 September 28, 2018. 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 will extend 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.

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 October 31, 2019, 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 11th day of October, 2018

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary