



PUBLIC & GOVERNMENT AFFAIRS

PUBLIC SERVICES BUILDING
2051 KAEN ROAD | OREGON CITY, OR 97045

March 14, 2019

Board of County Commissioners
Clackamas County

Members of the Board:

Board Order in the Matter of an Extension of the Cable Television Franchise with
Beaver Creek Cooperative Telephone Company

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 March 20, 2019 through March 20, 2020
Previous Board Action/Review	The original franchise agreement was approved by the BCC in March 2008 and extended in March 2018 for one year.
Strategic Plan Alignment	Building public trust through good government.
Contact Person	Tim Heider, Public & Government Affairs, 503-742-5911

BACKGROUND:

The Beaver Creek Cooperative Telephone Company (Beaver Creek) Cable Franchise Permit Agreement will expire on March 20, 2019, but the contract has continued under the same terms and conditions pursuant to applicable law unless and until the county issues a termination of franchise notice. Beaver Creek is serving over 900 subscribers in the unincorporated area of Clackamas County. The County is currently negotiating a renewal of the cable franchise with Beaver Creek.

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 Beaver Creek'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 agreement to assure that the terms of the current franchise agreement continue to be met through March 20, 2020.

Respectfully submitted,

Tim Heider, Interim Director
Public and Government Affairs

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

In the Matter of a In the Matter of
Approving an Extension of the Cable
Television Franchise with Beaver Creek
Cooperative Telephone Company



Order No. _____

This matter coming before the Clackamas County Board of Commissioners at its regularly scheduled public meeting on March 14, 2019 to consider approving an extension of the cable television franchise with Beaver Creek Cooperative Telephone Company.

WHEREAS, Beaver Creek Cooperative Telephone Company holds a cable television franchise with Clackamas County, which will expire on March 20, 2019, but the respective contract has continued 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 Beaver Creek Cooperative Telephone Company will evaluate and negotiate terms regarding the renewal of the applicable franchise unless and until the County issues a termination of franchise notice; and

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

NOW, THEREFORE, the Clackamas County Board of Commissioners do hereby order that the franchise granted to Beaver Creek Cooperative Telephone Company shall be extended until and including March 20, 2020, 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 Beaver Creek Cooperative Telephone Company 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 14th day of March, 2018

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary