



Legislation Text

File #: 17-1148, **Version:** 1

Resolution to Approve Uniform Video Service Local Franchise Agreement as Renewal of Cable Franchise Agreement with Comcast of Colorado/Florida/Michigan/New Mexico/Pennsylvania/Washington, LLC, d/b/a Comcast

Attached for your review and approval is a resolution to approve a Uniform Video Service Local Franchise Agreement with Comcast of Colorado/Florida/Michigan/New Mexico/Pennsylvania/Washington, LLC, a Colorado Limited Liability Company d/b/a Comcast ("Comcast"), which renews, albeit with different terms, the cable franchise agreement that City Council approved on August 5, 2002. The 2002 franchise agreement was with Comcast Cablevision of the South, Inc., which changed its name to Comcast of the South, Inc., on August 19, 2003, and then to Comcast of Colorado/Florida/Michigan/New Mexico/Pennsylvania/Washington, LLC, on March 31, 2014.

The Agreement is in a form mandated by the Michigan Public Service Commission by an Order dated January 30, 2007, issued pursuant to the Uniform Video Service Local Franchise Act, 2006 Public Act 480 (MCL 484.3301 et seq.) ("Act"). The renewal is for a ten year term.

Comcast's existing franchise agreement expires September 30, 2017. Comcast applied for this renewal of its cable franchise agreement on July 25, 2017, using the application form mandated by the Michigan Public Service Commission. The City has 30 days to respond, or the Agreement is deemed approved without City action. The application is essentially just the Agreement with Comcast's pertinent information filled in.

In accordance with the Act, the amount of the franchise fees that Comcast will pay to the City is the same as what it currently pays, which is 5% of gross revenues. The amount of the PEG (Public, Educational and Government channels) fees that Comcast will pay to the City is the same as what it currently pays, which is 2% of gross revenues. Pursuant to the Act, Comcast is not required to provide any other compensation or in-kind services to the City.

Comcast already carries all four of the City's PEG channels and will continue to do so.

A copy of the Uniform Video Service Local Franchise Agreement with Comcast is attached.

Approval of the Uniform Video Service Local Franchise Agreement with Comcast of Colorado/Florida/Michigan/New Mexico/Pennsylvania/ Washington, LLC d/b/a Comcast, as renewal of Comcast's cable franchise agreement, is recommended.

Prepared by: Abigail Elias, Chief Assistant City Attorney

Approved by: Howard S. Lazarus, City Administrator

Whereas, On July 25, 2017, Comcast of Colorado/Florida/Michigan/New Mexico/Pennsylvania/ Washington, LLC, d/b/a Comcast, applied for a Uniform Video Service Local Franchise Agreement from the City of Ann Arbor, as renewal of its existing cable franchise agreement;

Whereas, The Uniform Video Service Local Franchise Act requires the City to act on an application for Uniform Video Service Local Franchise Agreement within 30 days after receipt of the application; and

Whereas, The proposed Uniform Video Service Local Franchise Agreement is in a form mandated by the Michigan Public Service Commission by an Order dated January 30, 2007, issued pursuant to the Uniform Video Service Local Franchise Act, 2006 Public Act 480 (MCL 484.3301 et seq.);

RESOLVED, That the City reserves all rights to challenge the legality of the Uniform Video Service Local Franchise Act or any part of it, reserves its rights in the event the legality of the Uniform Video Service Local Franchise Act is challenged by others and the Act or any part of it is found to be illegal, and reserves its rights to negotiate different or additional terms in this or future renewals of video service local franchise agreements;

RESOLVED, That notwithstanding and subject to the foregoing Resolved clause, the Mayor and City Clerk be authorized and directed to execute said Uniform Video Service Local Franchise Agreement with Comcast of Colorado/Florida/Michigan/New Mexico/Pennsylvania/ Washington, LLC, d/b/a Comcast, as renewal of its existing cable franchise agreement, after approval as to form by the City Attorney and approval as to substance by the City Administrator; and

RESOLVED, That notwithstanding and subject to the first RESOLVED clause, the City Administrator be authorized to take necessary administrative actions to implement this resolution.