ORDINANCE NO. 2143

ORDINANCE OF THE **CITY** OF ANREDMOND. WASHINGTON. **GRANTING** AND RENEWING NONEXCLUSIVE FRANCHISE TO VISTA TELEVISION CABLE, INC. TO CONSTRUCT, MAINTAIN, OPERATE, RECONSTRUCT, REPAIR, AND UPGRADE A CABLE SYSTEM TO PROVIDE CABLE SERVICES IN, ON, ACROSS, OVER, ALONG, UNDER, UPON, THROUGH AND BELOW THE PUBLIC RIGHTS-OF-WAY OF THE **CITY** REDMOND; PROVIDING FOR **SEVERABILITY** ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Redmond (the "City") granted Vista Television Cable, Inc. ("Vista Television"), a franchise to provide cable television services in the City in Ordinance No. 1359; and

WHEREAS, the City has previously approved changes in control or ownership with respect to Vista Television; including a merger between AT&T Corporation and Comcast Corporation; and

WHEREAS, the franchise with Vista Television was originally set to expire on or about March 23, 2002 pursuant to Ordinance No. 1359 and the City has extended the same through December 31, 2002 in order to complete negotiations with Vista Television for a franchise renewal; and

WHEREAS, Vista Television filed with the City its 626 (a) letter under the Communications Act of 1934 as amended by the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992 as amended by the Telecommunications Act of 1996 (all collectively the "Cable Acts"); and

WHEREAS, in response to Vista Television's 626 (a) letter, the City timely commenced the Performance Review and Needs Ascertainment of identifying cable-related needs and interests under the Cable Acts; and

WHEREAS, as the result of the Performance Review and Needs Ascertainment and as the further result of discussions between the parties, the City and Vista Television have negotiated a renewed franchise consistent with federal and other applicable laws regulating such franchise; now therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Franchise Granted and Renewed. Pursuant to RCW 35A.47.040, the City of Redmond hereby grants and renews a nonexclusive franchise to Vista Television Cable, Inc. according to the terms and conditions set forth on Exhibit A attached hereto and incorporated herein by this reference as if set forth in full. Subject to the provisions therein, the term of the franchise shall be for a period of ten years from the effective date of the franchise, as defined in Exhibit A, and shall grant Vista Television the right, privilege and authority to construct, maintain, operate, reconstruct, repair, and upgrade a cable system to provide cable services in, on, across, over, along, under, upon, through and below the public rights-of-way of the City of Redmond, all as provided in Exhibit A.

<u>Section 2</u>. <u>Severability</u>. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. Pursuant to RCW 35A.47.040, this ordinance has been passed at least five days after its first introduction and by a majority of the whole membership of the City Council. This ordinance, being the exercise of a power specifically delegated to the City's legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary consisting of the title.

APPROVED: /s/ MAYOR ROSEMARIE M. IVES

ATTEST/AUTHENTICATED: /s/ CITY CLERK BONNIE MATTSON

APPROVED AS TO FORM: /s/ CITY ATTORNEY JAMES E. HANEY

FILED WITH THE CITY CLERK:

PASSED BY THE CITY COUNCIL:

PUBLISHED:

EFFECTIVE DATE:

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November 26, 2002

December 3, 2002

December 7, 2002

December 12, 2002