

An Ordinance Amending the Franchise Agreement with Comcast of Maryland, Inc., to Ratify and Extend the Franchise Agreement

O-01-2015

City of Glenarden, Maryland
2014 Legislation

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4 **Ordinance #:** O-01-2015
5 **Sponsor:** Council President Carolyn Smallwood
6 **Co-Sponsor:** At the Request of the Administration
7 **Session:** Regular Session
8 **Date of Introduction:** September 8, 2014 (First Reading)
9 October 14, 2014 (Second Reading)

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11 Ordinance

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13 AN ORDINANCE
14 AMENDING THE FRANCHISE AGREEMENT WITH
15 COMCAST OF MARYLAND, INC. TO RATIFY AND EXTEND
16 THE FRANCHISE AGREEMENT
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18 WHEREAS, in 1999, the City of Glenarden, herein referred to as "City", granted a cable
19 television franchise (the "Franchise") to Jones Cable, which was thereafter transferred to Comcast
20 of Maryland; and

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22 WHEREAS, the Franchise is now held by Comcast of Maryland, Inc. ("Comcast"); and is
23 scheduled to expire in 2014; and

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25 WHEREAS, the City and Comcast are engaged in discussions concerning the renewal of
26 the Franchise, and those discussions are expected to take some time to complete; and

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28 WHEREAS, the City wishes to extend the term of the Franchise to allow time for the
29 parties to complete negotiations; and

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31 WHEREAS, Comcast has provided its consent to the proposed extension of the Franchise,
32 in the form of the attached letter, which is incorporated herein by reference as Exhibit A; and

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34 WHEREAS, the City and the Comcast both desire to reserve their respective rights under
35 state and federal law, including, without limitation, 47 U.S.C. § 546; and

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37 WHEREAS, the Mayor and Council have determined that it is necessary for the public
38 health, safety and welfare that this ordinance be adopted to ratify and authorize the extension of the
39 Franchise Agreement as set out herein.

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41 **Section 1. NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor
42 and Council of the City of Glenarden that the said Franchise Agreement held by Comcast of
43 Maryland, Inc., successor in interest to Jones Communications of Maryland, Inc., is hereby ratified
44 and extended without interruption until a new cable franchise becomes effective, or until the
45 franchise is either renewed, terminated or final action is taken not to renew the franchise in
46 accordance with the terms of the franchise, the Federal Cable Act and other applicable law,
47 whichever occurs first, as is more particularly stated in the attached Exhibit A, which is
48 incorporated herein by reference. The extension of the franchise is contingent upon the City
49 receiving from Comcast of Maryland, Inc., a signed letter substantially in the form attached as
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O-01-2015

Page 2

Exhibit A. During this extension, the current terms and conditions of the franchise shall remain in full force and effect. This extension shall be effective as to Comcast of Maryland, Inc., immediately upon receipt by Comcast.

Section 2. BE IT FURTHER RESOLVED AND ORDAINED by the City Council of Glenarden, Maryland that this Ordinance is and shall become effective twenty days after its adoption, or upon passage by the Council over the Mayor's veto, whichever is later.

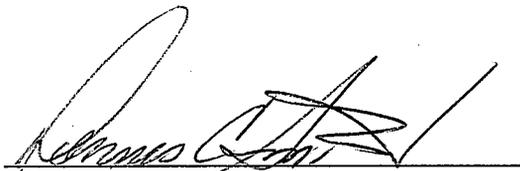
Date Approved: October 14, 2014

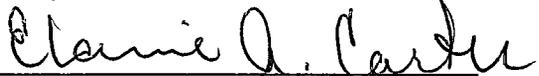
ATTEST:

City Council of Glenarden

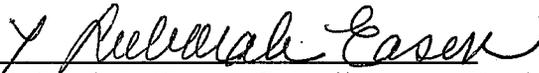

Toni Taylor, Council Clerk

Absent
Carolyn Smallwood, President, Ward I


Dennis Smith, Mayor

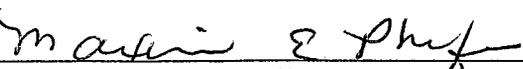

Elaine A. Carter, Vice-President Ward II

Absent
Judy Diggs, Councilwoman, At Large


Deborah A. Eason, Councilwoman, Ward II


James Herring, Councilman, Ward I


Jennifer A. Jenkins, Councilwoman, Ward III


Maxine Phifer, Councilwoman, At Large

Yes -5-

No -0-

Abstain -0-

Date

Mr. Dennis Smith
Mayor
Ms. Carolyn Smallwood,
Council President
City of Glenarden
8600 Glenarden Parkway
Glenarden, MD 20706

RE: Glenarden – Comcast of Maryland, Inc. Franchise Extension

Dear Mayor Smith and Councilmember Smallwood:

I am writing about the proposal to extend the 1999 Franchise Agreement currently held by Comcast of Maryland, Inc. ("Comcast") that expires in 2014, in order to accommodate further renewal discussions between Comcast and the City of Glenarden, ("Franchise Authority"), which are ongoing and active. Both parties agree that additional time is necessary in order to facilitate the renewal process, and wish to enable this process without prejudicing the rights of either party set forth in the Federal Cable Act, 47 U.S.C. §546 and applicable regulations promulgated thereunder.

Upon action by the Franchise Authority, Comcast agrees to extend the terms and conditions of the 1999 Franchise Agreement until a new cable franchise becomes effective, or until the franchise is either renewed, terminated, or final action is taken not to renew the franchise, in accordance with the agreement, the Federal Cable Act and other applicable law, whichever occurs first. During said extension, the terms and conditions of the Agreement shall remain in full force and effect.

This consent to the extension shall not be construed to prejudice or waive any rights which either party may have under The Communications Act of 1934, as amended, 47 U.S.C. §§ 521 *et seq.*, or any other applicable laws, rules or regulations of the United States, State of Maryland, or the Franchise. Comcast's agreement to the extension is subject to the following understanding:

Comcast and the Franchise Authority retain and reserve all of their franchise renewal rights under applicable law, including, without limitation, Communications Act Section 626 (47 U.S.C. § 546)

In the event this extension is declared invalid for any reason, the parties shall retain all rights to the formal renewal process as they existed on the date this extension was executed.

Should you have any questions regarding this matter, please feel free to contact me.

Sincerely,

COMCAST OF MARYLAND, INC.

By:

John Conwell
Vice President, Government & Regulatory Affairs