

ORDINANCE NO: 2121

AN ORDINANCE OF THE CITY OF REDMOND,
WASHINGTON, GRANTING A TEMPORARY
EXTENSION OF THE CABLE TELEVISION
FRANCHISE NOW HELD BY VISTA TELEVISION
CABLE, INC.

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 affecting Vista Television; and

WHEREAS, the City has previously consented to a merger affecting AT&T Corp.; and

WHEREAS, the franchise with Vista Television expires on or about March 23, 2002 pursuant to Ordinance No. 1359; and

WHEREAS, the City and Vista Television are presently negotiating a renewed franchise consistent with federal and other applicable laws regulating such franchise; 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 of Vista Television and Needs Ascertainment of identifying cable-related community needs and interests under the Cable Acts, both of which processes are still ongoing; and

WHEREAS, both the City and Vista Television desire to continue negotiating but do not desire to interrupt cable television service in the City; and

WHEREAS, Vista Television and the City find it mutually beneficial to extend the existing franchise for a reasonable period of time in order to promote and facilitate an orderly franchise renewal process; now therefore,

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

Section 1. The City finds the franchise extensions approved by this Ordinance are in the interest of the public.

Section 2. Pursuant to Chapter 5.60 of the Redmond Municipal Code and other applicable law, the City hereby extends the current cable television franchise held by Vista Television for a period up to and through June 23, 2002. In the event that final agreement on a franchise renewal is not reached on or before June 23, 2002, the Mayor may administratively extend the current franchise from June 24, 2002 up to and through September 23, 2002 if the Mayor determines, in her sole discretion, that Vista Television is working expeditiously and negotiating in good faith to reach such a franchise renewal. In the event that the current franchise is extended and final agreement on a franchise renewal is not reached on or before September 23, 2002, the Mayor may administratively extend the current franchise from September 24, 2002 up to and through

December 31, 2002 if the Mayor determines, in her sole discretion, that Vista Television is working expeditiously and negotiating in good faith to reach such a franchise renewal.

Section 3. As a condition of any and all extensions granted by this Ordinance, Vista Television shall provide its written and acknowledged unconditional acceptance and promise to comply with all provisions, terms and conditions of the current franchise agreement during the extension periods.

Section 4. The City is continuing the Performance Review of Vista Television and Needs Ascertainment of identifying cable-related community needs and interests.

Section 5. 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 and be in full force five days after its publication, or publication of a summary thereof, in the City's official newspaper, provided that the franchise is hereby extended from its current expiration date of March 23, 2002 through June 23, 2002 in order to ensure that there is no gap in the effectiveness of the current franchise. Any and all extensions granted under this Ordinance are expressly conditioned upon the City's receipt of Vista Television's written acceptance as described in Section 3 within thirty days from the effective date of this Ordinance. If Vista Television fails to file its written acceptance within the thirty-day period, then any extension of the current franchise shall become null and void.

CITY OF REDMOND

MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:

CITY CLERK, BONNIE MATTSON

APPROVED AS TO FORM
OFFICE OF THE CITY ATTORNEY:

CITY ATTORNEY, JAMES E. HANEY

FILED WITH THE CITY CLERK:	February 21, 2002
PASSED BY THE CITY COUNCIL:	March 19, 2002
SIGNED BY THE MAYOR:	March 19, 2002
PUBLISHED:	March 23, 2002
EFFECTIVE DATE:	March 28, 2002
ORDINANCE NO: <u>2121</u>	