

## **RESOLUTION #13-07-121**

### **A RESOLUTION CONCERNING THE COMMENCEMENT OF RENEWAL PROCEEDINGS UNDER THE FEDERAL CABLE ACT**

**WHEREAS**, the City of Ramsey, Minnesota (“City”) enacted an ordinance granting a cable television franchise (collectively, the “Franchise”) effective on or about March 6, 2001, authorizing the provision of cable television service within the territorial limits of the City; and

**WHEREAS**, as a result of several transfers of the Franchise, Comcast of Minnesota, Inc. (“Comcast”) currently holds the Franchise; and

**WHEREAS**, the City is a member of the Quad Cities Cable Communications Commission (“Commission”), a municipal joint powers entity organized under Minnesota Statutes § 471.59, as amended, pursuant to an agreement among the member cities (the “Joint Powers Agreement”); and;

**WHEREAS**, the Commission administers and enforces the cable franchises issued by Andover, Anoka, Champlin and Ramsey, and provides community programming and certain other services on behalf of these member cities, and;

**WHEREAS**, the Commission is responsible for processing initial cable franchising requests and franchise renewal requests on behalf of the member cities, and for making recommendations to the member cities; and

**WHEREAS**, the Commission’s member cities, including the City, retain final authority to approve and enact any initial or renewal franchise(s), and;

**WHEREAS**, the Franchise is scheduled to expire on or about March 6, 2016, unless sooner terminated or extended, and;

**WHEREAS**, by letter dated March 28, 2013 from Comcast to the City, Comcast invoked the franchise renewal procedures set forth in applicable federal law, and;

**WHEREAS**, Section 626(a)(1) of the Cable Commissions Policy Act of 1984, as amended (the “Cable Act”), 47 U.S.C. § 546(A)(1), provides that if a written renewal request is submitted by a cable operator during the 6-month period from 36 to 30 months before franchise expiration, the franchising authority shall, within six months of such request, commence a proceeding to identify the future cable-related community needs and interests, and to review the performance of the cable operator during the franchise term; and

**WHEREAS**, the City wishes to comply with the Cable Act and commence the required renewal proceedings while permitting the Commission to pursue the informal renewal process contemplated by Section 656(h) of the Cable Act, 47 U.S.C. § 546(H), and;

**WHEREAS**, the Joint Powers Agreement authorizes the Commission to conduct renewal proceedings and any negotiations with Comcast on the City's behalf, and;

**WHEREAS**, the City wishes to reaffirm the Commission's authority to process renewal of the Franchise in accordance with the Cable Act, Minnesota law and the Franchise, and manage and conduct franchise renewal proceedings and negotiations on its behalf, and;

**WHEREAS**, the City recognizes that, in conducting renewal proceedings, the Commission may collect and analyze information from Comcast, the City, and the public and other interested parties.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:**

Section 1. That the City reaffirms the Commission's authority under the Joint Powers Agreement to commence franchise renewal ascertainment and past performance proceedings in accordance with the Cable Act.

Section 2. That the Commission is authorized to utilize, at its discretion, the formal or informal renewal processes and the Commission may initiate either process without further action or approval by the City.

Section 3. That the Commission may provide the public an opportunity to participate in the Franchise renewal proceedings.

Section 4. That the Commission is authorized to gather such information as may be deemed appropriate, and to take such further steps as may be needed or desired to ensure that identified cable-related needs and interests of the City, Commission, and the public are satisfied in any renewal franchise as provided by applicable law. The Commission may require that Comcast submit such information as may be deemed appropriate in connection with the renewal process to the maximum extent permitted by the Franchise and applicable laws and regulations.

Section 5. That the City reserves all of its rights, remedies and defenses with respect to determining whether or not to renew the Franchise. The Mayor, City Council members and City employees shall avoid stating a position on the renewal of the Franchise or Franchise renewal-related issues until the Commission makes formal written recommendation to the City.

Section 6. That the Commission shall keep the City fully apprised of the status and progress of the formal and informal renewal processes, as appropriate.

Section 7. That this Resolution shall become effective immediately upon adoption.

Whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 23<sup>rd</sup> day of July, 2013.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 23<sup>rd</sup> day of July, 2013.

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Mayor Sarah Strommen

**ATTEST:**

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City Clerk, Jo Ann M. Thieling