

ORDINANCE NO. 498

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, GRANTING A CABLE TELEVISION FRANCHISE EXTENSION TO COMCAST OF WASHINGTON II, INC., AND FIXING AN EFFECTIVE DATE.

WHEREAS, the City of Woodinville granted a five year cable franchise to Vista Television Cable, Inc. (Vista Cable) by way of Ordinance No. 191 in 1997 for a period of five years; and

WHEREAS, Vista Cable was an indirect subsidiary of AT&T Corp. (AT&T), and in 2002, the City of Woodinville consented to the internal restructuring and a change of control from AT&T to Comcast Corporation by way of Ordinance 323; and

WHEREAS, the City of Woodinville granted a five year extension of the franchise to Vista Cable by way of Ordinance No. 327; and

WHEREAS, on November 18, 2002 the merger of AT&T Corporation with Comcast was completed, and the name of Vista Television Cable's ultimate parent changed from AT&T Comcast Corporation to Comcast Corporation; and

WHEREAS, Vista Television Cable, Inc. subsequently changed its name to Comcast of Washington II, Inc., and;

WHEREAS, the City of Woodinville granted an additional extension of two years to the franchise of Comcast of Washington II, Inc. by way of Ordinance No. 405, which expires on November 22, 2009; and

WHEREAS, Comcast and the City of Woodinville have been engaged in negotiations in accordance with the provisions of 47 U.S.C. § 546 and substantial progress has been made;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODINVILLE DOES ORDAIN AS FOLLOWS:

Section 1. Franchise Extension. The term of the cable television franchise granted under Ordinance No. 405 to Comcast of Washington II, Inc., formerly known as Vista Cable, is hereby extended up to and through January 31, 2010, or until such time as the City of Woodinville has adopted a further franchise ordinance that supersedes this ordinance, whichever occurs sooner.

Section 2. Compliance with Franchise Terms. As a condition of the extension granted by this ordinance, Comcast shall provide its written and acknowledged unconditional acceptance and promise to comply with all provisions, terms and conditions of the most recent Comcast cable franchise agreement during this extension

period. By the adoption of this Ordinance the City of Woodinville agrees to comply with all provisions, terms and conditions of the most recent Comcast cable franchise agreement during the extension period. All previous provisions in Ordinance No. 191, Ordinance No. 327 and Ordinance No. 405 shall remain in effect throughout the duration of the franchise extension as identified in this ordinance, except the provision for the duration of the Franchise which will be extended to January 31, 2010.

Section 3. Performance Review and Needs Ascertainment. The City is pursuing a Performance Review of Comcast and Needs Ascertainment pursuant to 47 U.S.C. § 546.

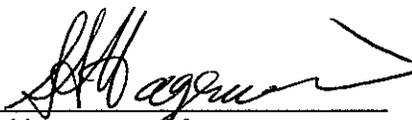
Section 4. Performance Bond and Insurance. The performance bond and insurance policy provided by Comcast shall remain in effect during the extension period.

Section 5. Acceptance. The rights and privileges granted pursuant to this Ordinance shall not become effective until its terms and conditions are accepted by Comcast. Acceptance shall be accomplished by the submission of a written instrument, executed and sworn to by a corporate officer of the Franchisee before a Notary Public, and filed with the City within thirty (30) days after the effective date of this Ordinance. Such instrument shall evidence the unconditional acceptance of the terms hereof and a promise to comply with and abide by the provisions, terms and conditions hereof.

Section 6. Severability. 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 or constitutionality of any other section, sentence, clause or phrase of this ordinance.

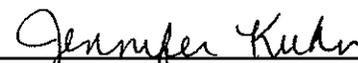
Section 7. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 17th DAY OF NOVEMBER 2009.



Scott Hageman, Mayor

ATTEST/AUTHENTICATED:



Jennifer Kuhn
City Clerk/CMC

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY



Greg A. Rubstello
City Attorney

PASSED BY THE CITY COUNCIL: 11-17-2009
PUBLISHED: 11-23-2009
EFFECTIVE DATE: 11-30-2009
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