

SUBSTITUTE ORDINANCE NO. 5255

**AN ORDINANCE TO AMEND CABLE FRANCHISE
ORDINANCE NO. 4159 EXTENDING THE FRANCHISE ORDINANCE, AS
AMENDED,
THROUGH DECEMBER 16, 2008**

WHEREAS, City Ordinance No. 4159, granted a cable franchise to Memphis CATV, INC., for a period of Ten (10) years beginning May 3, 1993 (“Franchise Ordinance”). This Franchise was on May 2, 2000 transferred to AOL Time Warner, Inc. by Substitute Ordinance No. 4767; and

WHEREAS, pursuant to Section 14 of said Franchise Ordinance an amendment was made by Ordinance No. 4943, adopted May 21, 2002, allowing Grantee the option to extend said franchise rights until May 3, 2008; provided, Grantee upgraded its network to a capability of supplying a minimum of 70 channels of programming to subscribers; and

WHEREAS, Grantee is presently offering at least 300 channels of programming to customers, including Digital and High Definition television, and intends to begin interactive Video-On-Demand services in the near future, which will further increase Grantee’s level of technology; and

WHEREAS, Grantee requested renewal of its Franchise by letter filed with the City dated on or about August 15, 2005; and

WHEREAS, a transfer of ownership from Time Warner Communications to CABLE Holdco, II, Inc., a wholly-owned subsidiary of MOC Holdco II, Inc., was granted by an Ordinance adopted September 20, 2005, establishing CABLE Holdco II, Inc. as the Grantee of the Franchise Ordinance; and

WHEREAS, Grantee subsequently changed its name to Comcast of Arkansas / Florida / Louisiana / Minnesota / Mississippi / Tennessee, Inc., a wholly-owned subsidiary of Comcast Corporation, of which the City of Memphis was notified by letter dated August 1, 2006; and

WHEREAS, the Council, which is comprised of nine (9) new members, desires to carefully consider the request, solicit public comment and study changes in federal law governing Cable Television Franchising before acting on the request for renewal the Council; therefore, the Council desires to extend the Franchise from May 3, 2008 until December 16, 2008 to allow it to complete its review.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS,

SECTION 1. That pursuant to Section 14 of Ordinance No. 4159, the Franchise period, and said Franchise is hereby extended to December 16, 2008. That all other terms and conditions of Original Ordinance No. 4159 and Amendment Ordinances Nos. 4767 and 4943, shall be, and remain the same through said extension date of December 16, 2008.

SECTION 2. That this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller and become effective as otherwise provided by law.

SCOTT McCORMICK
Chairman of Council

Attest:
Patrice Thomas, Comptroller