



# CITY OF CONCORD

## REPORT TO MAYOR AND THE CITY COUNCIL

**FROM:** James W. Kennedy, City Solicitor

**DATE:** March 2, 2016

**SUBJECT:** Cable Franchise Renewal

### **Recommendation:**

Accept this report and set the attached Cable Television Renewal Franchise Agreement between the City of Concord and Comcast of Maine/New Hampshire Inc. (“Comcast”) for a Public Hearing at the April 11, 2016 City Council Meeting and, if acceptable, authorize the City Manager to sign the Agreement.

### **Background**

The City’s current Cable Television Renewal Franchise Agreement is with Comcast Cable Communications and was granted on October 28, 2005 for a ten (10) year term and was set to expire on October 28, 2015. On September 14, 2015, the City and Comcast extended the agreement to December 28, 2015, and on December 14, 2015, extended the Agreement to April 28, 2016.

During the scope of this Cable Television Franchise Agreement Renewal process, on November 14, 2012, Comcast sent the City a letter requesting renewal. On October 28, 2013, City Manager, Thomas J. Aspell, Jr., advised Comcast that the City would follow the formal procedures of the federal Cable Act for renewing the cable franchise agreement. On October 14, 2014, this Council directed the City Manager to establish an Ascertainment Committee to conduct one or more public hearings to identify the future cable-related needs and interests of the Concord community. On December 15, 2014, the Ascertainment Committee held a public hearing. At this hearing, the Committee developed a public record of the community’s needs and interests, which assisted the City in its franchise renewal negotiations with Comcast.

On March 26, 2015, the City incorporated the findings from the Ascertainment Committee’s public hearing into a Request-for-Proposal (“RFP”) to Comcast. On April 9, 2015, Comcast responded to the City’s RFP with its own Franchise Renewal proposal.

Following receipt of the franchise renewal proposal, the City and Comcast negotiated the terms and conditions of a new Cable Television Renewal Franchise Agreement. To date, those negotiations have concluded and the new proposed Cable Television Renewal Franchise Agreement is attached for this Council to review and set for a public hearing.

**Discussion**

The final phase of the Cable Television Franchise Renewal Agreement process is for the City Council to hold a public hearing and adopt the Agreement as the Franchising Authority. Accordingly, the City Administration requests that the City Council set the attached Cable Television Franchise Renewal Agreement for a public hearing at the April 11, 2016 City Council meeting, and, if acceptable, authorize the City Manager to sign the Agreement.