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GARY SCHMIDT  
DIRECTOR

PUBLIC AND GOVERNMENT AFFAIRS  
PUBLIC SERVICES BUILDING  
2051 KAEN ROAD OREGON CITY, OR 97045

December 17, 2015

Board of County Commissioners  
Clackamas County

Members of the Board:

**Board Order in the Matter of an Extension of the Cable Television Franchise with Canby  
Telcom (Formerly Canby Telephone Association)**

<b>Purpose/Outcome</b>	Extend current cable television franchise to allow time for evaluation and negotiations.
<b>Dollar Amount and Fiscal Impact</b>	N/A
<b>Funding Source</b>	N/A
<b>Duration</b>	Effective January 5, 2016 through June 30, 2016
<b>Previous Board Action/Review</b>	The original franchise agreement was approved by Board Order No. 2006-04 on January 5, 2006.
<b>Strategic Plan Alignment</b>	Build Public Trust Through Good Government
<b>Contact Person</b>	Gary Schmidt, Public and Government Affairs, 503-742-5908
<b>Contract No.</b>	N/A

**BACKGROUND:**

Canby Telcom's (formerly Canby Telephone Association) Cable Franchise Permit expires on January 5, 2016. As the County and Canby Telcom will need time to evaluate and negotiate a new cable franchise agreement, it is desirable to continue the current contract under the same terms and conditions pursuant to applicable law unless and until the County issues a termination of franchise notice. Canby Telcom currently serves over 350 subscribers in the unincorporated area of Clackamas County.

This extension, if granted, would not affect either party's rights in the renewal process and includes a provision to preserve the County's right to retroactive PEG funding negotiated in the renewal. The County will evaluate Canby Telcom's legal, technical and financial qualifications to operate the cable system, as well as the community's needs, in its determination of whether to renew the franchise and on what terms and conditions.

This cable franchise agreement extension has been reviewed and approved by County Counsel.

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**RECOMMENDATION:**

Staff respectfully recommends the Board approve the extension of the franchise permit agreement to assure that the terms of the current franchise agreement continue to be met through June 30, 2016.

Respectfully submitted,

A handwritten signature in black ink that reads "Gary Schmidt". The signature is written in a cursive style with a large initial "G" and a long, sweeping underline.

Gary Schmidt, Director  
Public and Government Affairs

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the matter of approving an extension of the cable television franchise with Canby Telcom (formerly Canby Telephone Assoc.)



ORDER NO.

This matter coming before the Clackamas County Board of Commissioners at its regularly scheduled public meeting on December 17, 2015 to consider approving an extension of the cable television franchise with Canby Telcom (formerty Canby Telephone Association).

**WHEREAS**, Canby Telcom holds a cable television franchise with Clackamas County, which will expire on January 5, 2016; and

**WHEREAS**, County staff and representatives of Canby Telcom will evaluate and negotiate terms regarding the renewal of the applicable franchise unless and until the County issues a termination of franchise notice; and

**WHEREAS**, the amount of time required to conclude negotiations and allow for public review of a new franchise agreement will extend beyond the current expiration date; and

**WHEREAS**, it is in the public interest to extend the current franchise for an additional period of time under the same terms and conditions pursuant to applicable law to accommodate the renewal process and avoid a potentially unnecessary disruption of service to affected residents.

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT** the franchise granted to Canby Telcom shall be extended until and including June 30, 2016, and that all rights and obligations provided the parties under the franchise agreement shall remain in full force and effect during that period, including the rights of the parties under the Cable Communications Policy Act of 1992 and the Telecommunications Act of 1996. Neither Canby Telcom nor the County shall assert any claim, denial or defense based upon the original expiration date of the Franchise Agreement, excepting therefrom that the County may assert in negotiations that any increase in PEG funding included in the new franchise agreement shall include the time period covered by this extension. This extension of the franchise is explicitly conditioned upon written acceptance thereof by the Franchisee.

DATED THIS \_\_\_\_\_ DAY OF DECEMBER, 2015.

**CLACKAMAS COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary