



June 29, 2016

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 Telephone Association (dba Canby Telcom)

Purpose/Outcome	Extend current cable television franchise to allow time for evaluation and negotiations.
Dollar Amount and Fiscal Impact	N/A
Funding Source	N/A
Duration	Effective June 30, 2016 through October 30, 2016
Previous Board Action/Review	The franchise was approved by the BCC in January 2006, and extended in January 2016 for five months.
Strategic Plan Alignment	Building public trust through good government.
Contact Person	Gary Schmidt, Public and Government Affairs, 503-742-5908
Contract No.	N/A

BACKGROUND:

Canby Telephone Association (dba Canby Telcom) Cable Franchise Permit expires on June 30, 2016. As the County and Canby Telephone Association will need additional 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 Telephone Association 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 Telephone Association'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 October 30, 2016.

Respectfully submitted,

Gary Schmidt, Director
Public and Government Affairs

In the Matter of Approving an
Extension of the cable television
Franchise with Canby Telephone Association
(dba Canby Telcom)

ORDER NO.

This matter coming before the Clackamas County Board of Commissioners at its regularly scheduled public meeting on June 29, 2016 to consider approving an extension of the cable television franchise with Canby Telephone Association (dba Canby Telcom).

WHEREAS, Canby Telephone Association holds a cable television franchise with Clackamas County, which will expire on June 30, 2016; and

WHEREAS, County staff and representatives of Canby Telephone Association began meeting in the winter of 2016 to evaluate and negotiate terms regarding the renewal of the applicable franchise; 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 Telephone Association shall be extended until and including October 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 Telephone Association 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 JUNE, 2016.

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

Chair

Recording Secretary