



Board of Commissioners of Cook County

118 North Clark Street
Chicago, IL

Legislation Details

File #:	14-2346	Version:	1	Name:	Cable Franchise Agreement Extension
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File created:	3/27/2014	In control:		In control:	President
On agenda:	4/9/2014	Final action:		Final action:	4/9/2014
Title:	PROPOSED ORDINANCE				

CABLE FRANCHISE AGREEMENT EXTENSION/RENEWAL

WHEREAS, Section 6(a) of Article VII of the Illinois Constitution provides in relevant part that a home rule unit "may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax . . ."; and

WHEREAS, Section 5/5-1095 of the Counties Code, 55 ILCS 5/5-1095, provides in relevant part that "The County Board may license, tax or franchise the business of operating a community antenna television system or systems within the County. . ."; and

WHEREAS, the Cook County Board of Commissioners ("County Board") adopted Ordinance 82-0-32 ("the Cook County Cable Television Ordinance" or "the Cable Ordinance"), to provide for the non-exclusive franchising and regulation of CATV Systems within Unincorporated Cook County; and

WHEREAS, Cook County seeks to provide cable Franchises and renewals in an equitable and nondiscriminatory manner, taking all relevant facts and circumstances into account, so as to allow all cable television Franchisees to provide service within Unincorporated Cook County on a fair and competitive footing; and

WHEREAS, Comcast of California/ Illinois, LP; Comcast of Illinois VI, LLC; Comcast of California/ Colorado/ Illinois/ Indiana/ Texas, LLC; Comcast of Illinois/ Indiana; Comcast of Illinois IV, Inc.; Comcast of Illinois/ West Virginia, LLC; Comcast of Illinois/ Texas, LLC; Comcast of Illinois/ Indiana/ Michigan, Inc. ("Comcast") requested a renewal of its various cable television franchise(s) to provide CATV Service in Cook County; a new Cable Franchise Agreement was negotiated and granted on June 5, 2007 by the County Board; and

WHEREAS, the June 5, 2007 Cable Franchise Agreement provided for a five (5) year term with an option to extend the term of the Franchise by two (2) additional years upon Grantee's written request to the County to renew the franchise for two (2) years upon the same terms and conditions as the June 5, 2007 Cable Franchise Agreement; this renewal may be extended for another two (2) year term conditioned on the above; and

WHEREAS, prior to the expiration of the original Agreement, Comcast requested to exercise the first two (2) year extension/renewal and on January 18, 2012 the County Board approved execution of the first extension for the period of June 4, 2012 through June, 3, 2014; and

WHEREAS, Comcast has constructed and installed, and is currently maintaining and operating a CATV System in Unincorporated Cook County pursuant to the Franchise Agreement which is set to expire on June 3, 2014; and

WHEREAS, Comcast provided to Cook County a letter stating the Grantee's intent to renew its Cable Television Franchise Agreement pursuant to Section 626 of the Communications Act of 1934, 47 U.S.C. Section 546; which the County received and subsequently the Grantee and Cook County reviewed the terms the Franchise Agreement and extension/renewal terms pursuant to 47 U.S.C.

Section 546(h); and

WHEREAS, Comcast has timely remitted its Franchise Fees in the amount of 5% of its gross revenue for the franchise area on an annual basis and will continue to provide the statutory maximum franchise fee under the terms of the extension/renewal; and

WHEREAS, the Department of Revenue has reviewed Comcast's performance per the terms of the Cable Franchise Agreement; and

WHEREAS, it is in the public interest to renew the grant of a non-exclusive cable television franchise to Comcast in accordance with the terms of the Cable Franchise Agreement entered into on June 5, 2007.

NOW, THEREFORE, BE IT ORDAINED, that the Cook County Board of Commissioners hereby authorizes a renewal of the June 5, 2007 Cable Franchise Agreement upon the same terms and conditions with Comcast of California/ Illinois, LP; Comcast of Illinois VI, LLC; Comcast of California/Colorado/Illinois/Indiana/Michigan, LP; Comcast of Illinois/ Indiana; Comcast of Illinois IV, Inc.; Comcast of Illinois/ West Virginia, LLC; Comcast of Illinois/ Indiana/ Michigan, Inc. ("the Grantee"); and

BE IT FURTHER ORDAINED, that the President be authorized to execute an addendum to the June 5, 2007 Cable Franchise Agreement authorizing the second two (2) year extension/renewal of the June 5, 2007 Cable Franchise Agreement with the extension period to begin on June 3, 2014 and expire on June 3, 2016.

Effective date: This ordinance shall be in effect immediately upon adoption.

Sponsors: TONI PRECKWINKLE (President)

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
4/9/2014	1	Board of Commissioners	approve	Pass