COUNCIL OF THE TOWN OF RIVERDALE PARK

EMERGENCY ORDINANCE 2014-OR-02

Introduced By: CM Alan Thompson

Date Introduced: March 24, 2014

Date Adopted: March 31, 2014

Date Effective: March 31, 2014

An Emergency Ordinance concerning

COMCAST CABLE TELEVISION FRANCHISE

FOR the purpose of extending for a limited period of time a certain cable television franchise held by Comcast of Maryland, Inc.

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EXPLANATORY STATEMENT: On April 5, 1999, the Town of Riverdale Park, pursuant to Resolution No. 99-1 renewed for a period of 15 years a cable television franchise then held by Jones Communications of Maryland, Inc. The Town is in negotiations with Comcast of Maryland, Inc., successor to the cable television franchise interests of Jones Communications of Maryland, Inc., for a renewal of the franchise. However, franchise renewal negotiations will not be completed before the expiration of the current franchise term on April 4, 2014.

The Town and Comcast of Maryland, Inc., desire to extend the current franchise for a limited period of time to enable Comcast to continue providing cable television services in the Town of Riverdale Park pending completion of negotiations for a renewal of the existing franchise. Comcast will be providing its consent to the proposed extension of the term of the franchise in the form of the letter attached to this Ordinance as Exhibit 1. Notwithstanding these ongoing negotiations, the Town and Comcast desire to reserve their respective rights under State and federal law, including, without limitation, 47 U.S.C. § 546.

Adopting this ordinance as an Emergency Ordinance will allow it to become effective before the expiration of the current cable television franchise and will allow the uninterrupted continuation of cable television service for residents of the Town. Now, therefore,

SECTION 1: BE IT ENACTED BY THE COUNCIL OF THE TOWN OF RIVERDALE PARK, that the cable television franchise for the Town of Riverdale Park held by Comcast of Maryland, Inc., successor in interest to Jones Communications of Maryland, Inc., is hereby extended until a new cable franchise becomes effective, or until the franchise is either renewed, terminated or final action is taken not to renew the franchise in accordance with the terms of the franchise, the Federal Cable Act and other applicable law, whichever occurs first, as is more particularly stated in the attached Exhibit 1, which is incorporated herein by reference. The extension of the franchise is contingent upon the Town receiving from Comcast of Maryland, Inc., a signed letter substantially in the form attached as Exhibit 1. During this extension, the current terms and conditions of the franchise shall remain in full force and effect. This extension shall be effective as to Comcast of Maryland, Inc., immediately upon receipt by Comcast.

SECTION 2: AND BE IT FURTHER ENACTED that, having been passed by at least four members of the Town Council, this Emergency Ordinance shall become effective immediately upon its passage by the Council.

ATTEST:

Sara Imhulse, Town Administrator

COUNCIL OF THE TOWN OF RIVERDALE PARK

Vernon Archer, Mayor

COMCAST

Comcast Cable
1301 McCormick Drive
Fourth Floor
Largo, MD 20774

March 20, 2014

Ms. Sara Imhulse
Town Manager
Town of Riverdale Park
5008 Queensbury Road
Riverdale Park, MD 20737

RE: Town of Riverdale Park – Comcast of Maryland, Inc. Franchise Extension

Dear Ms. Imhulse:

I am writing about the proposal to extend the 1999 Franchise Agreement currently held by Comcast of Maryland, Inc. ("Comcast") that is scheduled to expire on April 4, 2014 in order to accommodate further renewal discussions between Comcast and the Town of Riverdale Park, ("Franchise Authority"), which are ongoing and active. Both parties agree that additional time is necessary in order to facilitate the renewal process, and wish to enable this process without prejudicing the rights of either party set forth in the Federal Cable Act. 47 U.S.C. §546 and applicable regulations promulgated thereunder.

Upon action by the Franchise Authority, Comcast agrees to extend the terms and conditions of the 1999 Franchise Agreement until a new cable franchise becomes effective, or until the franchise is either renewed, terminated, or final action is taken not to renew the franchise, in accordance with the agreement, the Federal Cable Act and other applicable law, whichever occurs first. During said extension, the terms and conditions of the Agreement shall remain in full force and effect.
This consent to the extension shall not be construed to prejudice or waive any rights which either party may have under The Communications Act of 1934, as amended, 47 U.S.C. §§ 521 *et seq.*, or any other applicable laws, rules or regulations of the United States, State of Maryland, or the Franchise. Comcast's agreement to the extension is subject to the following understanding:

Comcast and the Franchise Authority retain and reserve all of their franchise renewal rights under applicable law, including, without limitation, Communications Act Section 626 (47 U.S.C. § 546)

In the event this extension is declared invalid for any reason, the parties shall retain all rights to the formal renewal process as they existed on the date this extension was executed.

Should you have any questions regarding this matter, please feel free to contact me.

Sincerely,
COMCAST OF MARYLAND, INC.
By:

John Conwell
Vice President, Government Affairs
Comcast – Beltway Region