

COUNCIL ORDINANCE NO. 20715

**AN ORDINANCE EXTENDING THE TERM OF ORDINANCE NO. 19775 AND
ORDINANCE NO. 20397 GRANTING TO COMCAST OF OREGON II, INC. A
FRANCHISE FOR OPERATION OF A CABLE TELECOMMUNICATIONS
SYSTEM.**

ADOPTED: November 25, 2024

SIGNED: November 26, 2024

PASSED: 8:0

REJECTED:

OPPOSED:

ABSENT:

EFFECTIVE: December 27, 2024



ORDINANCE NO. 20715

AN ORDINANCE EXTENDING THE TERM OF ORDINANCE NO. 19775 AND ORDINANCE NO. 20397 GRANTING TO COMCAST OF OREGON II, INC. A FRANCHISE FOR OPERATION OF A CABLE TELECOMMUNICATIONS SYSTEM.

The City Council of the City of Eugene finds that:

A. The federal Cable Act requires a franchise for the operation of cable telecommunications systems and provides for a formal or informal renewal process under the Cable Act.

B. The Cities of Eugene and Springfield, together with Lane County, granted a franchise to Comcast of Oregon II, Inc. ("Comcast") for the operation of a cable communication system, and have designated the Metropolitan Policy Commission (MPC), acting as the cable commission, as the representative of the local franchising authorities in administration of the franchise.

C. The City of Eugene enacted Ordinance No. 19775 on May 13, 1991, granting the franchise.

D. The City of Eugene enacted Ordinance No. 20397 on October 22, 2007, amending and renewing the franchise through August 1, 2018.

E. The term of the franchise has since been extended several times, most recently by Ordinance No. 20678, adopted on November 28, 2022, which extended the franchise through December 31, 2024. In general, the extensions were needed for various reasons that affected and sometimes paused negotiations, such as difficulties resolving a franchise fee review, which has since been resolved; the Federal Communications Commission (FCC) adopting in 2019 a final order and rules regarding cable regulation (FCC Cable Order) that is unfavorable to local government franchising authorities; years-long multi-jurisdictional litigation, including the City of Eugene as a petitioner, challenging the FCC Cable Order, which concluded in February 2022 with a court ruling that was primarily favorable to cable operators. After the multi-jurisdictional litigation concluded, the Cities of Eugene and Springfield, Lane County, and Comcast resumed good faith negotiations under the Cable Act's informal process to renew Comcast's cable franchise. However, the parties encountered substantial differences of position on several significant provisions, including but not limited to a competitive equity provision and definitions of particular terms. Those differences of position prevented the parties from being able to reach agreement on a renewed franchise and stalled negotiations.

F. The Cities of Eugene and Springfield, Lane County, and Comcast resumed good faith negotiations over this past year, and recently have come to tentative agreement on a mutually acceptable competitive equity provision. However, due to the number of remaining unresolved franchise issues and unavoidable delays in the negotiations schedule the past six months, those negotiations will not be completed in a timeframe that would allow the City of Eugene to adopt a franchise renewal by December 31, 2024.

G. The Cities of Springfield and Eugene, and Lane County have determined that it serves the public welfare to extend the term of the current franchise from December 31, 2024, up to and through December 31, 2025. The parties believe this extension will allow the parties time to continue and complete negotiations for a franchise renewal.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The franchise granted to Comcast in Ordinance No. 19775 and Ordinance No. 20397 shall be extended to and through December 31, 2025.

Section 2. The City of Eugene and Comcast agree that execution of this extension does not waive any rights that either party may have under the Cable Communications Policy Act of 1984, as amended, 47 U.S.C. §§ 521 *et seq.*, or other provision of federal, state, or local law.

Section 3. Other than the duration of the franchise set forth herein, Ordinance No. 19775 and Ordinance No. 20397 shall continue in full force and effect.

Passed by the City Council this

25th day of November, 2024



Deputy City Recorder

Approved by the Mayor this

26 day of November, 2024



Mayor