



Lake County Illinois

Legislation Text

File #: 12-0625, Version: 1

Resolution approving the renewal of the Cable Television Franchise Agreement with Comcast.

- Lake County has six pre-existing Cable Television Franchise Agreements with Comcast that are expiring and need to be consolidated and renewed.
- The proposed agreement requires Comcast to abide by customer service standards contained in the Illinois Cable and Video Customer Protection Law of 2007.
- Under the agreement, Comcast will continue to pay a five percent franchise fee on all gross revenues generated by Comcast in the unincorporated areas.
- The pending audit of franchise fees under the existing agreements will continue, and future audits will be subject to state law requirements.
- The agreement recognizes the continuance of one Access Channel for Lake County TV (LCTV) in portions of Lake County, and provides that Lake County and Comcast will meet annually to discuss expanding the availability of LCTV to the remaining areas of the county.
- The proposed agreement authorizes the County to impose a charge for PEG capital expenses in an amount up to \$.35 per subscriber per month parallel with the PEG fee currently charged to AT&T, as allowed under state law.
- The proposed term is 10 years, which will allow the County an opportunity to review any technological changes in a reasonable period of time and modify the agreement accordingly.
- This resolution approves the Cable Television Franchise Agreement with Comcast and authorizes the County Board Chairman and the County Clerk to execute and seal the franchise agreement, and authorize chairman to execute related documents, including imposing a \$.35 PEG capital fee per subscriber per month, effective January 1, 2013.

RESOLUTION

WHEREAS, Comcast of California/Illinois, LP; Comcast of Illinois/West Virginia, LLC; Comcast of California/Colorado/Illinois/Indiana/Michigan, LP; Comcast of Illinois XIII, LP; Comcast of Illinois XII, LP; and Comcast of Northern Illinois, Inc. (collectively, "Comcast") have submitted to the County a proposal for the renewal of a franchise to provide cable television services within the unincorporated areas of the County; and

WHEREAS, representatives of the County and Comcast have engaged in negotiations regarding the terms and conditions of the renewal of the franchise and have presented a proposed cable television franchise agreement for consideration; and

WHEREAS, public comment has been received on the proposed franchise renewal pursuant to federal law; and

WHEREAS, as a part of the negotiations regarding the renewal of the franchise, the County and Comcast have discussed and resolved certain issues arising under the prior franchises between Comcast and the County; and

WHEREAS, the Chairman and County Board have determined that it is necessary, desirable, and in the best interest of the County to award a franchise to Comcast for the provision of Cable Services, as defined in the

franchise agreement, within the unincorporated areas of the County, subject to the terms and conditions of the franchise agreement, and to resolve certain issues arising under the prior franchises.

NOW, THEREFORE, BE IT RESOLVED, by this County Board of Lake County, Illinois, as follows:

Section One. Recitals. The foregoing recitals are incorporated into and made a part of this Resolution by this reference.

Section Two. Grant of Franchise. A non-exclusive franchise is hereby granted to Comcast of California/Illinois, LP; Comcast of Illinois/West Virginia, LLC; Comcast of California/Colorado/Illinois/Indiana/Michigan, LP; Comcast of Illinois XIII, LP; Comcast of Illinois XII, LP; and Comcast of Northern Illinois, Inc. (collectively "Comcast") to provide Cable Services within the unincorporated areas of the County for a period of ten (10) years from the Effective Date of the Agreement, subject to the terms and conditions of the Cable Television Franchise Agreement attached as Exhibit A.

Section Three. Execution of Agreement and Related Documents. The County Board Chairman and the County Clerk are hereby authorized and directed to execute and seal the franchise agreement attached as Exhibit A to this Resolution, and related documents to resolve the outstanding issues under the prior franchises, upon receipt of at least four copies of the franchise agreement and other related documents thereof fully executed by Comcast and payment by Comcast to the County of amounts due as described in the related documents. The Chairman is also authorized to execute documents to impose the PEG fee of \$.35 per subscriber per month, as of January 1, 2013.

Section Four. Prior Franchises. The franchise agreement contemplated by this Resolution shall not be effective until (a) execution of the franchise agreement and the related documents by Comcast and the County and (b) payment by Comcast to the County of amounts agreed upon as described in the related documents (other than as a result of the audit).

Section Five. Effective Date. This Resolution shall be in full force and effect following its passage, approval, and publication, in the manner provided by law.

DATED at Waukegan, Illinois on this 10th day of July, 2012.

Chairman

ATTEST:

County Clerk

EXHIBIT A

Cable Television Franchise Agreement By and Between
Comcast of California/Illinois, LP; Comcast of Illinois/West Virginia, LLC;
Comcast of California/Colorado/Illinois/Indiana/Michigan, LP; Comcast of Illinois XIII, LP; Comcast of Illinois
XII, LP; and Comcast of Northern Illinois, Inc. and The County of Lake