



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of March 12, 2011

DATE: February 1, 2011

SUBJECT: Adoption of a Resolution Concerning the Commencement of a Proceeding for Identifying Future Cable-Related Community Needs and Interests and Reviewing the Performance of the Cable Operator (Comcast of Potomac, LLC) Pursuant to 47 U.S.C. § 546.

C. M. RECOMMENDATION:

1. Adopt the attached Resolution concerning the commencement of a proceeding for identifying future cable-related community needs and interests and reviewing the performance of the cable operator, Comcast of Potomac, LLC (“Comcast”), pursuant to 47 U.S.C. § 546.

ISSUES: Adopting the attached resolution is necessary to comply with a Federal statute to commence a proceeding to identify future cable-related community needs and interests, and reviewing the performance of Comcast.

SUMMARY: The County Board has issued Certificates of Public Convenience and Necessity to three entities for the provision of cable television service: Comcast, Verizon, and RCN Corporation. The Comcast franchise expires on June 30, 2013. The Verizon franchise expires on June 26, 2021. The RCN franchise (under which no service is currently being provided) expires on September 1, 2015. To begin the Comcast renewal process, pursuant to 47 U.S.C. § 546, the County must formally commence a “proceeding” and begin conducting detailed assessments of technical, local programming, and other future needs, as well as review the performance of Comcast under the existing Certificate.

BACKGROUND: Comcast has provided cable television services within the County since August 1, 2000 when the Board approved the transfer of the franchise from SBC Media Ventures, L.P. to Comcast. Before considering any renewal of the Certificate, the County must assess its needs for public, educational and government television facilities, institutional network, technology, and other general requirements. In addition, the County must determine if Comcast has complied with all the terms and conditions of the Certificate.

DISCUSSION: By letter dated October 22, 2010, Comcast sent to the County a notice of its desire to renew the Certificate, as provided for by 47 U.S.C. § 546. By delivering the notice,

County Manager:

BMD/mjs

County Attorney:

BAC *AM*

Staff: Robert Billingsley, Department of Technology Services

28.

Comcast reserved its rights under the “formal process” established by Federal law. Federal law requires the County Board, within six months of the date of Comcast’s notice, to commence a proceeding to evaluate the County’s future cable-related needs and interests and to evaluate Comcast’s performance of the terms and conditions of the current Certificate. Accordingly, the proposed Resolution announces the commencement of the proceeding and directs the County Manager to take the steps necessary to conduct the proceeding.

FISCAL IMPACT: Consultant fees of approximately \$104,500 in FY 2011 and \$135,500 in FY 2012 will be incurred by the County to perform the required due diligence during the renewal process. The FY 2011 expense will be covered with funds appropriated as part of the FY 2010 closeout process. Staff is evaluating potential funding sources for the FY 2012 cost.

A RESOLUTION CONCERNING THE COMMENCEMENT OF A PROCEEDING FOR IDENTIFYING FUTURE CABLE-RELATED COMMUNITY NEEDS AND INTERESTS AND REVIEWING THE PERFORMANCE OF THE CABLE OPERATOR (COMCAST OF POTOMAC, LLC) PURSUANT TO 47 U.S.C. § 546

WHEREAS, Comcast of Potomac, LLC (“Comcast”), a Delaware limited liability company, currently holds a Certificate of Public Convenience and Necessity for Cable Television issued by the County Board of Arlington County, Virginia (“County Board”) effective July 1, 1998 (the “Certificate”); and

WHEREAS, the Certificate expires on June 30, 2013; and

WHEREAS, by letter dated October 22, 2010, Comcast has submitted to the County a written renewal notice, as permitted by 47 U.S.C. § 546, formally requesting that the Certificate be renewed; and

WHEREAS, 47 U.S.C § 546 provides that, not later than six months after the submission of such a request, a franchising authority must commence a proceeding for the purpose of identifying future cable-related community needs and interests, and reviewing the performance of the cable operator under the franchise; and

WHEREAS, pursuant to Virginia Code Section 15.2-2108.20 and Arlington County Code, Chapter 41.2, the County Board is the franchising authority for Arlington County; and

WHEREAS, the County Board wishes to commence the proceeding required by 47 U.S.C. § 546.

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1. A proceeding for the purpose of identifying future cable-related community needs and interests and reviewing the performance of the cable operator under the Certificate is hereby commenced.

Section 2. The County Manager, or her designee, is authorized to take the steps necessary to conduct such a proceeding in accordance with applicable law.

This Resolution shall be effective immediately upon adoption.

Adopted by the County Board this ____ day of March, 2011.

Chair