



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of September 15, 2012**

DATE: September 12, 2012,

SUBJECT: Adoption of a Resolution Authorizing the Issuance of a Request for Renewal Proposal in Connection with the Request of Comcast of Potomac, LLC, to Renew Its Certificate of Public Convenience and Necessity for Cable Television Pursuant to Federal Law.

C. M. RECOMMENDATION:

Adopt the attached Resolution Authorizing the Issuance of a Request for Renewal Proposal (“RFRP”) in Connection with the Request of Comcast, LLC to Renew Its Certificate of Public Convenience and Necessity for Cable Television (“Certificate”) Pursuant to Federal Law.

ISSUES: This is a request for the adoption of a resolution authorizing the issuance of a Request for Renewal Proposal to Comcast of Potomac, LLC to establish requirements for future cable television-related needs of the County and Arlington residents. There are no known issues at this time.

SUMMARY: As part of the ongoing cable television franchise renewal process, the County has the authority under federal law to determine the cable-related needs and interests of the community to be addressed in any renewal franchise. The County may issue an RFRP describing those needs and interests and requesting that the cable operator submit a proposal for meeting them. The County is preparing to issue to the franchisee, Comcast of Potomac, LLC (“Comcast”) an RFRP to establish requirements for channel capacity, facilities and equipment, and other future cable-related needs of the County and its citizens.

BACKGROUND: Comcast has provided television services in Arlington County since August 1, 2000, when the franchise was transferred to Comcast from SBC Media Ventures, L.P. In October 2010, Comcast notified the County of its desire to renew the existing Certificate under the “formal process” established by federal law. Comcast’s notice assures Comcast of the benefit of certain procedural rights. In response, the County Board directed County staff to conduct a proceeding for the purpose of identifying the future cable-related needs and interests of

County Manager:

BMD/mjs

County Attorney:

[Signature] *BAK*

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Staff: Robert Billingsley, Department of Technology Services

the community, and reviewing the past performance of Comcast. That proceeding is nearing completion, and the next step in the federal formal process is the issuance of an RFRP. Federal law also allows the County and Comcast to reach agreement on the terms of a franchise renewal through “informal” negotiations.

DISCUSSION: While the federal and informal processes continue simultaneously, the County must be prepared to take certain actions under the federal process to preserve the County’s rights under federal law, in the event that informal negotiations do not yield satisfactory results. The attached Resolution authorizes the County Board Chair to issue an RFRP to Comcast. Issuance of the RFRP will obligate Comcast, within the time frame specified by the RFRP, to submit a proposal specifying the terms on which it proposes to meet the needs and interests established in the RFRP.

FISCAL IMPACT: The issuance of an RFRP will have no fiscal impact. Until the renewal process is completed, it is not possible to estimate the fiscal impact of a renewed or new franchise.

A RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR RENEWAL PROPOSAL IN CONNECTION WITH THE REQUEST OF COMCAST OF POTOMAC, LLC TO RENEW ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR CABLE TELEVISION PURSUANT TO FEDERAL LAW.

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 submitted to the County a written notice, as permitted by 47 U.S.C. § 546, formally requesting that the Certificate be renewed; and

WHEREAS, as part of the formal renewal process under federal law, the County Board, as the franchising authority, is authorized to issue or cause to be issued a Request for Renewal Proposal (“RFRP”) to Comcast; and

WHEREAS, such an RFRP would invite Comcast to submit to the County a renewal proposal describing, among other things, the cable-related facilities, equipment and services that Comcast proposes to provide in Arlington County; and

WHEREAS, by this Resolution, the County Board authorizes the issuance of an RFRP to Comcast and authorizes the County Board Chair to issue, on behalf of the County Board, an RFRP in accordance with applicable law.

NOW, THEREFORE, BE IT RESOLVED THAT:

The County Board authorizes the County Board Chair to issue, on behalf of the County Board, an RFRP to Comcast in accordance with applicable law.

This Resolution shall be effective immediately upon adoption.

Adopted by the County Board this ____ day of September, 2012.