

March 21, 1988  
4456B/RB:me

Introduced by: Bill Reams

Proposed No: 88-182

ORDINANCE NO. 8443

AN ORDINANCE relating to cable communications, establishing processing guidelines for franchise applications, adopting changes to the Cable Communications Regulations; and adding a new section to K.C.C. 6.27A

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. There is hereby added to K.C.C. 6.27A, a new section as follows:

Processing of Franchise Applications. A. Applications for a franchise, or modification of an existing franchise shall be processed in an expeditious manner.

B. Applications shall be submitted in the form and manner prescribed by the manager, cable communications office, as contained in the regulations adopted by this chapter.

C. Applicants for a franchise to operate in an area for which a franchise has previously been granted, shall have the right to the protection of proprietary information contained in the application from premature disclosure to prospective competitors until consideration of the application has been scheduled for public hearing.

D. Within sixty days after the report of the franchise review committee, unless a delay is approved by the council, the executive shall transmit an ordinance to the council to approve, amend or disapprove the application. The council shall schedule a public hearing on the question of granting the franchise application within sixty days after the executive has transmitted the franchise ordinance to the council. The council shall act on the ordinance no later than fourteen days after the public hearing is completed.



14. Statements regarding inability to meet the guidelines contained in these regulations and the justifications for non-compliance.

C. Additions and Exceptions. The foregoing does not preclude the requiring of additional information or data, or the waiver of any or all of the foregoing requirements by the County where the County determines that the circumstances surrounding the nature of the application justify such action.

2.9. Grant Procedure. After submission, all franchise applications shall be available for public inspection at the Office of Cable Communications. The grant procedure shall comply with federal, state, and county law. The county may grant one or more franchises or may decline to grant any franchise.

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KING COUNTY  
CABLE TELEVISION FRANCHISE  
REGULATIONS

(FEBRUARY 19, 1988 CHANGES)

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KING COUNTY CABLE COMMUNICATIONS OFFICE

CHANGES TO THE CATV FRANCHISE REGULATIONS:

The following pages constitute the 02/19/88 changes to the regulations adopted by ORDINANCE 7841. (Change No. 1)

Remove pages 6.1 through 6.3 dated 10/16/86 and replace with the attached pages, 6.1 through 6.5, dated 02/19/88.

event, comply with all applicable county construction codes and procedures including all necessary permits (see Chapters 6.27, 14.44 and 14.46, King County Code).

2.6. Duration. The term of any franchise and all rights, privileges, obligations and restrictions pertaining thereto shall be fifteen years from the effective date of the franchise, unless either terminated sooner or a shorter term is so provided in the grantee's franchise. The effective date of the franchise shall be the date of execution of the franchise agreement by the county, subject to prior execution by the grantee, or any other date so provided.

2.7. Franchise Nonexclusive. Every franchise granted shall be nonexclusive. The county specifically reserves the right to grant such additional franchises within a previously franchised area as it deems appropriate. In the event the county grants another franchise for an area already franchised, the new franchise shall be granted on materially similar terms with those of the existing franchise(s) for the area.

2.8. Franchise Applications. A. General. Applicants for a new franchise and the transfer of or amendment to an existing franchise have the right to the speedy processing of their applications. Persons seeking a franchise, a franchise renewal or modification of a franchise which will result in a change to the franchise area, shall submit a letter of application to the Clerk of the King County Council, and shall submit comprehensive plan information, as required by this section, to the Office of Cable Communications.

1. The manager of the Office of Cable Communications may designate the manner, time and place for accepting such comprehensive plan information. The manager shall then convene a franchise review committee within 30 days of said application.

2. Applicants for a franchise to operate in an area for which a franchise has already been granted shall have the right to the protection of proprietary information contained in the application from disclosure to prospective competitors until the time the public hearing is scheduled by the council.

3. The council will schedule a public hearing on the question of granting the application within 30 days after the recommendation of the manager of the Office of Cable Communications has been transmitted to the council. The council will act on the application within fourteen days after the public hearing is completed.

4. Material submitted pursuant to this section shall be responsive to a Request for Proposal (RFP) if a RFP has been issued. All applications shall include the designated application fee of \$200.

B. Comprehensive Cable Communications Plan. Persons or entities seeking a new franchise, a franchise renewal, or a franchise modification which will result in a change to the franchise area, shall provide the County with a comprehensive plan for the provision of cable communications services within the area for which a franchise is being sought. This comprehensive plan will in effect constitute the response to the County Request for Proposal (RFP). If a specific RFP has not been issued, the comprehensive plan shall, as a minimum, contain the following:

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1. Basic planning data to include population of area to be served, growth potential over the next ten year period, description of areas (residential, commercial, industrial, open space) with indication of which areas are to be served.

2. Cable system construction describing the minimum of construction and activation of the system to be accomplished each year as a percentage of the total amount, or if possible, by defined areas, to include as a minimum, all contiguous areas having a density of at least 50 dwelling units per street mile.

3. Line extension provision for extending service to households in areas that do not satisfy the minimum density and the conditions for providing such service.

4. Channel capacity of the system to be constructed, services to be offered on the available channels to include provisions for PEG access (required), institutional networks (optional), and non-traditional services, if any.

5. With regard to PEG access, the amount of staff and production equipment the operator will provide to support the development of community access programming as well as policies for promoting and administering community access.

6. Plan for placing cable in the public right-of-way, to include capacity on existing utility poles, and ability to place cable underground where other utility lines are so located. (NOTE: Plans should provide that system construction shall not require the installation of additional utility poles except in areas where no poles are located nor underground utilities provided).



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7. Plan for interconnecting at least local programming channels with other cable systems within the same franchise area, or in adjacent franchise areas within the County, or outside the county where such interconnection will serve the public good.

8. Construction, maintenance and technical standards to be observed and the justification for such criteria. In addition, provisions for the maintenance and availability to the County of construction maps, records and technical data, provisions for minimizing interference with persons, existing buildings, utilities and public rights-of-way, restoration of property displaced or damaged, and trimming of trees where applicable.

9. Procedures for the provision of continuous, uninterrupted service to subscribers during the term of the franchise and for restoration of service should unpredictable circumstances cause service interruption.

10. Procedures for receiving and resolving complaints regarding the quality of service.

11. Procedures for providing new customers with information regarding available services, and how to make inquiries or complaints to the operator.

12. Intended plans for funding the construction, maintenance and operation of the system, proof of financial solvency to complete planned construction, and proposed system of rates to be charged subscribers.

13. Where the franchise includes an area for which a franchise already exists, arrangements or agreements with the other franchisees regarding non-interference with existing system operations.