

ORDINANCE NO. 5318

**AN ORDINANCE TO AMEND CABLE FRANCHISE
ORDINANCE NO. 4159 EXTENDING THE FRANCHISE ORDINANCE, AS AMENDED,
THROUGH OCTOBER 6, 2009**

WHEREAS, City Ordinance No. 4159, granted a cable franchise to Memphis CATV, INC., for a period of Ten (10) years beginning May 3, 1993 ("Franchise Ordinance"). This Franchise was on May 2, 2000 transferred to AOL Time Warner, Inc. by Substitute Ordinance No. 4767; and

WHEREAS, pursuant to Section 14 of said Franchise Ordinance an amendment was made by Ordinance No. 4943, adopted May 21, 2002, allowing Grantee the option to extend said franchise rights until May 3, 2008; provided, Grantee upgraded its network to a capability of supplying a minimum of 70 channels of programming to subscribers; and

WHEREAS, Grantee is presently offering at least 300 channels of programming to customers, including Digital and High Definition television, and intends to begin interactive Video-On-Demand services in the near future, which will further increase Grantee's level of technology; and

WHEREAS, Grantee requested renewal of its Franchise by letter filed with the City dated on or about August 15, 2005; and

WHEREAS, a transfer of ownership from Time Warner Communications to CABLE Holdco, II, Inc., a wholly-owned subsidiary of MOC Holdco II, Inc., was granted by an Ordinance adopted September 20, 2005, establishing CABLE Holdco II, Inc. as the Grantee of the Franchise Ordinance; and

WHEREAS, Grantee subsequently changed its name to Comcast of Arkansas / Florida / Louisiana / Minnesota / Mississippi / Tennessee, Inc., a wholly-owned subsidiary of Comcast Corporation, of which the City of Memphis was notified by letter dated August 1, 2006;

WHEREAS, the Council extended the franchise by Ordinance 5286 until June 16, 2009; and

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WHEREAS, the Council the Council desires to extend the Franchise from June 16, 2009 to October 6, 2009 so that a new ordinance can be negotiated with the franchise holder and introduced for adoption by this body.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS,

SECTION 1. That pursuant to Section 14 of Ordinance No. 4159, the Franchise period, and said Franchise is hereby extended until October 6, 2009 or until a new ordinance is adopted by the Council, whichever occurs first. That all other terms and conditions of Original Ordinance No. 4159 and Amendment Ordinances Nos. 4767 and 4943, shall be, and remain the same through said extension date of October 6, 2009.

SECTION 2. That this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller and become effective as otherwise provided by law.

MYRON LOWERY
Chairman of Council

Attest:
Patrice Thomas, Comptroller

THE FOREGOING ORDINANCE
5318 PASSED

1st Reading 5-19-09

2nd Reading 6-2-09

3rd Reading 6-16-09

Approved Myron Lowery
Chairman of Council

Date Signed: 7-7-09

Approved: [Signature]
Mayor, City of Memphis

Date Signed: 7-9-09

I hereby certify that the foregoing is a true copy, and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.

Valerie C. Snipes
Comptroller