

906. CABLE FRANCHISE: PROGRAMMING AND SERVICES

906.010 CATEGORIES OF PROGRAMMING SERVICE

Grantee shall provide video programming services in at least the following broad categories subject to Applicable Law:

Local Broadcast (subject to federal carriage requirements)

Public Broadcast News and Information Sports

General Entertainment Arts/Performance/Humanities Science/Technology

Children/Family/Seniors

Foreign Language/Ethnic Programming

PEG Programming (to the extent required by the Franchise) Movies

Leased Access

906.020 CHANGES IN PROGRAMMING SERVICES

Grantee shall provide at least thirty (30) Days' prior written notice to Subscribers and to the City of Grantee's request to effectively delete any broad category of programming or any Channel within its control, including all proposed changes in bandwidth or Channel allocation and any assignments including any new equipment requirements that may occur as a result of these changes.

906.030 PARENTAL CONTROL DEVICE OR CAPABILITY

Upon request by any Subscriber, Grantee shall make available a parental control or lockout device or functionality that will enable the Subscriber to block all access to any and all Channels without affecting those not blocked. Grantee shall inform Subscribers of the availability of the lockout device or functionality at the time of original subscription and annually thereafter.

906.040 FCC REPORTS

The results of any tests required to be filed by Grantee with the FCC shall also be copied to City within ten (10) Days of the conduct of the tests.

906.050 ANNEXATION

Unless otherwise provided by Applicable Law, including the City Code, upon the annexation of any additional land area by City, the annexed area shall thereafter be subject to all the terms of this Franchise upon sixty (60) Days written notification to Grantee of the annexation by City. Unless otherwise required by Applicable Laws, nothing herein shall require the Grantee to expand its Cable System to serve, or to offer Cable Service to any area annexed by the City if such area is then served by another Wireline MVPD franchise to provide multichannel video programming.

Grantee shall construct and operate its Cable System so as to provide Cable Service within the Franchise Area where there exists a density equivalent of twenty-five (25) dwelling units per mile of feeder cable as measured from the nearest active plant of the Cable System if the extension is to be constructed using existing aerial plant, and thirty (30) dwelling units per mile of feeder cable as measured from the closest existing distribution plant capable of supporting the extended distance if the extension is to be constructed using underground plant. The 25 dwelling units per mile aerial and 30 dwelling units per mile underground standards will be applied proportionately. The City, for its part, shall endeavor to exercise reasonable efforts to require developers and utility companies to provide the Grantee with at least fifteen (15) Days advance notice of an available open trench for the placement of necessary cable.

(a) Except for the areas set forth in Exhibit A, the Cable System shall be further extended to Franchise Areas within the City that do not meet the 25-dwelling-units and 30-dwelling-units density requirements set forth above upon the request from the City based upon the following:

(i) “Total Construction Costs.” Grantee shall first determine the total construction costs of the extension. “Total construction costs” (“TCC”) is defined as the actual turnkey cost to construct the entire extension from the existing trunk and distribution system that is required to serve the Person(s) requesting Cable Service including electronics, pole make-ready charges, labor and reasonable associated overhead, but not the cost of the Drop. TCC shall include existing plant modifications needed to support the extension (such as node splits and fiber extensions).

(ii) “Grantee Contribution.” Grantee shall then determine its contribution (“GC”) toward the construction costs per participating dwelling unit by dividing the TCC by 25 in the case of aerial construction, or by 30 in the case of underground construction, which are the density thresholds specified in section 906.060(a).

$$GC = \frac{TCC}{\text{Density Threshold}}$$

For illustration, if the TCC in the area to be extended is \$50,000, GC is \$2,000 per dwelling unit for aerial construction, and \$1,667 per participating dwelling unit for underground construction.

(iii) “Participating Dwelling Unit” is a residential dwelling unit owner who requests and has signed a contract to receive Cable Service.

(iv) “Third Party Contribution” (“TPC”) means the TCC less the

product of the Grantee Contribution and the number of PDUs.

$$TPC = TCC - (GC \times PDUs)$$

For illustration, using the TCC and GC values from subparagraph (b)(ii) above, if there are 16 PDUs, the TPC would be \$18,000 for an aerial construction project, and \$23,328 for underground construction.

- (b) Grantee shall provide a construction credit of Two Hundred Fifty Thousand (\$250,000) (the "Construction Credit") restricted solely for the purpose of making a TPC as defined in Section 906.060(a)(iv). The Commission and not Grantee will have the responsibility of determining how the Construction Credit should be allocated. The Construction Credit must be used within five (5) years after the Effective Date of the Franchise or it will be forfeited by the Commission and City.
- (c) Subject to the limitations, conditions, and restrictions set forth in Exhibit A, Grantee will also extend its Cable System in the Franchise Area to the developments listed on Exhibit A.
- (d) Grantee and the Commission will collaborate directly with the Member Cities on applications for federal or state grants to extend buildouts. Comcast will reasonably amend this agreement to eliminate a condition that affects eligibility for grant funding for broadband deployment within the boundaries of the Commission unless that amendment would require Grantee to materially alter its rights and obligations under this Franchise.
- (e) Any residential unit located within one hundred and twenty-five (125) feet from the nearest point of access on the Street from which the Cable System is designed to serve the site shall be connected to the Cable System at no charge other than the standard installation charge. Grantee shall, within fifteen (15) Days request by any potential Subscriber residing in City beyond the one hundred and twenty-five (125) foot limit, provide a quote identifying the costs and construction schedule associated with extending service to such Subscriber. Grantee shall perform the extension of service as soon as reasonably possible and in no event later than the date committed in the quote, excluding events covered by Section 917.100 herein. The Subscriber shall pay the net additional Drop costs, unless the Grantee agrees to waive said costs. To the extent consistent with Applicable Laws, Grantee agrees that it shall impose installation costs for non-standard installations in a uniform and nondiscriminatory manner throughout the City.
- (f) Upon request from the City (made before all Third Party Contributions are made), Grantee will explain how it arrived at its calculation of Total Construction Costs.

906.070 NONVOICE RETURN CAPABILITY

Grantee is required to use cable and associated electronics having the technical capacity for nonvoice return communications.

906.080 SERVICES TO PUBLIC BUILDINGS

The provision of Cable Service and phase out of dark fiber services to public buildings is set forth in Exhibit B.