

ORDINANCE NO. 030410-11

AN ORDINANCE AMENDING ORDINANCE 960613-A TO AMEND AND EXTEND TIME WARNER ENTERTAINMENT – ADVANCE/NEWHOUSE PARTNERSHIP’S CABLE SYSTEM FRANCHISE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The Council waives the requirement of expert assistance and finds that Time Warner Entertainment – Advance/Newhouse Partnership (Time Warner) has met the conditions in Section 2 (*Grant of Franchise*), Subsection 2.2 of Ordinance 960613-A necessary to obtain an extension of its franchise.

PART 2. The Council grants Time Warner a 6-year extension of its franchise granted in Ordinance 960613-A. The term of the franchise extends until August 12, 2011 as provided in Subsection 2.2 of Part 2 of Ordinance 969603-A.

PART 3. The first paragraph only of Subsection 4.8 of Section 4 (*Provision of Access Channels and Access Support*) of Ordinance 960613-A is amended to read:

SECTION 4. PROVISION OF ACCESS CHANNELS AND ACCESS SUPPORT.

4.8 Grantee Contributions for PEG Access. Grantee shall provide funds for production facilities and equipment for PEG Access in an amount up to \$1.5 million in the period January 1, 1997 through August 12, 2005 and up to \$500,000 in the period August 13, 2005 to August 12, 2011. Grantee shall add any unspent funds from the \$1.5 million allocation for the period from January 1, 1997 to August 12, 2005 to the additional allocation of \$500,000 for the period from August 13, 2005 to August 12, 2011. The City may increase or decrease the amounts of support provided by the Grantee under this paragraph and Section 7.3 and reallocate such amounts, provided that in no event shall Grantee’s combined obligations under these sections [~~thereunder~~] exceed \$4 [~~\$3~~] million for [~~from~~] the periods [~~period~~] January 1, 1997 through August 12, 2005 and [~~\$1 million in the period~~] August 13, 2005 through August 12, 2011 combined. All such facilities and equipment shall be for the benefit of the City and its residents and shall be subject to the sole control of the City, but Grantee may hold legal ownership title.

PART 4. Paragraph 7.3 of Part 7 (*Provision of Institutional Network*) of Ordinance 960613-A is amended to read:

SECTION 7. PROVISION OF INSTITUTIONAL NETWORK.

7.3. Grantee Contributions for INet. Grantee shall expend funds to provide:

7.3.1. The upgrade of the INet as specified above over the period of 40 months commencing with the adoption of this Franchise;

7.3.2. User drops upon request of the INet/XNet Authority and approval by the City Council;

7.3.3. All other requirements of this Section.

Grantee's expenditures under this Section 7 shall not exceed \$1.5 million in the period January 1, 1997 through August 12, 2005 and \$500,000 in the period August 13, 2005 through August 12, 2011. Grantee shall add any unspent funds from the \$1.5 million allocation for the period from January 1, 1997 to August 12, 2005 to the additional allocation of \$500,000 for the period from August 13, 2005 to August 12, 2011. The City may increase or decrease the amounts of support provided by the Grantee under this paragraph and Section 4.8 and reallocate such amounts, provided that in no event shall Grantee's combined obligations under these sections [~~thereunder~~] exceed \$4 [~~\$3~~] million in the periods [~~period~~] January 1, 1997 through August 12, 2005 and [~~\$1 million in the period~~] August 13, 2005 through August 12, 2011 combined.

Grantee shall provide a written report to the City every quarter as to the INet upgrade and expenditures.

PART 5. Time Warner shall file a statement with the city clerk on or before the 30th day after Council adopts this ordinance accepting the terms of this ordinance and amendments to the franchise. If Time Warner fails to comply with this requirement before the effective date of the ordinance, the ordinance is void and Time Warner remains bound by the terms and conditions of the franchise prior to these amendments.

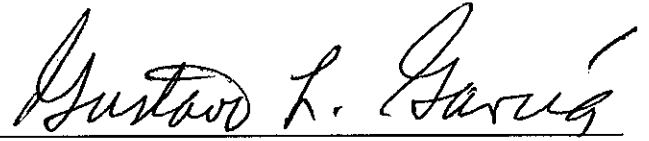
PART 6. The Council waives the requirements of Sections 2-2-7 of the City Code for this ordinance.

PART 7. This ordinance takes effect on June 10, 2003.

PASSED AND APPROVED

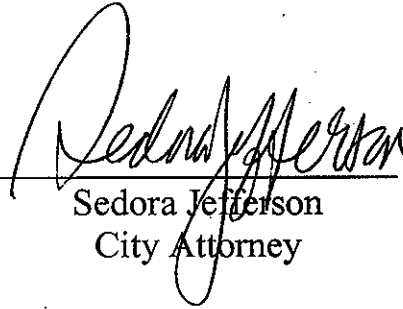
April 10, 2003

§
§
§



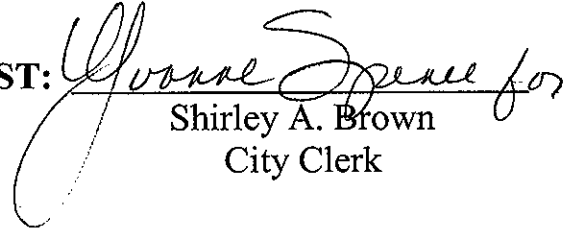
Gustavo L. Garcia
Mayor

APPROVED:



Sedora Jefferson
City Attorney

ATTEST:



Shirley A. Brown
City Clerk