

COUNCIL OF THE DISTRICT OF COLUMBIA

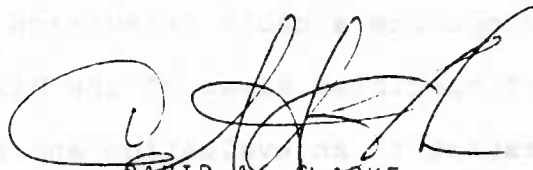
NOTICE

D.C. LAW 5-163

"District of Columbia Cable Television
Franchise Award Act of 1984".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 5-541 on first and second readings, December 4, 1984 and December 18, 1984, respectively. Following the signature of the Mayor on December 28, 1984, this legislation was assigned Act No. 5-228, published in the January 25, 1985 edition of the D.C. Register, (Vol. 32 page 392) and transmitted to Congress January 11, 1985 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 5-163, effective March 14, 1985.



DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January	22,23,24,25,28,29,30,31
February	1,4,5,6,7,19,20,21,22,25,26,27,28
March	1,4,5,6,7,8,11,12,13

D.C. LAW 5 - 1 6 3

AN ACT

EFFECTIVE
DATE MAR 14 1985

D.C. ACT 5 - 2 2 8

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DEC 28 1984

To grant to District Cablevision, Inc., a revocable franchise for a 15-year period for the authority, right, and privilege to construct, reconstruct, operate, and maintain a cable television system within the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the "District of Columbia
Cable Television Franchise Award Act of 1984".

Sec. 2. Findings.

The Council of the District of Columbia finds that:

(a) Pursuant to the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 4-142; D.C. Code, sec. 43-1801 et seq.), the Council of the District of Columbia ("Council") is authorized to grant by act 1 or more revocable franchises for the right to construct and operate a cable television system within the public ways of specified areas of the District of Columbia.

(b) Pursuant to an evaluation and selection process established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 4-142; D.C. Code, sec. 43-1801 et seq.), and pursuant to the Negotiation of the Final Terms of a Proposed Agreement for the Award of a Cable Television Franchise for the District of Columbia

CODIFICATION
Note,
(text in full)
D.C. Code, sec.
43-1813.1 and
Note,
D.C. Code, sec.
43-1802.1
(1985 supp.)

Designation Resolution of 1984, effective July 10, 1984 (Res. 5-788; 31 DCR 3673), District Cablevision, Inc., ("Grantee") has been determined to be the cable television franchise applicant which will best serve the public interest in the delivery of cable television service to the citizens of the District of Columbia.

(c) Pursuant to the Negotiation of the Final Terms of a Proposed Agreement for the Award of a Cable Television Franchise for the District of Columbia Designation Resolution of 1984, effective July 10, 1984 (Res. 5-788; 31 DCR 3673), the Council directed that negotiations be undertaken with the Grantee by a city negotiating team for the purpose of finalizing the terms of a proposed franchise agreement, subject to Council approval.

(d) The city negotiating team has completed its mandate and has successfully negotiated the final terms of a proposed franchise agreement with the Grantee, the terms of which have been reviewed by the Council and are approved.

Sec. 3. Grant of the Franchise.

Pursuant to Section 14a(a) of the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 4-142; D.C. Code, sec. 43-1813.1(a)), District Cablevision, Inc., a corporation with its principal place of business located within the District of Columbia, is granted of itself, its successors, and assigns a revocable right to construct, reconstruct, operate, and maintain for a 15-year period from the effective date of this act, a cable television system within the entirety of the District of

Columbia, subject to the terms, conditions, and requirements specified in the Franchise Agreement ("Agreement") and the laws and regulations of the District of Columbia and the United States applicable to cable television franchises, facilities, and services.

Sec. 4. Terms of the Franchise.

(a) The Grantee shall, in accepting this franchise, meet all terms and conditions of the law of the District of Columbia and the United States applicable to cable television franchises, facilities, and services.

(b) The Agreement (and exhibits A through H thereof) appended to this act specifying terms and conditions accompanying this grant of a franchise is incorporated by reference and made a part of this franchise grant. The Grantee shall abide in and shall meet all terms and conditions of the Agreement for the entire duration of the franchise term. Any amendment or modification of the Agreement, except to the extent otherwise provided in the Agreement, shall be accomplished by act of the Council.

(c) The terms, conditions, and provisions of the Agreement shall remain in full force and effect notwithstanding any inconsistency or repugnancy with terms, conditions, and provisions of the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 4-142; D.C. Code, sec. 43-1801 et seq.), in effect prior to this act. Any term, condition, or provision of the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 4-142; D.C. Code, sec. 43-1801 et seq.), in

effect prior to this act which is inconsistent or repugnant with a term, condition, or provision of the Agreement shall be deemed repealed by this act to the extent of its inconsistency or repugnancy with the Agreement.

(d) Termination, revocation, and suspension of the franchise shall lie as provided by law and the Agreement. The rights granted by this act shall automatically expire as provided in the Agreement for failure by the Grantee to meet any condition specified in section 3.12.01 of the Agreement. The District of Columbia Office of Cable Television ("Office") shall give the Council notice of a failure by the Grantee to meet any condition specified under section 3.12.01 of the Agreement within 3 days of the failure, and shall publish the notice in the District of Columbia Register. Expiration of franchise rights for failure to meet a condition of section 3.12.01 of the Agreement shall be automatically effective upon the publication of notice by the Office in the District of Columbia Register that the Grantee's rights are terminated by reason of Grantee failure to meet a condition of section 3.12.01 of the Agreement.


(e) The Agreement appended to this act shall be executed by the Grantee before the effective date of this act. All rights and privileges granted pursuant to this act shall automatically terminate upon the failure by the Grantee to execute the Agreement by the time specified in this subsection.

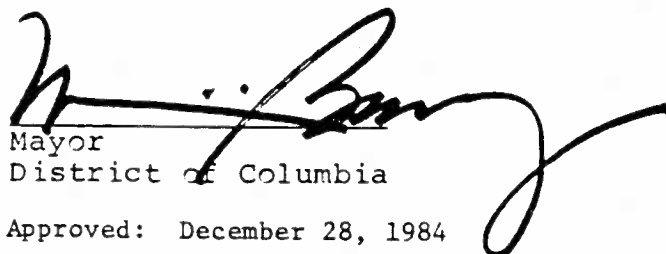
Sec. 5. Effective Date.

(a) This act shall take effect after a 30-day period

of Congressional review following approval by the Mayor (or in the event of a veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)).

(b) Notwithstanding subsection (a) of this section, the District of Columbia and the Grantee expressly acknowledge that for purposes of the Cable Communications Policy Act of 1984 the date of award of the franchise shall be the date this act has been signed by the Mayor following its passage by the Council, and shall not be contingent upon the 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (88 Stat. 813; D.C. Code, sec. 1-233(c)(1)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
Approved: December 28, 1984



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Five — Second Session

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B 5-541

☒ Item on Consent Calendar

☒ ACTION & DATE: Adopted First Reading, 12-4-84

☒ VOICE VOTE: Unanimous

Recorded vote on request

Absent: Smith

☐ ROLL CALL VOTE: — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MOORE, JR.					SPAULDING				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X — Indicates Vote

A.B. — Absent

N.V. — Present, not voting

CERTIFICATION RECORD

Russell Smith
Secretary to the Council

12/18/84
Date

☒ Item on Consent Calendar

☒ ACTION & DATE: Adopted Final Reading, 12-18-84

☒ VOICE VOTE: Unanimous

Recorded vote on request

Absent: Winter

☐ ROLL CALL VOTE: — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MOORE, JR.					SPAULDING				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X — Indicates Vote

A.B. — Absent

N.V. — Present, not voting

CERTIFICATION RECORD

Russell Smith
Secretary to the Council

12/18/84
Date

☐ Item on Consent Calendar

☐ ACTION & DATE: _____

☐ VOICE VOTE: _____

Recorded vote on request

Absent: _____

☐ ROLL CALL VOTE: — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MOORE, JR.					SPAULDING				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X — Indicates Vote

A.B. — Absent

N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date