

SUMMARY: Amends Washoe County Code procedure for granting multiple cable television franchises.

BILL NO. 939

ORDINANCE NO. 764

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY MORE SPECIFICALLY DESCRIBING PROCEDURE FOR GRANTING NEW CABLE TELEVISION FRANCHISES FOR UNFRANCHISED AREAS AND FOR AREAS ALREADY COVERED BY A FRANCHISE AND OTHER MATTERS RELATED THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Chapter 90 of the Washoe County Code is hereby amended by adding thereto the provisions set forth in section 2 of this ordinance.

SECTION 2.

90.186 Expansion of existing franchise or granting of new franchise for areas covered by an existing franchise. In keeping with the goals of the Federal Cable Communications Policy Act of 1984 to foster competition among cable companies and to protect the best interests of the residents of Washoe County, a new franchise or an expansion of an existing franchise may be granted for areas which are presently included within a franchise area. An application for such a franchise must be made as follows:

1. An applicant who does not have an existing county franchise shall comply with the requirements for application described in section 90.170 in addition to the requirements of this section.

2. All applicants shall submit an application to the county manager describing the area sought to be covered, the service presently provided to that area, and the details of his proposed service in comparison to the service which is or will be provided to that area by the existing franchisee. The details must include, without limitation, channels offered, rates to be charged, and capacity of the area to physically accommodate more than one system.

3. The county manager shall provide notice to existing franchisees within the county, and to any other company who has previously made a written request to the county manager to be provided notice, that an application has been made and that written comments may be submitted to the county manager within 14 days after receipt of the notice.

4. A public hearing before the board of county commissioners shall be scheduled not less than 30 nor more than 60 days after receipt by the county manager of a complete application. The applicant and other persons noticed under

subsection 3 of this section shall be informed of the time and place of the hearing.

5. At the hearing the board of county commissioners shall hear comments from the public and other interested persons concerning the applicant's proposal. The board may refuse to grant a new franchise or an extension of an existing franchise to cover the previously franchised areas if it finds that the applicant is not capable of providing quality service, that the area will not physically accommodate multiple systems without undue disruption to the streets and rights of way or to private property, that the applicant has misrepresented a material fact, or on any other lawful grounds.

6. Any franchise which entitles the franchisee to serve any area then covered by a preexisting franchise may include any or all of the burdens imposed on the holder of the preexisting franchise.

SECTION 3. Section 90.170 of the Washoe County Code is hereby amended to read as follows:

90.170 Application for franchises: Contents.

1. Any person desiring a franchise shall submit an application in writing to the county manager. The application shall state generally:

(a) The applicant's background, business references and financial statement for the last 2 years;

(b) The names of the principals and key personnel and whether they have been charged with any crime involving dishonesty or moral turpitude and, if so, the results of such charges;

(c) The applicant's experience with cable television including, without limitation, whether it has had other franchises revoked or sanctions or penalties imposed, and whether it has been involved in litigation concerning such franchise;

(d) The proposed rates to be charged subscribers;

(e) Estimates of costs for installation service;

(f) The number and description of television channels the applicant will provide immediately after the service is in operation and the channels contemplated for the future; and

(g) All other pertinent information concerning the physical location of cables, wire, poles and other equipment, including without limitation their relationship to public property or rights-of-way.

2. The application must set forth the geographical area in Washoe County for which the franchise is sought and must have attached thereto a map or plat which clearly depicts that geographical area. It shall also include a timetable for provision of service.

3. After an application is received, the county manager or his designee may demand that the applicant submit any additional relevant information necessary to determine whether

the applicant will satisfy all the requirements of section 90.165 to 90.265, inclusive, of this ordinance. An application is deemed submitted and the time requirements for notices and hearings start upon receipt of all required information.

SECTION 4. Section 90.185 of the Washoe County Code is hereby amended to read as follows:

90.185 Expansion of existing franchise or granting new franchise for areas not covered by any franchise. Application for expansion of existing franchise or for a new franchise for areas not covered by any franchise shall be made as follows:

1. Any company desiring to provide service to an area not previously covered by a franchise agreement shall submit an application to the county manager. The application shall contain all relevant details required by section 90.170 which have not been previously submitted.

2. The county manager shall inform all existing franchisees within the county and any other company which has previously made a written request for notice of such application that the application has been made and that the county manager will receive other proposals within 30 days after sending of the notice.

3. At the time of submission of a proposal, the applicant shall provide proof that each potential subscriber has been notified that an application has been made and that copies of the application are available for inspection and copying at its business office or at a location within 30 miles of the area sought to be franchised during regular business hours from 8:00 a.m. to 5:00 p.m.

4. The board will schedule a public hearing to be held within 60 days after submission of a completed application. Public testimony on the various proposals will be received and considered at the hearing.

5. Within a reasonable time after the hearing, the board may grant one or more franchises for the previously unfranchised area. If the franchise is granted to an existing franchisee, the boundaries of the existing franchise will be automatically expanded and the newly franchised area shall become part of the existing franchise subject to any amendments which may be made to the existing franchise agreement.

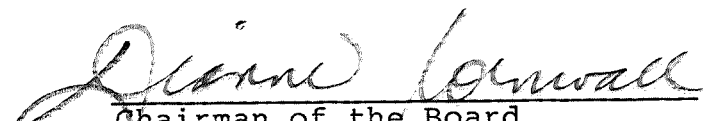
Proposed on the 2nd day of November, 1988.
 Proposed by Commissioners Lillard.
 Passed on the 17th day of January, 1989.

Vote:

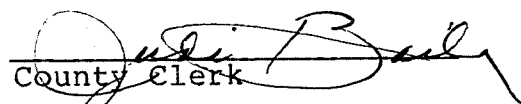
Ayes: Commissioners: Beck, Cornwall, Lillard, McDowell, Reid

Nays: Commissioners: None

Absent: Commissioners: None


Chairman of the Board

ATTEST:


County Clerk

This ordinance shall be in force and effect from and after
the 1st day of February, 1989.