



CITY OF
REXBURG
America's Family Community

Resolution 1990 (1)

RESOLUTION AMENDING AND EXTENDING THE TERM OF CATV FRANCHISE ORDINANCE NO. 507 DATED JUNE 3, 1970, ORDINANCE NO. 519 DATED JULY 7, 1971, AND ORDINANCE NO. 601 DATED APRIL 4, 1979, GRANTED TO TCI CABLEVISION OF IDAHO, INC., SUCCESSOR TO DON ELLIS BY THE CITY OF REXBURG, IDAHO.

WHEREAS, by Ordinance No. 507 dated June 3, 1970, the City of Rexburg, Idaho granted to Don Ellis, subsequently transferred to TCI Cablevision of Idaho, Inc. (the "Company") by notice and acceptance, the exclusive right and privilege to engage in the business of operating and providing a CATV system in the municipality for a term of twenty (20) years to and including June 2, 1990 with an option to extend said term for an additional ten (10) years upon written request; and

WHEREAS, the Company has requested an extension of the term of said franchise grant; and

WHEREAS, the City Council of the City of Rexburg, Idaho believes it to be in the best interest of the City to grant the extension and other franchise amendments;

BE IT HEREBY RESOLVED by the City Council of the City of Rexburg, Idaho that said franchise agreement as previously amended be further amended and extended under the terms and conditions of the following resolutions:

EXTENSION OF TERM

RESOLVED, that the Franchise granted the Company shall be extended for a term of ten (10) years from and after the expiration of its current term, to and including June 2, 2000. The Franchise may be renewed thereafter as provided by the terms and provisions of the Cable Communications Policy Act of 1984 (the "Cable Act").

RATES AND CHARGES

RESOLVED, that Section X shall be deleted in its entirety and in lieu thereof shall be substituted the following:

The City may not regulate the rates for the provision of cable service and other service, including, but not limited to, ancillary charges relating thereto, except as expressly provided herein and except as authorized pursuant to Federal and state Law including, but not limited to, the Cable Act and FCC rules and regulations relating thereto.

In the event that future amendments to Federal and State laws concerning rate regulation are changed to permit the City the right to regulate rates then this Ordinance will be deemed immediately amended to grant the City any and all rights which it might have as a result of those amendments, except the Company may, at its discretion and without consent of the City, increase rates relating to Basic Service by an amount which is not more than five (5%) percent per year or the amount of any identifiable increase in cost which is attributable to the provision of Basic Service, whichever is more.

COMPENSATION TO THE CITY

RESOLVED, that Section XI shall be deleted in its entirety and in lieu thereof shall be substituted the following:

The Company shall, during each year of operation under this franchise, beginning June 3, 1990, pay to the City Three percent (3%) of the annual gross subscriber revenues received by the Company for cable television services rendered to customers located within the City. For purposes of this Section, annual gross subscriber revenues are defined to mean gross basic revenues, gross pay revenues, basic and pay installation revenues and equipment charges revenue, received from subscribers of the cable system in the City of Rexburg, Idaho.

FEDERAL AND STATE LAW

RESOLVED, that all the provisions of Franchise Ordinance No. 506, as amended, not amended by these resolutions continue in full force and effect, subject to applicable law.

FULL FORCE AND EFFECT

RESOLVED, that these resolutions shall be in full force and effect from and after their approval.

IN WITNESS WHEREOF, the undersigned have executed and approved these resolutions on this day of 1990.