



MEMORANDUM

TO: Mary Katherine Greenlaw, Mayor, and members of City Council
FROM: Kathleen Dooley, City Attorney; Melissa Steiniger, Project Manager
SUBJECT: Extension of Verizon Cable franchise
DATE: February 3, 2023 (for the February 14, 2023 Council Meeting)

ISSUE

Shall Council extend the term of the 2008 Cox cable television franchise for approximately twelve months, to permit the conclusion of renewal negotiations?

RECOMMENDATION

Yes, by adoption of the attached resolution. The 15-year franchise expired February 1, 2023. City staff is negotiating renewal terms with Cox representatives. The renewal terms should be ready for Council review and approval within 12 months.

DISCUSSION

As additional background, City Council also created a Cable Franchise Renewal Steering Committee, which met with City staff and outside counsel Matt Ames of Hubacher Ames & Taylor, PLLC. Working together, this group created a term sheet for the renewal of the Verizon cable franchise, which has been presented to Verizon representatives. That franchise renewal appears to be imminent. The Cox franchise renewal will follow the Verizon franchise renewal.

Meanwhile, the cable franchise legal environment is highly regulated by state and federal law. Thus, the staff recommend that Council act formally to extend the current franchise for sufficient time to wrap up renewal negotiations.

FISCAL IMPACT

None



**February 14, 2023
Regular Meeting
Resolution 23-**

MOTION:

SECOND:

RE: Extending the term of the Cox Cable Television Franchise

ACTION: APPROVED: Ayes: 0; Nays: 0

City Council adopted Ordinance No. 08-01, "Granting a Fifteen Year Non-Exclusive Franchise to COXCOM, Inc. d/b/a Cox Communications Northern Virginia and/or Cox Communications, Inc., to provide cable television services throughout the City" on January 22, 2008. The term of the 15-year franchise expired on February 1, 2023

City staff and Cox have been engaged in discussions concerning the renewal of the franchise, but those discussions have not yet been completed.

The City Council wishes to extend the term of the franchise to allow time for the parties to complete negotiations.

By letter from Cox dated January 4, 2023, Cox consented to the proposed extension of the franchise to February 1, 2024. Both the Council and Cox desire to reserve the respective rights under state and federal law, including, without limitation, 47 U.S.C. §546.

Therefore, the City Council hereby resolves that the term of the COXCOM, Inc. cable television franchise is hereby extended from February 1, 2023 to February 1, 2024, *nunc pro tunc*.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Clerk's Certificate

I certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 23-, adopted at a meeting of the City Council held Date, 2023, at which a quorum was present and voted.

***Tonya B. Lacey, MMC
Clerk of Council***



Government Affairs
1341 Crossways Boulevard
Chesapeake, Virginia 23320
757-369-4632

January 4, 2023

Kathleen Dooley
Fredericksburg City Attorney
P.O. Box 7447
Fredericksburg, VA 22404

Re: Cox Communications Cable Franchise Extension

Dear Ms. Dooley:

As you know, Cox and the City of Fredericksburg have been diligently negotiating the renewal of Cox's franchise agreement which is scheduled to expire after February 1, 2023. Despite our best efforts, it does not appear we will be able to complete a renewal of the agreement prior to expiration. As we have discussed, Cox approves extending the existing franchise agreement for one year until February 1, 2024.

We look forward to working with you, Mr. Ames, and the City of Fredericksburg to reach mutually agreeable franchise renewal terms. If you have any questions or would like to discuss this further, please do not hesitate to reach out to me at Barrett.Stork@cox.com or 757-369-4632.

Sincerely,

A handwritten signature in black ink, appearing to read 'Barrett Stork', with a long horizontal flourish extending to the right.

Barrett Stork
Director, Government and Regulatory Affairs