CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

CITY CLERK DEPT.
07 APR 16 PM 2:47

DEPARTMENT: **Financial Services**
AGENDA DATE: **Introduction April 24, 2007; Public Hearing May 8, 2007**
CONTACT PERSON/PHONE: **William F. Studer Jr., Deputy City Manager Financial Services**
DISTRICT(S) AFFECTED: **All**

SUBJECT:
APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include $ amount if applicable.

An Ordinance deleting Chapter 2.80 (Cable Communication Commission) of El Paso City Code to abolish the Cable Communication Commission.

BACKGROUND / DISCUSSION:
Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

Since 1984, federal law controls what a state or a city may do regarding franchising cable service, granting the required cable franchise and negotiates that franchise in accordance with the Cable Act. Federal law does not designate who that franchising authority might be in the state. Within the state of Texas, the traditional franchising authority has been the City as to the public rights-of-way.

On September 24, 1985, the City Council approved Ordinance No. 008471 to create the Cable Communication Commission (the "***Commission***") to advise the Mayor and Council on all matters related to cable communications within the City of El Paso (the "***City***"). On November 2, 1993, the City Council approved Ordinance No. 011630 to expand the Commission's duties and functions to include rate regulation and customer service regulation.

On September 1, 2005, Texas Senate Bill No. 5 was approved which changed the franchising authority from the city to the state, acting through Public Utility Commission (the "***PUC***"). Time Warner Cable has filed with the PUC its application for a State-Issued Certificate Franchise Authority to provide cable service to the City.

The franchise agreement by and between the City and Time Warner Cable expired on March 31, 2007. The City now desires to abolish the Commission since the City's franchise agreement with Time Warner Cable has expired, the franchising authority is now vested with the state, and the City no longer has any authority to regulate cable service providers who provide service within the City.

PRIOR COUNCIL ACTION:
Has the Council previously considered this item or a closely related one?

No.

AMOUNT AND SOURCE OF FUNDING:
How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A

BOARD / COMMISSION ACTION:
Enter appropriate comments or N/A

N/A

**********REQUIRED AUTHORIZATION**********

LEGAL: (if required)_____ **FINANCE:** (if required)_____

DEPARTMENT HEAD: _____

#29800 v1 - BCC/1RCA/ORDINANCE TO ABOLISH THE CCC
Document Author: JVIL

ORDINANCE NO._____

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AN ORDINANCE DELETING CHAPTER 2.80 (CABLE COMMUNICATION COMMISSION) OF THE EL PASO CITY CODE TO ABOLISH THE CABLE COMMUNICATION COMMISSION

WHEREAS, since 1984, federal law, the Cable Act (47 USC 521, *et esq.*), controls what a state or a city may do regarding franchising cable services. Under federal law, the "franchising authority" grants the required cable franchise and negotiates that franchise in accordance with the Cable Act. The federal law, however, does not designate who that franchising authority might be in a state. In Texas, the traditional franchising authority has been the city as to users of the public rights-of-way;

WHEREAS, on September 24, 1985, the City Council of the City of El Paso (the "***City***") approved Ordinance No. 008471 to create the Cable Communication Commission (the "***Commission***") to advise the Mayor and Council on all matters related to cable communications within the City;

WHEREAS, on November 2, 1993, the City Council approved Ordinance No. 011630 to expand the Commission's duties and functions to include rate regulation and customer service regulation;

WHEREAS, Chapter 2.80 (Cable Communication Commission) of the El Paso City Code codifies Ordinances 008471 and 011630;

WHEREAS, Texas Senate Bill No. 5, which became effective September 1, 2005, has changed the "franchising authority" from the city to the state, acting through the Public Utility Commission (the "***PUC***");

WHEREAS, the latest twenty-year cable franchise agreement (the "***City Franchise***") between the City and Time Warner Cable ("***TWC***") expired on March 31, 2007;

WHEREAS, on or about March 19, 2007, TWC filed with the PUC its Application for a State-Issued Certificate Franchise Authority to provide cable service to the City; and

WHEREAS, the City desires to abolish the Commission since the City Franchise the franchising authority is now vested with the state, and the City no longer has any authority to regulate cable service providers providing services within the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That Chapter 2.80 (Cable Communication Commission) of the Code, which created the Commission and set forth its duties and responsibilities with respect to cable communications matters, is hereby deleted in its entirety and the Commission abolished.

(Signature page to follow)

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ORDINANCE NO._____

AN ORDINANCE DELETING CHAPTER 2.8 (CABLE COMMUNICATION COMMISSION) OF THE EL PASO CITY CODE TO ABOLISHING THE CABLE COMMUNICATION COMMISSION

Signature page

PASSED AND APPROVED this _____day of_____, 2007.

CITY OF EL PASO

_____
John F. Cook
Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

_____
Jorge Villegas
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
William F. Studer, Jr., Deputy City Manager
Financial Services

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