



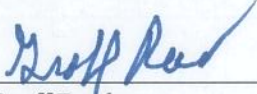
Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Gray
Mayor

Geoff Reed
Commissioner

MEMORANDUM

TO: Mayor Jim Gray
Sally Hamilton, CAO
Urban County Council

FROM: 
Geoff Reed

CC: Jamshid Baradaran, Director of Facilities & Fleet

DATE: August 20, 2015

SUBJECT: Cable Franchise

Request:

Authorization to request Council approval to offer and advertise a competitive cable franchise.

Why are you requesting?

Department of General Services needs this action completed based upon a request by Windstream Kentucky East, LLC ("Windstream"). Council approval is sought to offer and advertise a competitive cable franchise through an ordinance (the "Franchise Ordinance") that is substantially similar in terms to the current cable franchise under which the incumbent cable provider, Insight Kentucky Partners, II, LP d/b/a Time Warner Cable operates (per federal law LFUCG is prohibited from unreasonably refusing to award competitive franchises for the provision of cable services -- 47 U.S.C. § 541(a)(1)).

The material differences in the Franchise Ordinance are related to the build-out requirements and the public access television studio and are based upon reasonability requirements imposed by the FCC. In sum, Windstream will not be required to provide services to every location in which Time Warner Cable provides services, nor will it be required to provide a duplicate studio for public access television.

It is recommended that Council authorize this action as it will allow for the provision of competitive cable services to much of Fayette County and is compliant with federal law.

If Windstream or another provider timely responds and accepts the provisions of the advertised Franchise Ordinance, Council will be requested to authorize the executions of an appropriate cable franchise agreement.

Please contact David Barberie in the Department of Law or Roger Daman in the Department of General Services should you have any questions related to this matter.

What is the cost in this budget year and future budget years?

The cost for this FY is: \$0.00

The cost for future FY is: \$0.00

Are the funds budgeted?

There is no budgetary impact.

Account number: N/A

File Number: 1052-15

Director/Commissioner: Jamshid Baradaran
Director Facilities & Fleet