

RESOLUTION NO. 1475

**A RESOLUTION AUTHORIZING MT. HOOD CABLE REGULATORY COMMISSION
(MHCRC) TO DEVELOP AND NEGOTIATE COMPETITIVE CABLE AND
TELECOMMUNICATIONS FRANCHISE AGREEMENT(S) FOR CONSIDERATION
AND FINAL ACTION BY THE CITY OF TROUTDALE**

The Troutdale City Council Finds:

1. The Mt. Hood Cable Regulatory Commission ("MHCRC") (created by Intergovernmental Agreement dated December 24, 1992) ("IGA") carries out cable regulation and administration on behalf of the City of Troutdale, Multnomah County, and the Cities of Fairview, Gresham, Portland, and Wood Village (collectively, the "Jurisdictions"). Among other things, the MHCRC acts in an advisory capacity to the Jurisdictions in connection with any decision to grant a franchise agreement, which is an area where the Jurisdictions have retained full authority. IGA Sec. 4.B.
2. On December 16, 1999, WideOpenWest requested that the MHCRC on behalf of the Jurisdictions begin development of necessary and appropriate proposed franchise agreements for the provision of competitive cable and broadband communications services in the City of Troutdale, Multnomah County, and the Cities of Fairview, Gresham, Portland, and Wood Village.
3. Other potential competitive cable and broadband communications providers have met with MHCRC staff and indicated an intention to pursue construction of competitive, facilities-based cable and broadband communications facilities in Troutdale and elsewhere among the MHCRC Jurisdictions.
4. On December 16, 1999, the MHCRC in MHCRC Resolution 99-5 directed MHCRC staff, among other things, to develop and return for MHCRC and public review appropriate franchise and related agreements which embody commitments which, taken as a whole, are reasonably related to the scope of business planned by WideOpenWest and reasonably commensurate, where related in terms of scope and function, with the obligations of the incumbent cable franchisee, based on principles of maximizing citizen choice and access to state of the art technology, while also providing for a fair and even-handed regulatory and franchising environment.
5. The MHCRC in Res 99-5 also directed staff to prepare an authorizing resolution for consideration and action by the elected bodies of the Jurisdictions, acknowledging the request of WideOpenWest, and authorizing the Commission to develop necessary documents for

consideration by the Jurisdictions, including any necessary Jurisdictional authorizations for the offering to customers by WideOpenWest of services other than cable services.

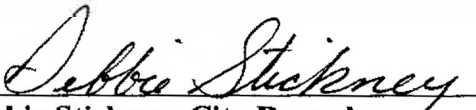
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE:

1. The MHCRC is authorized to develop and negotiate necessary documents with WideOpenWest or other potential applicants that intend to offer telecommunications services in addition to cable services using the same or substantially the same facilities, including proposed franchise agreement(s) for the provision of competitive cable and broadband communications services in Troutdale, including any necessary proposed authorizations for the offering to customers of services other than cable services.
2. As provided in the MHCRC IGA, Section 4.B., the City of Troutdale reserves full authority in connection with any proposed agreement recommended by the MHCRC which would authorize the provision of competitive cable, broadband, or other services within the City of Troutdale, including full authority to accept, reject, or modify the proposed franchise agreement(s) or other authorizations recommended by the MHCRC.

YEAS: 7
NAYS: 0
ABSTAINED: 0


Mayor Paul Thalhofer

Dated: 2-23-00


Debbie Stickney, City Recorder

Adopted: February 22, 2000