

RESOLUTION NO. 1669

A RESOLUTION TERMINATING THE FRANCHISE OF WESTERN INTEGRATED NETWORKS OF OREGON OPERATING, LLC, AND RELEASING THE COMPANY FROM ITS OBLIGATIONS UNDER THE FRANCHISE

The Troutdale City Council finds:

1. In 2000, the City of Troutdale ("City"), at the request of Western Integrated Networks of Oregon Operating, LLC ("WIN Oregon"), and upon recommendation of the Mount Hood Cable Regulatory Commission ("MHCRC" or the "Commission") granted WIN Oregon a long-term franchise to construct, operate and maintain a cable system in the streets of the City.
2. The MHCRC (created by Intergovernmental Agreement dated December 24, 1992) performs cable regulation and administration on behalf of the City of Portland; and on behalf of Multnomah County and the Cities of Fairview, Gresham, Portland, Troutdale, and Wood Village (collectively, the "Jurisdictions"). Among other things, the Commission acts in an advisory capacity to the Jurisdictions in connection with proposed cable franchise award or termination.
3. In the time since the City granted the franchise to WIN Oregon, the company has not performed on its obligations under the franchise, and its corporate parent company is in bankruptcy proceedings. Section 24.1(B)(4) of the franchise allows for termination for any delays in performance, including construction of the cable system, exceeding 18 months. Given the current circumstances, there is little likelihood that WIN Oregon will perform on its franchise obligations in the future. WIN Oregon has been previously notified of this default under the franchise, and has not taken steps to cure the default.
4. The existence of the City's franchise with WIN Oregon is a potential barrier to other companies' consideration of entering franchise agreements with the Jurisdictions to provide competing cable and other communications services in the future.
5. The MHCRC has recommended that each of the Jurisdictions terminate their franchises with WIN Oregon., in accordance with Section 24(B)(4) of each Jurisdiction franchise, which allows for termination of the franchise for any delays in performance exceeding 18 months. Attached to this document is a copy of the Commission's Resolution No. 2003-01, in which the terminations are recommended.

6. It is in the interest of the City to help provide for termination of the WIN Oregon franchises with the Jurisdictions.

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

Section 1:

The City franchise with WIN Oregon is terminated and of no further force and effect. As of the date this Resolution is adopted, WIN Oregon is released from all obligations under the terminated franchise.

Section 2:

This Resolution shall take effect immediately upon adoption.

**YEAS: 5
NAYS: 0
ABSTAINED: 0**



Paul Thalhofer, Mayor

Dated: 8-28-03



Sarah Greif, Office Support Specialist

Adopted: August 26, 2003