
INTEROFFICE MEMORANDUM

TO: MIKE APPEGARTH

FROM: DARIEN ALCORN

SUBJECT: ORDINANCE NUMBERS 19-04, 19-05 AND 19-06

DATE: FEBRUARY 13, 2019

Following are background and details regarding Ordinance 19-04, Ordinance 19-05 and Ordinance 19-06. Please let me know if you have any questions or concerns.

General

Comcast has historically held a cable franchise with Sandy City. Since expiration of the franchise, Comcast and Sandy City have been discussing and negotiating a new franchise agreement. In reviewing the Revised Ordinances of Sandy City, it was noted that the companies that historically provided cable services and held franchises (adopted as separate chapters in Title 16, "Revenue and Finance") are no longer providing those services and are no longer in need of franchises. Also, during the time since expiration of the Comcast franchise, Sandy City adopted Chapter 27, "Cable Communications," of Title 16, which applies to all cable franchises.

Ordinance 19-04

Ordinance 19-04 grants the new franchise to Comcast and approves and authorizes execution of a Cable Television Franchise Agreement. The attached agreement memorializes the discussions and negotiations between Comcast and Sandy City. The agreement has been approved by Comcast, and it was reviewed, commented upon and accepted by multiple Sandy City departments.

Ordinance 19-05

Ordinance 19-05 repeals multiple chapters of Title 16, "Revenue and Finance," that are related to cable communications and are no longer needed for the following reasons: (1) Chapters 16, 26, 29 and 30 grant franchises to cable companies that no longer provide cable services in Sandy City; (2) Chapter 28, "Cable Communications Service Standards" conflicts with provisions of Chapter 27, "Cable Communications," which was adopted at a later date (Ord 16-19, amended 5-5-2016) and states, "Grantees shall comply at all times with the customer service provisions set forth in 47 Code of Federal Regulations Parts 76.309, 76.1602 and 76.1603. Because the chapters are being repealed, Exhibit A of Ordinance 19-05 contains all of the text shown as being stricken.

Ordinance 19-06

Since Chapter 27, “Cable Communications,” of Title 16 applies to all cable franchises, the entire text of Chapter 27 is included in the Exhibit A of Ordinance 19-06 for context and reference. However, Ordinance 19-06 includes only a few minor revisions to Chapter 27 for the following reasons: (1) The definition of “Cable System” in the proposed Comcast franchise agreement is acceptable to Sandy City staff but differs in that it more specifically describes Comcast’s facilities; (2) Sandy City departments desired a concise and consistent definition of “Public Way” that was added in both the proposed Comcast franchise agreement and as an amendment to Chapter 27; (3) Sandy City departments wanted to ensure that other terms such as “Street” and “Public Right-of-Way” also fell under the new definition of “Public Way;” (4) In Sandy City department review, it was unclear as to what was contemplated in 16-27-6 as “Cable System interconnections” and “Flow through refunds and subscriber funds.”