

ORDINANCE NO. 2634

AN ORDINANCE to amend and reordain Section 7B-19, Article IV; Section 7B-31, Article VI; and subsection (b), Section 7B-52, Article IX; all of Chapter 7B of The Code of the City of Alexandria, Virginia, 1963, as amended; which Chapter 7B relates to CABLE TELEVISION REGULATION, which Article IV relates to TRANSFER OR ASSIGNMENT OF A FRANCHISE, which Section 7B-19 relates to NOTICE OF TRANSFER OR ASSIGNMENT, which Article VI relates to FRANCHISE TERRITORY, CONSTRUCTION TIMETABLE, EXTENSION OF SERVICE, which Section 7B-31 relates to CONSTRUCTION TIMETABLE, which Article IX relates to MAINTENANCE AND OPERATION, which Section 7B-52 relates to SERVICE REQUIREMENTS and which subsection (b) relates to INTERRUPTIONS IN SERVICE.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 7B-19, Article IV, Chapter 7B of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 7B-19. Notice of transfer or assignment.

The franchisee shall promptly notify the city manager and council of any actual or proposed change in, or transfer of, or acquisition by any other party of control of the Tribune Company, Inc., the Tribune Company Cable, Inc. or the Tribune Company Cable of Alexandria, Inc. A person "controls" the Tribune Company, Inc., the Tribune Company Cable, Inc. or the Tribune Company Cable of Alexandria, Inc. if the person:

- (1) Is a general partner, officer or director of the Tribune Company, Inc., the Tribune Company Cable, Inc. or the Tribune Company Cable of Alexandria, Inc.;
- (2) Directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing more than 20 percent of the voting interest of the Tribune Company, Inc., the Tribune Company Cable, Inc. or the Tribune Company Cable of Alexandria, Inc.;
- (3) Controls in any manner the elections of a majority of the directors of the Tribune Company, Inc., the Tribune Company Cable, Inc. or the Tribune Company Cable of Alexandria, Inc.; or
- (4) Has contributed more than 20 percent of the capital of any given form of indebtedness, stock or other form of security, including, but not limited to common stock, preferred stock, straight subordinated notes, convertible notes, or straight bank

loan of the Tribune Company, Inc., the Tribune Company Cable, Inc. or the Tribune Company Cable of Alexandria, Inc.

For the purpose of determining whether it shall consent to change, transfer or acquisition of control of the franchisee, the council may inquire into the qualifications of the prospective controlling party, and the franchisee shall assist the council in any such inquiry. In the event that the council adopts a resolution denying its consent and such change, transfer or acquisition of control has been effected, the council may cancel the franchise unless control of the franchise is restored to its status prior to the change or to a status acceptable to the council. Any mortgage, pledge or lease shall be subject and subordinate to the rights of the city under this chapter or other applicable law.

Section 2. That Section 7B-31, Article VI, Chapter 7B of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 7B-31. Construction timetable.

(a) The franchisee shall construct or cause to be provided the necessary facilities to permit the reception of broadcast signals and the origination of programming within the city within 20 months after application for a certificate of compliance has been filed with the FCC by the franchisee. The franchisee further shall complete construction of at least 20 percent of the cable distribution plant during the first 20 months after application for a certificate of compliance has been filed with the FCC by the franchisee. Thereafter, all construction of the distribution plant and any remaining uncompleted portion of the cable television system shall be completed by December 31, 1982. A plan for location and construction, if any, of the head-end and lines shall be submitted to the city council within 12 months after its acceptance of the franchise.

(b) By December 31, 1982, the energized trunk, amplifiers and related equipment shall be capable of providing basic service to every dwelling unit within the franchise territory within 60 days of an application for service. Thereafter, the city council may impose such further construction obligations as are necessary to bring basic service to any building within the city.

(c) Completion requirements. Failure on the part of a franchisee to commence and diligently pursue each of the foregoing requirements and complete each of the matters set forth herein shall be grounds for termination of its franchise under and pursuant to the terms of section 7B-21(b) of this chapter; provided, however, that the city council in its discretion may extend the time for the completion of construction and

installation for additional periods in the event a franchisee, acting in good faith, experiences delays by reason of circumstances beyond its control. A franchisee's failure to comply with provisions of the construction plan approved by the city council shall be subject to the penalties pursuant to section 7B-64.

(d) The franchisee shall register with the FCC and comply with all other filing requirements of federal and state law within 60 days of its acceptance of the franchise.

Section 3. That subsection (b), Section 7B-52, Article IX, Chapter 7B of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

(b) The franchisee shall render efficient service, make repairs promptly and interrupt service only for good cause and for the shortest time possible. Such interruptions, insofar as possible, shall be preceded by notice and shall occur during periods of minimum use of the system. Should service in the city or an area thereof be interrupted for any reason attributable to the fault, failure or error of the franchisee for a period in excess of 24 hours, subscriber accounts will automatically receive credit from the franchisee for the period in which cable service was interrupted. The cable television administrator shall establish regulations for the enforcement of these provisions.

Section 4. That the title of and an informal memorandum explaining this ordinance shall be published in a newspaper of general circulation published in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective December 31, 1981.

CHARLES E. BEATLEY, JR.  
Mayor

Final Passage: December 14, 1981