

WJ
Law Department

The City of Seattle--Legislative Department

INDEXED

REPORT OF COMMITTEE

Date Reported
and Adopted

1/25/96

Honorable President:

Your Committee on _____

to which was referred the within Council Bill No. _____

report that we have considered the same and respectfully recommend that the same:

1/25/96 Technology & Telecommunications Ad Hoc. Committee 40 Do Pass

Full Council Vote 6-1 Drago Abstain

OK

Committee Chair

NOTICE: IF THE DOCUMENT IN THIS FOLDER IS NOT CLEAR FROM THE CITY OF SEATTLE WE WILL BE RESPONSIBLE TO THE QUALITY OF THE DOCUMENT.

SH:jk
1/29/96

ORDINANCE 118004

AN ORDINANCE related to cable television; authorizing the Mayor to approve a transfer of control of United Community Antenna Systems, Inc. d/b/a Viacom Cable (Viacom) to TCI Communications, Inc. (TCI-C).

WHEREAS, Viacom submitted an FCC Form 394 on August 9, 1995, requesting approval of its proposed transfer of control to TCI-C; and

WHEREAS, the City, through its Office of Cable Communications, requested information regarding the transfer pursuant to its authority under SMC Ch. 21.60.520 (the Cable Communications Ordinance); and

WHEREAS, TCI-C supplied the information requested on October 9, 1995; and

WHEREAS, based on the information received, the City made a preliminary assessment that the transfer should be approved contingent on certain guarantees and commitments from the proposed transferee regarding the Viacom system; and

WHEREAS, TCI-C and TCI Pacific, Inc. have provided guarantees and commitments acceptable to the City, as set forth in the correspondence attached as Exhibit A; and

WHEREAS, TCI-C has shown financial responsibility, and has demonstrated its ability, and the ability of its relevant subsidiary corporations, to comply with all the provisions of SMC 21.60 et seq.; and

WHEREAS, the proposed transfer is not contrary to the public interest; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Mayor is authorized to approve the transfer of control of United Community Television Antenna Systems, d/b/a "Viacom Cable," to TCI Communications, Inc.

Section 2. Any acts consistent with and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 3. This ordinance supercedes any inconsistent provisions contained in SMC 21.60 et seq.

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Section 4. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 29 day of January, 1996, and signed by me in open session in authentication of its passage this 29 day of January, 1996.

Jan Deago
President of the City Council

Approved by me this 1 day of February, 1996.

Norman B. Lee
Mayor

Filed by me this 1 day of February, 1996.

Margaret Carter
Clerk

ref: Disk Name (TCL3)

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We're taking television into tomorrow.

January 16, 1996

Mr. Steve Holmes
City of Seattle
Department of Administrative Services
Alaska Building, 12th Floor
618 Second Avenue
Seattle, WA 98104

RE: Viacom Franchise Transfer

Dear Mr. Holmes:

In response to your January 4, 1996 letter to our attorney Marshall Nelson, TCI Communications, Inc. ("TCIC") and its wholly-owned subsidiary TCI Pacific, Inc. ("TCIP"), respectively, provide the following written commitments to the City of Seattle:

1. From and after the date that control of United Community Antenna System, Inc., the subsidiary of Viacom Cablevision, Inc. that is the current franchise holder in the City of Seattle ("United") is transferred from Viacom, Inc. ("VI") to TCIC, TCIP will guarantee the performance by United of all of the terms and conditions of the franchise granted to United pursuant to City of Seattle Ordinance No. 107433 and of the franchise granted pursuant to paragraph 2 below, all subject to all of the provisions of City of Seattle Ordinance No. 105427, as amended (the "Franchise").
2. From and after the date that control of United is transferred from VI to TCIC, TCIC will cause United to enter into a new franchise with the City of Seattle on substantially the same terms and conditions as the franchise entered into between the City of Seattle and TCI of Seattle, Inc.

EXHIBIT A

TERRACE TOWER II
5619 DTC Parkway
Englewood, CO 80111-3600

Post Office Box 5630
Denver, CO 80217-5630
(303) 267-5500

An Equal Opportunity Employer

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JAN 25 02:11AM DMS SUPPORT SERVICES

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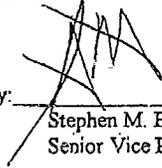
Mr. Steve Holmes
January 16, 1996
Page 2

3. From and after the date that control of United is transferred from VI to TCIC, TCIC agrees that it will cause United to comply with all of the terms and conditions of the Franchise.

Very truly yours,

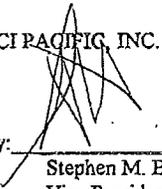
TCI COMMUNICATIONS, INC.

By: _____


Stephen M. Brett
Senior Vice President

TCI PACIFIC, INC.

By: _____


Stephen M. Brett
Vice President

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P.3/3

JAN 25 '95 02:11AM DAS SUPPORT SERVICES

TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

Tina Romo

TO: Full Council

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

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ROUTING SLIP FOR REQUEST FOR LEGISLATIVE ACTION

Originating Department: Department of Administrative Services

Council Sponsor: _____

Date: January 16, 1996

Subject: An ordinance related to cable television; authorizing the Mayor to approve a transfer of control of United Community Antenna Systems, Inc. dba Viacom Cable (Viacom) to TCI Communications, Inc. (TCI-C).

Date
Received

Date
Forwarded

OMB: _____

Law: _____

Legislation should be routed in the order listed.

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City of Seattle

Executive Department—Office of Management and Planning

Thomas M. Tierney, Director
Norman B. Rice, Mayor



January 16, 1996

The Honorable Mark Sidran
City Attorney
City of Seattle

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING
DEPARTMENT: Administrative Services

SUBJECT: AN ORDINANCE related to cable television; authorizing the Mayor to approve a transfer of control of United Community Antenna Systems, Inc. dba Viacom Cable (Viacom) to TCI Communications, Inc. (TCI-C).

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and redrafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, please return the legislation to OMP. Any specific questions regarding the legislation can be directed to Monica Power at 684-8076.

Sincerely,

Norman B. Rice
Mayor

by

THOMAS M. TIERNEY
Director

Enclosure

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STATE OF WASHINGTON - KING COUNTY

64390
City of Seattle, City Clerk

--SS.

No. ORDINANCE 11

Affidavit of Publication

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on January 29, 1996, and published here by title only, will be mailed, at no cost, upon request for two months after this publication. For further information, contact the Seattle City Clerk at 634-8344.

ORDINANCE NO. 118002

AN ORDINANCE accepting deeds for street and for streets/alley purposes to a portion of Block 43, Addition to the Town of Seattle, as laid out by A. A. Denny (Commonly known as A. A. Denny's 6th Addition to the City of Seattle); a portion of Block 24, First Addition to that part of the Town of Seattle, as laid off by Wm. N. Bell and A. A. Denny (Commonly known as Bell & Denny's 1st Addition to the City of Seattle); a portion of Block 47, South Park; a portion of Block 4, White Center; a portion of Block 86, D. T. Denny's Park Addition to North Seattle; a portion of the South-west Quarter of the Northwest Quarter of Section 13, Township 24, North, Range 3 East, W. M.; portions of Block 8, Brooklyn Addition; a portion of Block 1, Greenwood Avenue Addition; and a portion of Block 206, Seattle Tidelands and laying off an alley in said Block 24; 14th Avenue South and South Denman Streets; the alley in said Block 4; South-west Bradford Street; the alley in said Block 8; the alley in said Block 1; and the alley in said Block 206 (RW 91052; RW 92025; RW 92029; RW 92030; RW 92031; RW 92037; RW 92038; RW 92039; RW 92053; RW 92054).

ORDINANCE NO. 118094

AN ORDINANCE related to cable television; authorizing the Mayor to approve a transfer of control of United Community Antenna Systems, Inc. d/b/a Vacuum Cable (Vacuum) to TVI Communications, Inc. (TVCI).

ORDINANCE NO. 118005

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Publication ordered by JUDITH PIP-PIN, City Clerk.
Date of official publication in Daily Journal of Commerce, Seattle, February 2/12(64390)

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CTOT: 118002, 118004-5

was published on

02/12/96

The amount of the fee charged for the foregoing publication is the sum of \$ _____, which amount has been paid in full.

Subscribed and sworn to before me on
02/12/96
[Signature]

Notary Public for the State of Washington, residing in Seattle

Affidavit of Publication

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