

ATTACHMENT A
SMC Chapter 21.60 - Description of Proposed Amendments

Old Code Section	Title	New Code Section and New Title	Reason For Change
21.60.010	Short title	N/A	“Cable Communications Ordinance” changed to “Cable Code” for clarity.
21.60.020	Purpose	N/A	Clarity, and to reflect technological advances and current City practices.
21.60.030	Definitions	N/A	Clarity, and to reflect technological advances and current City practices.
21.60.040	Cable Communications	N/A Office of Cable Communications	To reflect changing communications environment.
21.60.050	Office of Cable Communications – Duties	Merged into 21.60.040 N/A	Language merged into 21.60.040.
21.60.060	Citizens' Telecommunications and Technology Advisory Board—Membership and duties	SMC 3.22.050 Seattle Community Technology Advisory Board (CTAB) – Membership and duties	Section moved out of Cable Code and into SMC 3.22.050 to reflect Board’s broader technology advisory role.
21.60.080	Franchise to install and operate	21.60.050 Franchise to install and operate a cable system	Sections reorganized for clarity and simplicity, and changes made to incorporate franchise fee amount into the Cable Code, include minimum requirements of all franchises in one section, and retain City authority if federal law allows for future local regulation of non-cable services.
21.60.090	Basic services	21.60.060 Minimum requirements of every cable system	Sections reorganized for clarity and simplicity, and changes made to reflect current standards and practices and include minimum requirements of every cable system in one section.

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21.60.100	Nonbasic services	Merged into 21.60.050	The concept of “nonbasic service” has been redefined as “non-cable service” to reflect technological changes, and the amended language has been merged into 21.60.050.
21.60.110	Subscriber complaints	Merged into other sections	Language regarding technical and performance standards has been amended slightly and merged into 21.60.050.E; the remainder of the language has been merged into the CCBOR (21.60.820.C.3 and 4, and 21.60.840).
21.60.120	Education and municipal service	PEG merged into 21.60.060 as subsection 21.60.060.B	<p>Education and municipal service has been redefined as “PEG” in 21.60.030, and the PEG requirements language has been updated and merged into 21.60.060.B.</p> <p>Requirement language for complimentary cable services to City schools and buildings has been redacted due to new change in federal law.</p>
21.60.130	Compatibility and interconnection	N/A N/A	Repealed to remove barrier to cable competition.
21.60.140	Uses permitted	Merged into 21.60.050	Sections reorganized for clarity and simplicity.
21.60.150	Franchise term	Merged into 21.60.050 as subsection 21.60.050.I	Sections reorganized for clarity and simplicity; 15-year franchise requirement updated to be a 15-year maximum term, to encourage competition and reflect City practice of 10 year terms.
21.60.160	Termination of franchise	21.60.120	Sections merged and reorganized for clarity and simplicity, and changes made to repeal cumbersome and confusing language regarding the Hearing Examiner process.

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21.60.170	Proceeding before Hearing Examiner	Merged into 21.60.120	Sections merged and reorganized for clarity and simplicity, and changes made to repeal cumbersome and confusing language regarding the Hearing Examiner process.
21.60.180	Determinations by Hearing Examiner	Merged into 21.60.120	Sections merged and reorganized for clarity and simplicity, and changes made to repeal cumbersome and confusing language regarding the Hearing Examiner process.
21.60.190	Declaration of termination of franchise	Merged into 21.60.120	Sections merged and reorganized for clarity and simplicity, and changes made to repeal cumbersome and confusing language regarding the Hearing Examiner process.
21.60.200	City rights not affected	Merged into 21.60.120 as subsection 21.60.120.I	Sections merged and reorganized for clarity and simplicity, and changes made to repeal cumbersome and confusing language regarding the Hearing Examiner process.
21.60.210	Cable districts and access areas	21.60.070 Franchise area and maps	To promote competition. Cable districts are an antiquated concept; they no longer represent areas where a competitive provider may want to serve. Current code requirement to build out an entire cable district within seven years tended to restrict competition and present obstacles to new entrants. Proposed code changes allow franchise areas to be defined in each individual franchise, and require grantees to provide maps of facilities annually, whenever the facilities expand or are relocated, and within 30 days of a City request for such maps. (See also Attachment B).

Old Code Section	Title	New Code Section and New Title	Reason For Change
21.60.220	Applications for franchise	21.60.080 Applications for a new franchise	Sections merged and reorganized for clarity; application process simplified; distinction now made between new and renewed franchise applications.
21.60.230	When applications accepted – Notification	N/A	Repealed because it related to cable franchise districts.
21.60.240	Report and recommendation on application	Merged into 21.60.090 Procedure for authorizing a new franchise	Sections merged and reorganized for clarity; application and procedure processes simplified.
21.60.250	Public hearing on application	Merged into 21.60.090.D and 21.60.100.C N/A	Sections merged and reorganized for clarity; application and procedure processes simplified.
21.60.260	Consideration at public hearing	Merged into 21.60.090.D and 21.60.100 N/A	Sections merged and reorganized for clarity; application and procedure processes simplified.
21.60.270	Council determinations – Rejection or further consideration of application	N/A N/A	Language repealed because City’s authority to inquire into/regulate rates and charges has been federally preempted.
21.60.280	Procedure for grant or renewal of franchise	Merged into 21.60.090 and 21.60.100 Procedure for authorizing a new franchise; Procedure for authorizing a renewed franchise	Sections merged and reorganized for clarity; application process simplified; distinction now made between new and renewed franchise applications.
N/A	N/A	21.60.125 Procedures in the event of expiration, termination, revocation or non-renewal	New section to protect the City’s interests if a franchise is revoked, terminated, not renewed, or cable system is abandoned.

Old Code Section	Title	New Code Section and New Title	Reason For Change
21.60.290	Franchise grant for entire cable district or entire City – Exception	N/A N/A	Concept of, and all reference to, cable districts has been repealed to promote competition. (See comment above, current Code section 21.60.210).
21.60.295	Regulation of cable television rates and charges	Merged into 21.60.130 Subscriber rates	Most of this language has been repealed based on changes in federal law. What remains is Section 21.60.130, which maintains the City’s authority to regulate rates to the maximum extent permitted by federal law; prohibits discrimination in rates; and requires schedule of rates to be sent to the City and 30 days’ notice of proposed rate changes.
21.60.300	Subscriber rates and charges- Approval required	Merged into 21.60.130 Subscriber rates	Most of this language has been repealed based on changes in federal law. What remains is Section 21.60.130, which maintains the City’s authority to regulate rates to the maximum extent permitted by federal law; prohibits discrimination in rates; and requires schedule of rates to be sent to the City and 30 days’ notice of proposed rate changes.
21.60.310	Subscriber rates and charges- Determination of Hearing Examiner	Merged into 21.60.130 Subscriber rates	Most of this language has been repealed based on changes in federal law. What remains is Section 21.60.130, which maintains the City’s authority to regulate rates to the maximum extent permitted by federal law; prohibits discrimination in rates; and requires schedule of rates to be sent to the City and 30 days’ notice of proposed rate changes.

Old Code Section	Title	New Code Section and New Title	Reason For Change
21.60.320	Subscriber rates and charges- Purpose of hearing	21.60.130 Subscriber rates	Most of this language has been repealed based on changes in federal law. What remains is Section 21.60.130, which maintains the City's authority to regulate rates to the maximum extent permitted by federal law; prohibits discrimination in rates; and requires schedule of rates to be sent to the City and 30 days' notice of proposed rate changes.
21.60.330	Bonds	21.60.140 Performance bonds	Minor modifications for clarity.
21.60.340	Indemnity	21.60.150 Indemnification	Modifications for consistency with current City requirements; adding indemnification for relocation of facilities.
21.60.350	Insurance	21.60.160 N/A	Modifications for consistency with current City requirements (\$2M vs. \$1M).
21.60.360	Penalties	Merged into 21.60.050 as subsection 21.60.050.G	Washington case law now prohibits "penalties" in contracts; 'penalty' concept has been modified to instead allow for liquidated damages to be negotiated in franchise, and moved into 21.60.050.G.
21.60.370	Acceptance of franchise	Merged into 21.60.090 and 21.60.100	Sections reorganized for clarity; this language has been merged into end of 21.60.090 and 21.60.100.

Old Code Section	Title	New Code Section and New Title	Reason For Change
21.60.380	Construction – Approval of plan – Rate or extension of service	21.60.170 Build out requirements and approval	Sections reorganized for clarity; three sections have been combined into one Section: 21.60.180, covering all aspects subject to approval of Director of Department of Transportation for right of way use. The “build out” concept has been changed from the requirement to serve an entire cable district within 7 years. The new build out language is in a new section, 21.60.170. (<u>See also Attachment B</u>).
21.60.390	Erection of poles and wires – Undergrounding	Merged into SMC 21.60.180 Approval of Director of Department of Transportation required for right of way use	Sections reorganized for clarity; three sections have been combined into one Section: 21.60.180, covering all aspects subject to approval of Director of Department of Transportation for right of way use.
21.60.400	Undergrounding requirements	Merged into SMC 21.60.180 Approval of Director of Department of Transportation required for right of way use	Sections reorganized for clarity; three sections have been combined into one Section: 21.60.180, covering all aspects subject to approval of Director of Department of Transportation for right of way use.
21.60.440	Compliance with chapter	21.60.200 Compliance with chapter, franchise and other laws	Updated to reference current technology, and section reorganized for clarity.
21.60.450	Connection point	N/A N/A	Repealed as unnecessary and to promote competition.
21.60.460	Council may require construction in previously excluded area	N/A N/A	Repealed because is outdated concept related to cable franchise districts and to promote competition.

Old Code Section	Title	New Code Section and New Title	Reason For Change
21.60.470	Permission from property owner	21.60.190 Permission from property owner or tenant for installation	Section expanded to specify requirements including proper installations, removals, and restoration; grantee responsibility for damage; and prohibiting grantees from conditioning the provision of cable service on exclusive, long-term service agreements (as is now prohibited by federal law).
21.60.480	Consumer protection	Subsections A,C, and H repealed; remaining subsections merged into the following subsections: 21.60.040.C 21.60.050.M 21.60.820.E 21.60.825.B.1	Language modified and remaining requirements merged into other Sections: A and C repealed because they created unnecessary responsibilities for the City; B is now covered by 21.60.040.C; D now covered by 21.60.050.M and 21.60.820.E; G now covered by 21.60.825.B.1; and H repealed because it does not reflect current practice of providing notices to schools/city buildings on an “as needed” basis, with the City distributing a notice when a service/change will impact the schools/city building service.
21.60.490	Franchise to be nonexclusive	Merged into 21.60.050	Section reorganized for clarity; requirement that all franchises be nonexclusive is now incorporated into 21.60.050.A.
21.60.500	Privileges as stated in chapter	Merged into 21.60.050	Repealed as unnecessary; requirement that no right shall be granted by franchise except pursuant to this chapter is now incorporated into 21.60.050.C.
21.60.510	Subordinate of City and prior lawful occupancy	Merged into 21.60.050	Repealed as unnecessary; this concept that rights granted by franchise are subordinate to the City’s police powers is now incorporated into 21.60.050.K.

Old Code Section	Title	New Code Section and New Title	Reason For Change
21.60.520	Transfers or assignment	21.60.110 N/A	Modified and updated as Section 21.60.110 for clarity and for additional protections for the City, but also streamlining and simplifying the City approval process for affiliates and parent corporations.
21.60.530	Obligation to comply promptly	21.60.220 N/A	Language modernized and section reorganized for clarity.
21.60.540	Transfer of powers to other City officers or employees	21.60.230 N/A	Minor updates for compliance with Code Manual.
21.60.550	No recourse against City for loss or expense	21.60.240 N/A	Minor updates for compliance with Code Manual.
21.60.560	Grantee subject to City laws	Merged into 21.60.050.C, 21.60.050.K, and 21.60.200	Requirement that the construction, maintenance, and operation of grantee's system must comply with City law is now in 21.60.200; general requirements to comply with City law are now in 21.60.050.C and K.
21.60.570	Franchise in lieu of other rights and powers of grantee	N/A N/A	Repealed as unnecessary; removes references to cable franchise districts to modernize Code and promote competition.
21.60.580	Grantee not to sell, rent or repair radio or TV sets	N/A N/A	Repealed as unnecessary and to modernize Code.
21.60.590	Grantee not to control program content	Merged into 21.60.060.B.5	Term "access channel" modernized to "PEG"; prohibition on content control now merged into section 21.60.060, which sets forth minimum requirements of cable system.
21.60.600	Right of Council or people to repeal or amend grant	N/A	Repealed as unnecessary; the right to repeal or amend is already stated in City Charter Article IV, Section 16, Franchises.
21.60.620	Rights reserved to City	N/A	Repealed as unnecessary and to modernize Code.

Old Code Section	Title	New Code Section and New Title	Reason For Change
21.60.630	Right to require technical improvements	N/A	Repealed as unnecessary and to remove potential barrier to cable competition.
21.60.640	Use of facilities for emergency purposes	Merged into 21.60.060.C N/A	Repealed because outdated; modernized requirement for an emergency alert system is merged into 21.60.060.C as a minimum requirement for every cable system.
21.60.650	Rules and regulations	Merged into 21.60.040.D	Modernized and section reorganized for clarity; merged into 21.60.040 relating to the authority and duties of the Office of Cable and Broadband.
21.60.660	Equal opportunity employment and affirmative action	21.60.260 Affirmative efforts in employment and nondiscrimination in benefits	Updated and modernized to conform with current State law and City Code.
21.60.670	Interpretation	21.60.210 Compliance with state and federal laws and regulations	Modernized language and incorporated into 21.60.210.
N/A	N/A	21.60.270 Force majeure	New section proposed for clarity and to assist Hearing Examiner in the event a grantee appeals the City's notice of intent to terminate a franchise, pursuant to Section 21.60.120, the new proposed termination provisions.
21.60.680	Effective date	21.60.280	Modernized and sections reorganized for clarity.
21.60.690	Incorporation by reference into each franchise		Repealed as unnecessary.
21.60.700	Interim permits pending franchise grant and transition rule		Repealed as unnecessary because it related to cable franchise districts, specifically the Central Business Franchise District (CBFD).

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21.60.710	Transition rule		Repealed because it related to cable franchise districts, specifically the Central Business Franchise District (CBFD).
Subchapter II Cable Customer Bill of Rights			
21.60.800	Policy	N/A N/A	Language modernized; sanction for failure to cure noncompliance increased from \$500 to \$1,000; Code will control if there are inconsistencies between the Code and the franchise.
21.60.810	Definitions	Merged into 21.60.030 or 21.60.825.A Definitions	Section repealed and all definitions have been moved into 21.60.030 or 21.60.825.A.
21.60.820	Customer service	N/A N/A	Paragraphs numbered for clarity and ease of reference; language modernized; “outage” defined for clarity; some language repealed that may have been a burden on new entrants and therefore a barrier to cable competition, such as requiring operators to provide a postage paid postcard to all customers for opting out of privacy disclosure; to also promote cable competition, new language added to allow a one-year grace period before new entrants must submit quarterly compliance reports under 21.60.840; changes made to customer call wait times to reflect modern use of Interactive Voice Response (IVR) systems, and new language added to ensure grantee does not condition the provision of cable service to a multiple dwelling unit on an exclusive service agreement. (See also Attachment B).

Old Code Section	Title	New Code Section and New Title	Reason For Change
N/A		21.60.825 Cable customer privacy	Previously had been a part of the customer service section (former 21.60.820.F); this is now its own section; some language has been repealed to reduce burden on new entrants and potential barrier to cable competition;, but the City’s privacy provisions remain consistent with federal law (47 USC 551) and preserve the City’s right to ensure that customer privacy is protected.
21.60.830	Complaint procedure	N/A N/A	Language modernized and section reorganized for clarity; some language repealed to reduce burden on new entrants and potential barrier to cable competition; a few changes have been made to help promote cable competition, for example, a 12-month grace period is added before new entrants must deposit security fund, and such fund is capped at \$20,000.
N/A		21.60.840 Verification of compliance with quarterly reporting form	Previously verification requirements had been part of the complaint procedure section 21.60.830.D; is now its own section for clarity.
“Schedule A”	Schedule A	21.60.850 Minimum credits to customers	The Table entitled “Schedule A” at the end of the CCBOR is now proposed to be codified as a separate section for easier reference and use.
	Cable Television Glossary of Terms	N/A N/A	This language was not codified; the terms have been deleted as inappropriate and unnecessary for codification.