

Amendments to be offered at Full Council on Monday, March 23, 2015

Amend C.B. 118347 (Cable Code revision legislation), Section 21, so that the new language for SMC 21.60.170 (related to the low-income service provision requirement) reads as shown below in Track Changes

21.60.170 Service to low-income households, and other service, build and construction requirements

A. Service to low-income households

1. New franchise

a. Each new franchise shall allow grantee flexibility as to where and how to provide cable service within its franchise area. As provided in subsection 21.60.170.A.1.b, grantee's actual service area must satisfy a low-income service provision requirement within two years of the effective date of the franchise. Grantee is encouraged to satisfy that requirement as soon within that period as is feasible.

b. At all times after the date that is two years after the effective date of any new franchise, a significant portion of the total households to which grantee offers cable service shall be households that fall below the median income level as measured by census block group data.

2. Renewed franchise. At all times, a significant portion of the total households to which grantee offers cable service shall be households that fall below the median income level as measured by census block group data.

3. All grantees to verify low-income requirement. Grantee shall meet with and provide documentation to the Office of Cable Communications not less frequently than semiannually to demonstrate that it has met the low-income service provision requirement in subsection 21.60.170.A.1.b (for a new franchise, if applicable at the time of a particular meeting)

1 or in subsection 21.60.170.A.2 (for a renewed franchise). ~~Each year,~~ Quarterly, the Office of
2 Cable Communications shall provide forward to Council a copy of grantee's documentation
3 ~~report or other document~~ demonstrating that grantee has met its low-income service provision
4 requirement along with the Office of Cable Communications' analysis of grantee's
5 documentation. If grantee does not demonstrate compliance, the Office of Cable
6 Communications shall report the noncompliance to Council in its quarterly annual report. The
7 Office of Cable Communications shall provide these quarterly reports for the first five years of a
8 new franchise, and for the first two years of a renewed franchise, and shall continue to provide
9 these quarterly reports thereafter if so requested by the chair of the Council committee with
10 oversight responsibility for cable issues.

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12 a. If the Office of Cable Communications determines that the requirement is
13 not being met, it may impose other requirements, including but not limited to (i) imposing
14 penalties; (ii) requiring grantee to expand the provision of cable service to other areas of the city,
15 to ensure that the low-income service provision requirement will be met; and (iii) mandating any
16 other action intended to incent compliance with the low-income service provision requirement.

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18 b. The Office of Cable Communications may also impose penalties for
19 grantee's failure to comply with such additional requirements within a specified time.

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21 4. The Office of Cable Communications shall develop procedures and metrics to
22 implement this subsection 21.60.170.A to describe how compliance with the low-income service
23 provision requirement will be measured and what threshold of service will be deemed to
24 constitute compliance.

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26 B. Other service requirements
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1 1. Each franchise shall document, to the satisfaction of the Office of Cable
2 Communications, the service area where grantee intends to initially offer cable service and, if
3 applicable, where grantee currently offers cable service.

4 2. Grantee shall not deny cable service to any customer based upon race, nor shall
5 grantee base decisions about construction or maintenance of the cable system or facilities upon
6 race.

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8 C. Build out requirements. The build out requirements, if any, for a franchise shall be set
9 forth in grantee's franchise.

10 D. Construction requirements. The construction of new cable facilities or the extension of
11 existing cable facilities by grantee shall be accomplished in accordance with a plan, design, and
12 construction schedule first submitted to and approved by the Office of Cable Communications
13 with respect to the requirements of this Chapter 21.60, and then submitted to and approved by
14 the Director of Transportation with respect to the requirements of Title 15. In either case, grantee
15 shall at all times comply with this Chapter 21.60 and with Title 15 as the same now reads or is
16 later amended, except that if this Chapter 21.60 and Title 15 are in any respect inconsistent the
17 provisions of Title 15 control.
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