

## CHAPTER 6 - CABLE COMMUNICATION SYSTEMS

### Sec. 6-32. Changes in cable technology.

(a) The licensor and Licensee shall meet at periods not exceeding three (3) years or upon request of either to discuss changes in cable television laws, regulations, technology, competing services, the needs of the community and other factors impacting cable television. As a result of these discussions, this License may be modified by the City and the Licensee to respond to the change in laws, regulations, technology, competing services, the needs of the community or other factors impacting cable television.

(b) If any of the following conditions occur, and upon written request of either Licensee or Licensor, the City Manager and Licensee agree to meet and discuss in good faith the terms of a mutually agreeable License amendment:

(1) Cable Service similar to cable television service offered by Licensee is provided by any entity using the Streets and public ways, which is not subject to similar licensing requirements of the Licensor.

(2) The Cable Act is amended to allow Licensee to provide intrastate or interstate telecommunication and any regional Bell operating company to provide Cable Service.

(3) Any other significant event occurs, including but not limited to a final non-appealable order or judgement by a court of competent jurisdiction, which either Licensee or Licensor believes may impact the current terms and conditions of the License.

(c) The purpose of the meeting and discussion is to use best efforts to reach mutually acceptable agreement for recommendation to the City Council for proposed City Council action within 90 days of such written request, on how to amend the License to relieve Licensor or the Licensee from any commercial impracticability, which arises from the condition in question. This provision shall not require that the License be amended, however it is intended to facilitate a process whereby the parties may reach a mutually acceptable agreement.

(Ord. No. 95-13, 3/7/95, Enacted)