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MEMORANDUM Transportation & Development Department-Memo TDA14-042

DATE: DECEMBER 9, 2013

TO: MAYOR AND CITY COUNCIL

THRU: RICH DLUGAS, CITY MANAGER *R.D. Dlugas*
MARSHA REED, ASSISTANT CITY MANAGER *MR*
R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *RJ*

FROM: MARGARET COULTER, REGULATORY AFFAIRS MANAGER *MC*

SUBJECT: WESTERN BROADBAND, L.L.C., CABLE LICENSE ARIZONA
AGREEMENT PUBLIC HEARING – RELATED TO THE GRANTING OF A
NONEXCLUSIVE CABLE TELEVISION LICENSE FOR THAT SECTION OF
CHANDLER, REFERRED TO AS SUN BIRD

BACKGROUND: Robson Communities operated a private cable business (Sun Lakes Cable, L.L.C.) for its active-adult communities for 20 years before Western Broadband, L.L.C., obtained it on October 27, 2004. The service area is within the boundaries of Sun Lakes (located in an unincorporated area of southeastern Maricopa County) and its adjacent community of Sun Bird (located in Chandler).

Until now, the company has operated solely in private easements within the City limits so the company was not required to obtain a Cable Television License pursuant to the requirements in Chapter 46, primarily Section 46-8, Cable Services/Television and Related Services, of the Chandler City Code. At this time, the company wishes to upgrade its fiber system to improve the quality of its cable, telephone and internet services. To do this, the company will need to cross Chandler right-of-way at Hunt Highway to the south in order to connect to a new fiber system adjacent to its system that the Company intends to lease in unincorporated Maricopa County, unincorporated Pinal County, and/or the Gila River Indian Reservation. This entry into City right-of-way triggers the need for a Chandler Cable Television License.

This license would be adopted per Ordinance No. 4514 which is on the City Council agenda for consideration at the December 9, 2013, and December 12, 2013, City Council meetings.

DISCUSSION: Chandler City Code Section 46-8.4E requires a Public Hearing with reasonable notice to the public published in a newspaper once a week for two consecutive weeks. The first publication shall not be less than 14 days before the day of the hearing. Such notifications were published in The Arizona Republic on November 19, 2013, and November 26, 2013. Contact information was published as part of this notification for those interested in reviewing a copy of the proposed license or to make comments.

No action regarding the License Agreement is required of City Council at the Public Hearing. Following the close of the Public Hearing, City Council will be asked to vote on the adoption of a Cable Television License Agreement for Western Broadband, L.L.C., as detailed in Ordinance No. 4514.

MAYOR'S STATEMENT: The Public Hearing regarding the granting of a nonexclusive cable television license agreement to Western Broadband, L.L.C., for that section of Chandler known as Sun Bird is now open for comment.