

SANTA FE COUNTY

RESOLUTION NO. 1999-130

1723995

RESOLUTION GRANTING AN EXTENSION OF ONE YEAR OF THE FRANCHISE OF MICKELSON MEDIA, INC. TO OPERATE A CABLE TELEVISION SYSTEM WITHIN THE AREA OF AGUA FRIA, LA CIENEGA, DINOSAUR TRAIL AND TURQUOISE TRAIL, SANTA FE COUNTY.

The following recitals are material to the adoption of this Resolution and grant of Extension of One Year of the Franchise:

1. The Santa Fe County Board of County Commissioners ("BCC") has jurisdiction over cable television systems pursuant to NMSA 1978, Section 62-1-3 and Ordinance No. 1993-8 (superseding Ordinance No. 1982-5).
2. In order to provide cable television service within the County of Santa Fe, there must be issued a Certificate and Acceptance of Franchise by the BCC. After a public hearing, the cable service company must agree to the reasonable terms imposed by the BCC, Ordinance No. 1993-8, Section 5.
3. There also must be an existing agreement between the franchising authority and the cable service company. This resolution provides the vehicle to extend the agreement between the cable service company and the franchising authority, and, thus, extend the franchise. This extension ensures that the cable service company is operating under the terms and conditions sufficient to comply with statutory mandates and County Regulations and Ordinances.
3. Mickelson Media, Inc. ("MMI"), the cable service company, currently operates the cable system which services the unincorporated areas of Santa Fe, as designated on the map, attached hereto as Exhibit A.
4. Pursuant to Ordinance 1982-5 and the County Land Development Code, the BCC granted a permit to MMI to operate and maintain a cable television system within the Santa Fe area. The agreement between MMI (cable service company) and the franchising authority (Santa Fe County), was executed July 12, 1984. This agreement formed the basis of the application for the franchise.
5. This resolution will extend the franchise for one year from the recording of this resolution with the County Clerk.
6. The Agreement was amended on January 15, 1985, to permit the "expansion of cable television system within the unincorporated areas of Santa Fe County to the Tesuque area.
7. Pursuant to Resolution No. 1988-100, the BCC granted its consent to transfer all of the stock of MMI to Century New Mexico Cable Television Corporation, a Delaware corporation, and subsidiary of Century Communications Corporation ("CCC"). MMI continues to be the holder of all rights under the cable television franchises, in compliance with Ordinance No. 1982-5 (superseded by Ordinance No. 1993-8).

8. On March 5, 1999, CCC, the ultimate parent company of MMI, entered into a merger with Adelphia, and Adelphia became the ultimate parent company of CCC. No prior consent for the merger was necessary from Santa Fe County because the franchise itself was not being transferred or assigned nor were any rights being alienated.

9. MMI retains all of its rights and control under the cable television franchise.

NOW THEREFORE, BE IT RESOLVED that after a public hearing, the subject application for an extension of the franchise permit for one year be and is granted and that the Certificate and Acceptance Franchise currently held by MMI remain in effect, subject to the following terms and conditions:

- A. That all transmission cable within the franchise area be placed underground unless existing pole structures are used.
- B. That all necessary easements and permits be obtained for extension along any public rights-of-way and any other area where they may be required.
- C. That any sites for associated equipment buildings be properly zoned pursuant to Code requirements.
- D. That the applicant submit written notice to the Land Use Office upon commencement of construction of structures and cable extensions. Upon completion of project, the applicant shall submit certification that project has met all the County requirements.
- E. The service area is defined by the attached maps, designated as Exhibit "A" and incorporated herein by reference.
- F. That the terms of this Franchise shall be and remain as set forth in the franchise permit granted to Mickelson Media, Inc., unless specifically modified by Ordinance. The expiration of this permit shall be one (1) year from the date of recording with the County Clerk.
- G. That Mickelson Media, Inc. is bound by and shall adhere to all the terms and conditions set forth in Ordinance No. 1993-8.
- H. That Mickelson Media, Inc. comply with all local, state and federal requirements.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY, THIS 10th DAY OF ~~SEPTEMBER~~ ^{October}, 1999.



ATTEST:
Rebecca M. Salazar
Rebecca Bustamante
County Clerk

Joe S. Grine, Jr.

JOE S. GRINE, JR., CHAIR

Accepted subject to applicable Federal, State and local law.

ACCEPTED BY:
MICKELSON MEDIA, INC.

BY: *Michael J. Ryan*
EXECUTIVE VICE PRESIDENT

Approved as to legal form and sufficiency:
Denice Brown
Denice Brown, County Attorney

