

SANTA FE COUNTY

1633384

RESOLUTION NO. 1999-29

RESOLUTION GRANTING A CERTIFICATE AND ACCEPTANCE OF FRANCHISE TO COMMUNICATION SERVICES, INC. TO OPERATE A CABLE TELEVISION SYSTEM WITHIN THE ELDORADO AREA OF SANTA FE COUNTY AND APPROVING THE TRANSFER OF A CABLE TELEVISION FRANCHISE FROM ELDORADO CABLE TV, INC. TO COMMUNICATION SERVICES, INC.

The following recitals are material to the adoption of this Resolution and grant of Certificate and Acceptance of 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, a cable service company 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. Eldorado Cable TV, Inc. (hereinafter, "Eldorado Cable"), currently owns and operates a cable television system serving the Eldorado areas of Santa Fe County, New Mexico, pursuant to the terms of Ordinance No. 1982-5.
4. Eldorado Cable's franchise area encompasses the Canada de Los Alamos Grant located west of U.S. 285, which includes Units I, II and III of Eldorado and lands to the south of this property.
5. Pursuant to Ordinance No. 1982-5 and the County Land Development Code, in 1989 the BCC granted a permit to operate and maintain a cable television system to Eldorado Cable (Resolution 1989-55).
6. Eldorado Cable now desires to transfer its ownership interest under the Permit to Communication Services, Inc. ("Communication Services").

7. Pursuant to the Ordinance, Eldorado Cable has submitted an application to transfer its permit to Communication Services and Communication Services has submitted an application, and required documentation, to receive a Certificate and Acceptance Franchise.
8. Based on Communication Services certified financial statement, Communication Services is a financially sound organization capable of delivering the services contemplated by the permit to construct and operate a cable system.
9. Communication Services must apply for a new franchise, under which the Permit is issued, prior to the expiration of Eldorado Cable's existing franchise in June 2004.

NOW THEREFORE, BE IT RESOLVED that after a public hearing, the subject application for change of ownership and transfer of the permit be and is granted and that Communication Services is further granted a Certificate and Acceptance Franchise subject to the following terms and conditions:

- A. That all transmission cable within the franchise area be 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 meet all the County requirements.
- E. The service area is defined by the attached map, designated as Exhibit "A" and incorporated herein by reference.
- F. That the terms, including the expiration, of this Franchise shall be and remains the same as the Franchise permit granted to Eldorado Cable, or unless specifically modified by Ordinance No. 1993-8.
- G. That Communication Services is bound by and shall adhere to all the terms and conditions set forth in Ordinance No. 1993-8.

H. Comply with all local, state and federal requirements.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY THIS 9th DAY OF _____ MARCH, 1999.

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS



PAUL DURAN, CHAIR

ATTEST:



Rebecca Bustamante
County Clerk



Approved as to legal form and sufficiency:

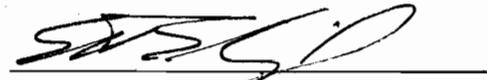


Denice Brown, County Attorney

Accepted subject to applicable federal, state and local law.

ACCEPTED BY:

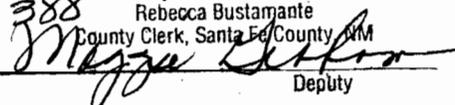
COMMUNICATION SERVICES,
INC.



By: Scott Higel, Senior Vice President

COUNTY OF SANTA FE 1071) SS 852
STATE OF NEW MEXICO)

I hereby certify that this instrument was filed for record on the 28 day of April A.D. 19 99 at 2:12 o'clock P. and was duly recorded in book 1633 page 384 of the records of Santa Fe County.

Witness my Hand and Seal of Office
388
Rebecca Bustamante
County Clerk, Santa Fe County, NM


Deputy

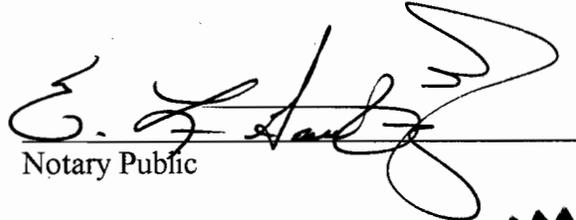


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ACKNOWLEDGEMENT

STATE OF Colorado)
)ss.
COUNTY OF Denver)

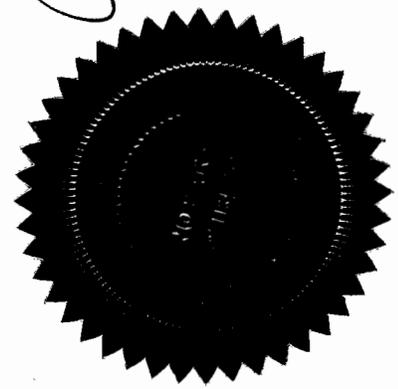
The foregoing instrument was acknowledged before me on the 22nd day of
April, 1999, by Scott E. Higel.



Notary Public

My Commission Expires:

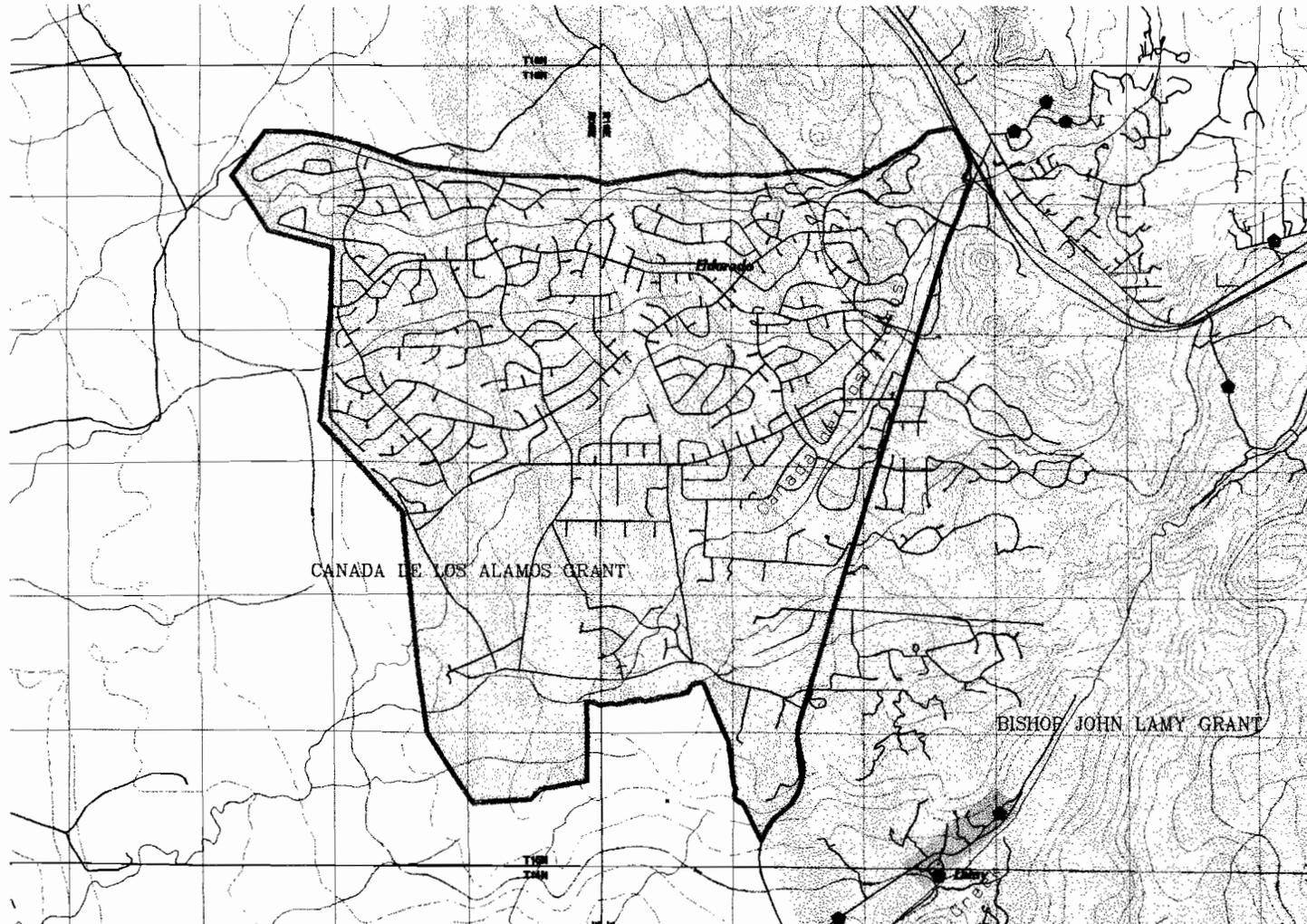
9-5-00



Communication Services Inc. Franchise Area within Santa Fe County

LEGEND

-  Boundary Boundary Line
-  GPS Roads - DRAFT STATUS
-  Major Streets and Arteries
-  Minor Streets and Arteries
-  State Land



Scale 1:24,000
REDUCED COPY - NOT TO SCALE



Contour Interval: 50 Feet

This information is for reference only. Santa Fe County assumes no liability for errors associated with the use of these data. Users are solely responsible for confirming data accuracy when necessary.



1633388

February 10, 1999