

SANTA FE COUNTY

RESOLUTION NO. 1999-81

1668399

RESOLUTION GRANTING A CERTIFICATE AND ACCEPTANCE OF FRANCHISE TO SANTA FE CABLEVISION dba TCI CABLEVISION OF SANTA FE, TO OPERATE A CABLE TELEVISION SYSTEM WITHIN THE GREATER SANTA FE AREA OF SANTA FE COUNTY.

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. Santa Fe Cablevision Company, dba TCI Cablevision of Santa Fe, currently owns and operates a cable television system serving the greater Santa Fe Metropolitan area, in Santa Fe County, New Mexico.
4. Santa Fe Cable Vision Company's franchise area encompasses the Santa Fe Metropolitan Area, as designated more specifically on the map attached as Exhibit A.
5. Pursuant to Ordinance No. 1982-5 and the County Land Development Code, on July 16, 1984, the BCC granted a permit to operate and maintain a cable television system to Santa Fe Cablevision Company, a New Mexico corporation.
6. Santa Fe Cablevision Company's ultimate parent company, United Cable Television Corporation, transferred its stock to United Artists Holdings, Inc. ("United Artists") in October, 1988, pursuant to Resolution 1988-99.
7. In 1991, Tele-Communications, Inc. ("TCI"), acquired controlling interest in United Artists.
8. In February, 1999, TCI, the ultimate parent company of Santa Fe Cablevision, completed a merger with AT&T Corp.
9. August 8, 1996, Santa Fe Cablevision Company delivered notice to the county to commence renewal of its cable television franchise, pursuant to Section 626 of Title VI of the Communications Act of 1934, as amended, ("the Cable Act") and pursuant to Ordinance 1993-8 Santa Fe Cablevision Company has submitted to the County an application to receive a Certificate and Acceptance of Franchise.
10. The current franchise expires on July 16, 1999.
11. Santa Fe Cablevision Company is legally, financially and technically capable of delivering the services required pursuant to Ordinance 1993-8.

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NOW THEREFORE, BE IT RESOLVED that after a public hearing, the subject application for renewal of ownership of the permit be and is granted to Santa Fe Cablevision Company, and is further granted a Certificate and Acceptance Franchise subject to the following terms and conditions:

- A. Santa Fe Cablevision Company must maintain insurance coverage, naming the County, its officials, and staff as additional insureds throughout the term of the franchise agreement.
- B. The Service Area is defined by the attached map, designated as Exhibit "A" and incorporated herein by reference.
- C. The expiration of the Franchise shall be 20 years from the effective date of the Franchise, which shall be the date this Resolution is adopted by the BCC.
- D. Santa Fe Cablevision Company shall comply with the terms and conditions of Ordinance No. 1993-8, as existed on the effective date hereof, subject to applicable law, including Title VI of the Communications Act of 1934, as amended. To the extent there is a conflict between the provisions of Ordinance 1993-8 and the Cable Act, provisions of the Cable Act shall govern, provided the Cable Act expressly preempts state and local laws and authorities.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY, THIS 13th DAY OF JULY, 1999.

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS



PAUL DURAN, CHAIR



ATTEST

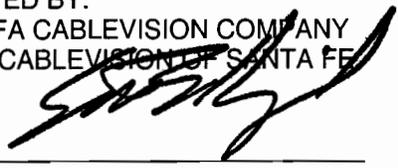
Marcella Salazar Jr.
Rebecca Bustamante, County Clerk

Approved as to legal form and sufficiency:

Denice Brown
Denice Brown, County Attorney

Accepted subject to applicable federal, state and local law.

ACCEPTED BY:
SANTA FA CABLEVISION COMPANY
dba TCI CABLEVISION OF SANTA FE



by: **Scott Hiigel, President**

1083950
COUNTY OF SANTA FE)
STATE OF NEW MEXICO) SS
I hereby certify that this instrument was filed
for record on the 28 day of July A.D.
19 99, at 11:20 o'clock a.m
and was duly recorded in book 1668
page 399-402 of the records of
Santa Fe County.

Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.

Marcella Salazar
Deputy



ACKNOWLEDGEMENT

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STATE OF COLORADO)
)ss:
)
COUNTY OF DENVER)

The foregoing instrument was acknowledged before me on the 16th day of July, 1999, by Scott E. Higley.

Michael E. Sloan
Notary Public

My Commission Expires:

11/04/01



My Commission Expires 11/04/01