

SANTA FE COUNTY

RESOLUTION NO. 1999-18

1679552

RESOLUTION GRANTING A CERTIFICATE AND ACCEPTANCE OF FRANCHISE TO MICKELSON MEDIA, INC. TO OPERATE A CABLE TELEVISION SYSTEM WITHIN THE TESUQUE 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. Mickelson Media, Inc. ("MMI"), 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 (agreement dated July 12, 1984 between MMI and Santa Fe County).
5. 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.
6. 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to be the holder of all rights under the cable television franchises, in compliance with Ordinance No. 1982-5 (superseded by Ordinance No. 1993-8).
7. On March 5, 1999, CCC, the ultimate parent company of MMI, entered into a merger with Adelphia, and became the ultimate parent company of CCC. No prior consent from Santa Fe County was necessary for the merger because the franchise itself was not being transferred or assigned nor were any rights being alienated.
8. 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 renewal of ownership of the permit be and is granted and that Mickelson Media, Inc.

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 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 No. 1993-8. The expiration of this permit shall be 20 years from the date of approval.
- 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
10 DAY OF AUGUST, 1999.



Rebecca Bustamante
 Rebecca Bustamante
 County Clerk

SANTA FE COUNTY
 BOARD OF COUNTY COMMISSIONERS

PAUL DURAN, CHAIR

Approved as to legal form and sufficiency:

Denice Brown
 Denice Brown, County Attorney

Accepted subject to applicable federal, state
 and local law.

ACCEPTED BY:
 MICKELSON MEDIA, INC.

[Signature]
 by *cm*

