

# SANTA FE COUNTY

Resolution No. 2012-21

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**A RESOLUTION GRANTING BAJA BROADBAND A CERTIFICATE AND ACCEPTANCE OF A CABLE FRANCHISE TO OPERATE A CABLE SYSTEM WITHIN THE NORTHERN PART OF SANTA FE COUNTY AND APPROVING THE TRANSFER OF A CABLE TELEVISION FRANCHISE FROM U.S. CABLE OF COSTAL-TEXAS TO BAJA BROADBAND**

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**WHEREAS**, the Board of County Commissioners of Santa Fe County ("BCC") has jurisdiction over Cable Systems pursuant to Title 47, Chapter 5, Subchapter V-A, Part III of the U.S. Code, NMSA 1978, Sections 62-1-3 and 4-37-1 and Santa Fe County Ordinance No. 2000-6 (superseding Ordinance No. 1993-8 and 1982-5);

**WHEREAS**, Title 47, Chapter 5, Subchapter V-A, Part III of the U.S. Code, and Santa Fe County Ordinance No. 2000-6 allow the BCC to award a cable franchise and require payment of a franchise fee;

**WHEREAS**, pursuant to Ordinance No. 2000-6 and in order to provide cable television service within the County of Santa Fe, the BCC must issue a Certificate and Acceptance of Franchise to a requesting cable company after a public hearing, provided that all requirements of said Ordinance are met and the company agrees to abide by all reasonable terms and conditions that are imposed by the BCC;

**WHEREAS**, Baja Broadband, LLC (hereinafter "Baja") desires to purchase and obtain a Franchise to operate a television cable system serving the Northern part of Santa Fe County, as designated more specifically on the map attached hereto as Exhibit "A";

**WHEREAS**, US Cable of Coastal-Texas, L.P. ("US Cable") currently owns and operates the cable television system serving the northern portion of Santa Fe County, New Mexico, which includes Espanola, La Pueblo, Chimayo and the Arroyo Seco, pursuant to the terms of Ordinance 1993-8 (superseding Ordinance No. 1982-5);

**WHEREAS**, Pursuant to Ordinance No. 1982-5 and the County Land Development Code, the BCC granted a permit to operate and maintain a cable television system to Southwest Cable Corporation, Inc. (DP- 84-1501);

**WHEREAS**, the permit to Southwest Cable was duly transferred by Southwest Cable Corporation, Inc. to Espanola Cablevision, Inc. on or about February 28, 1986, then transferred by the BCC to Mark Twain Cablevision, Inc on or about March, 14, 1988 in Resolution 1988-30 and then the BCC approved a transfer and granted a Certificate and Acceptance of Franchise to U. S. Cable on or about March 16, 1999 as set forth in Resolution 1999-16;

**WHEREAS**, U.S. Cable's franchise is in operation subject to the conditions and requirements as set forth in Resolution No. 1999-16 and until a franchise is granted to Baja by the BCC;

**WHEREAS**, U. S. Cable desires to transfer its cable ownership and permit interest to operate the cable system in question to Baja;

**WHEREAS**, in accordance with Ordinance No. 2000-6, Baja and US Cable have submitted an application with the necessary documentation requesting approval of the transfer of interests from US Cable to Baja and a Certificate and Acceptance of Franchise from the BCC to Baja;

**WHEREAS**, the application for transfer represents and certifies that Baja is financially and technically capable of delivering the services contemplated;

**WHEREAS**, Pursuant to Ordinance No. 2000-6 Baja is required to apply for and receive a separate Certificate and Acceptance of Franchise from the BCC;

**WHEREAS**, Santa Fe County conducted a public hearing on this request to approve the transfer of interests and to grant Baja a franchise; and

**WHEREAS**, the BCC has evaluated the matter and determined that all requirements of Ordinance 2000-6 have been met and Baja has the technical and financial ability to operate a cable system in parts of northern New Mexico.

**NOW THEREFORE, BE IT RESOLVED**, that the transfer from US Cable to Baja is approved and that Baja is granted a Certificate and Acceptance of Franchise subject to the following terms and conditions:

- 1) The franchise area is defined by the attached maps, designated as Exhibit "A" and incorporated herein by reference.
- 2) The expiration of this franchise shall be ten (10) years from the effective date, which shall be the date this Resolution is filed with the County Clerk.
- 3) Baja Broadband shall comply with the all terms and conditions set forth in Ordinance No. 2000-6, as amended or replaced, and other applicable laws and County ordinances.
- 4) Baja Broadband shall pay a franchise fee of 5% of its annual gross revenue derived from its operations within the franchise area. Payment shall be made quarterly to the County of Santa Fe and within sixty (60) days following the close of each calendar quarter in accordance with Ordinance No. 2000-6.

**PASSED, APPROVED and ADOPTED** this 31 DAY OF January, 2012.

**BOARD OF COUNTY COMMISSIONERS**

*Liz Stefanics*  
Liz Stefanics, Chair

**ATTEST:**  
*Valerie Espinoza*  
Valerie Espinoza, Santa Fe County Clerk

**APPROVED AS TO FORM:**  
*Stephen C. Ross*  
Stephen C. Ross, Santa Fe County Attorney



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

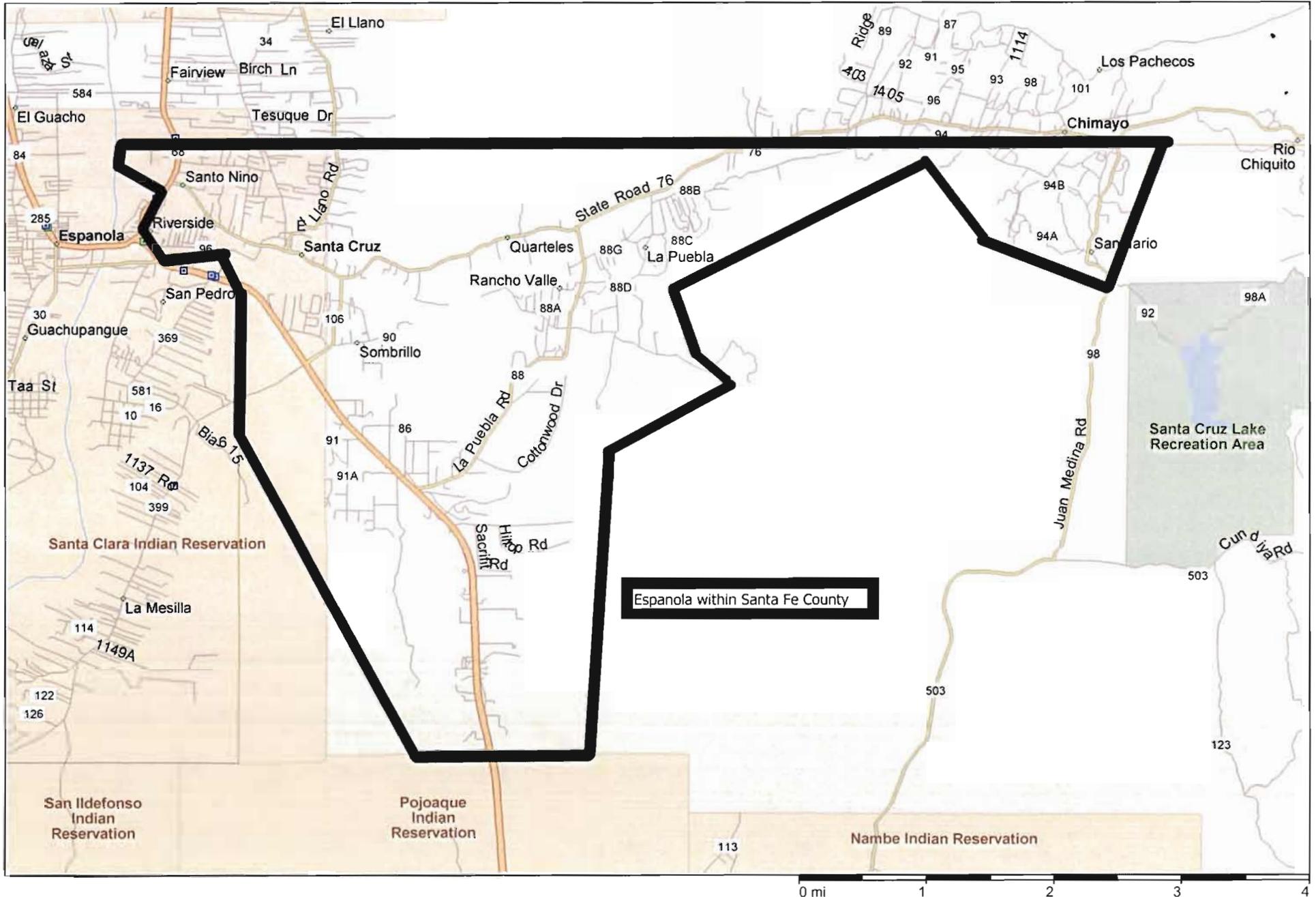
BCC RESOLUTIONS  
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I Hereby Certify That This Instrument Was Filed for  
Record On The 6TH Day Of February, 2012 at 11:46:05 AM  
And Was Duly Recorded as Instrument # **1659522**  
Of The Records Of Santa Fe County

Deputy *Marcella Talbot* Witness My Hand And Seal Of Office  
Valerie Espinoza  
County Clerk, Santa Fe, NM

SFC CLERK RECORDED #2/06/2012

# Espanola Santa Fe County



Espanola within Santa Fe County