

## CHAPTER 6 - CABLE COMMUNICATION SYSTEMS

### Sec. 6-20. Renewal.

(a) *Proceedings.* During the six-month period which begins with the 36th month before the expiration of an existing License, the City may on its own initiative, and shall at the request of the Licensee, commence proceedings which afford the public appropriate notice and participation for the purpose of:

- (1) Identifying the future cable-related community needs and interests; and
- (2) Reviewing the performance of the Licensee under the License during the then current License term.

(b) *Proposal.*

- (1) Upon completion of a proceeding under Subsection (a) of this Section, the Licensee seeking a Renewal License may, on its own initiative or at the request of the City, submit a Proposal for Renewal License.
- (2) Subject to Section 624 of the Cable Act, such Proposal shall contain such material as the City may require, including Proposals for an upgrade of the Cable System.
- (3) The City may establish a date by which such Proposal shall be submitted.

(c) *Fees.* Notwithstanding any other requirement of this Chapter, each applicant for a License Renewal must furnish with its Proposal a nonrefundable filing fee in the amount established by the Council in Chapter 2 of this Code, by cash, certified or cashier's check wire transfer, or in any other manner acceptable to the City Manager made payable to the City of Peoria. No Proposal for an License Renewal shall be considered without receipt of said fee. The fee will be used for the purpose of covering the City's cost in consideration of a License Renewal Proposal. The fee shall be handled in the same manner as provided for an Initial License fee in Section 6-12 of this Chapter and shall, upon granting of a Renewal License, be a credit against Licensee Fees under this Chapter.

(d) *Renewal Assessment.*

- (1) Upon submittal by the Licensee of a Proposal to the City for Renewal License, the City shall provide prompt notice of such Proposal for Renewal License and, during the four-month period which begins on the completion of any proceedings under Subsection (a), issue a Renewal License or, issue a preliminary assessment that the License should not be renewed and, at the request of the Licensee or on its own initiative, commence an administrative proceeding, after providing prompt public notice of such proceeding, in accordance with Paragraph (d)(2) to consider whether -

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- a. The Licensee has substantially complied with the material terms of the existing License and with applicable law;
- b. The quality of the Licensee's service, including signal quality, response to consumer complaints, and billing practices, but without regard to the mix, quality, or level of Cable Services or other services provided over the Cable System, has been reasonable in light of community needs;
- c. The Licensee has the financial, legal, and technical ability to provide the services, facilities, and equipment as set forth in the Licensee's Proposal; and
- d. The Licensee's Proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

(2) In any proceeding under paragraph (d)(1) the Licensee shall be afforded adequate notice and the Licensee and the Licensor shall be afforded fair opportunity for full participation, including the right to introduce evidence (including evidence related to issues raised in the proceeding under Subsection (a), require the production of evidence, and to question witnesses. A transcript shall be made of any such proceeding.

(3) At the completion of a proceeding under this Subsection, the City shall issue a written decision granting or denying the Proposal For Renewal License based upon the record of such proceeding, and transmit a copy of such decision to the Licensee. Such decision shall state the reasons therefor.

(e) *Denial.* Any denial of a Proposal for Renewal License shall be based on one or more adverse findings made with respect to the factors described in Subparagraphs (a) through (d) of Subsection (d)(1), pursuant to the record of the proceeding under Subsection (d). The City may not base a denial of a Renewal License on a failure to substantially comply with the material terms of the License under Subsection (d)(1)a. or on events considered under Subsection (d)(1)b. unless the City has provided the Licensee with notice and the opportunity to cure, or in any case in which it is documented that the City has waived its right to object, or has effectively acquiesced.

(f) *Appeal.* Any Licensee whose Proposal for Renewal License has been denied by a final decision of the City made pursuant to this Section, or has been adversely affected by a failure of the City to act in accordance with the procedural requirements of this Section, may appeal such final decision or failure pursuant to the provisions of Sections 626 and 635 of the Cable Act.

(g) Notwithstanding the provisions of Subsections (a) and (f) of this Section, the Licensee may submit a Proposal for Renewal License, together with the required fee, pursuant to this subsection (g) at any time, and the City may, after affording the public

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adequate notice and opportunity for comment, grant or deny such Proposal at any time (including after proceedings pursuant to this Section have commenced). The provisions of Subsections (a) through (f) of this Section shall not apply to a decision to grant or deny a Proposal under this Subsection (g). The denial of a Renewal License pursuant to this Subsection (g) shall not affect action on a Proposal for Renewal License that is submitted in accordance with Subsections (a) through (f) of this Section.

(Code 1977, § 9-7-5(D))

(Ord. No. 95-13, 3/7/95, Repealed)

(Ord. No. 95-13, 3/7/95, Enacted)