

CHAPTER 6 - CABLE COMMUNICATION SYSTEMS

Sec. 6-42. Line extension.

(a) *Residential Service.* Licensee shall make Cable Services available to dwelling units within the City and shall extend its Cable System as contemplated under this Section as follows. Each unit in an MDU shall be counted as a dwelling unit in determining the residential density, provided a mutually acceptable agreement granting Licensee reasonable access to the MDU has been executed and delivered. Licensee shall not be required to make service available to residents of Multiple Dwelling Units where the owner of the property has not granted Licensee such reasonable access to the property.

(1) When requested by a resident or developer in the City, Licensee shall, at Licensee's sole expense, extend the Cable System to any single family residence or dwelling within the City, provided that such extension involves density of twenty-five (25) existing homes per mile as measured in linear trench or aerial strand footage from the nearest technically feasible point of connection on the Cable System. Such extension(s) shall include cutting in one or more taps and extending cable as necessary.

(2) When a resident or developer in the City requests an extension of service to an area that does not meet the minimum density of twenty-five (25) existing homes per mile as measured in linear trench or aerial strand footage from the nearest technically feasible point of connection on the Cable System, Licensee shall be required to comply with such request only if the resident or developer agrees to pay to the Licensee an amount equal to all incremental costs incurred beyond those for an extension otherwise involving a density of twenty-five (25) existing homes per mile. The incremental costs to be paid shall be Licensee's costs (reasonable labor and materials) of extending the Cable System consistently with Licensee's overall system design to the residence, or to and throughout the development, from the nearest technically feasible point of connection on the Cable System. The costs shall include splicing in one or more taps and extending cable.

(3) Where there is a request by a developer for an extension to a development which does not meet the minimum density test in Subsection (2) and where, instead of proceeding under Subsection (2), the developer agrees to pay Licensee's full costs (reasonable labor and materials) of extending the Cable System from the nearest technically feasible point of connection on the Cable System to the nearest Street access to the development, Licensee shall then extend the Cable System within the development, at Licensee's sole cost, if it has a density of twenty (20) existing homes per mile, as measured in linear trench or aerial strand footage from the nearest Street access to the development to which the developer paid to have the Cable System extended.

(4) To prevent unnecessary disruption and damage to Streets, rights-of-way, and other property, the installation of Cable System shall be accomplished in new subdivisions at the same time, and in the same trench as other communications, electric and other permanent services to structures. Except as federal law may grant

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them other rights, developers of new residential buildings or mobile homes within a new or undeveloped subdivision, new residential units within new multiple occupancy residential developments, and new commercial and industrial buildings and structures shall treat cable television facilities as they treat other communication facilities, utilities and other underground facilities, in regards to availability and cost of trenching for undergroundings.

(5) Absent a showing by Licensee to the City Manager of circumstances beyond Licensee's reasonable control, an extension of service pursuant to Subsections (1), (2), or (3) of this Section shall be accomplished within one hundred twenty (120) days of the developer or resident's request.

(b) *Commercial Service.* Licensee shall make Cable Services available to commercial establishments as follows except that Licensee shall not be required to make service available to commercial establishments where the owner of the property has not granted Licensee reasonable access to the property:

(1) When requested by the owner of a commercial establishment, provided that no plant extension and nothing more than a Standard Drop is required to make such Cable Services available.

(2) When the owner of a commercial or industrial establishment within the City requests an extension of service that does not meet a minimum 100 hook ups per cable plant mile, Licensee shall be required to comply with such request only if such owner pays to Licensee an amount equal to the reasonable actual labor and material costs incurred by Licensee over and above the cost of a Standard Drop in making Cable Services available to such owner's commercial establishment. Absent a showing by Licensee to the City Manager of unusual circumstances, including without limitation Street crossings, an extension of service pursuant to Subsection (2) shall be accomplished within one hundred twenty (120) days of owner's execution of any necessary easement documents and capital contribution agreements.

(c) *Service Drops.*

(1) Licensee shall make service available to any single family residence or any commercial establishment within the City at the standard connection charge if the connection requires a Standard Drop.

(2) If making service available requires more than a Standard Drop, Licensee shall not be required to make such service available unless the person or entity requesting such service pays to Licensee (i) the standard connection charge and (ii) an amount equal to the reasonable actual labor and material costs incurred by Licensee for the additional facilities and work.

(3) Licensee may offer bulk billing service, but shall not require a bulk billing

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agreement as a condition of providing service, if the person or entity requesting service pays to Licensee the applicable amount(s) set forth in Subsections (1) or (2) of this Section 6-42(d).

(4) Absent a showing by Licensee to the City Manager of unusual circumstances, including without limitation Street crossings, (i) any Standard Drop to a single family residence or dwelling shall be accomplished within ten (10) days of the request for service, and (ii) any drop that is not a Standard Drop shall be accomplished within twenty (20) days of such request. Line Extensions shall be done as provided in 6-42(a)(4).

(5) Absent a showing by Licensee to the City Manager of unusual circumstances, including without limitation Street crossings, (i) any Standard Drop to a commercial establishment shall be accomplished within ten (10) days after the owner of such commercial establishment executes any necessary easement documents and capital contribution agreements, and (ii) any commercial drop that is not a Standard Drop shall be accomplished within twenty (20) days of the owner's execution of such documents and agreements.

(d) *Discrimination Prohibited.* No person, firm or corporation in the existing Cable Service area of the Licensee shall be arbitrarily refused Cable Services; provided, however, that the Licensee shall not be required to provide Cable Services to any Subscriber who does not pay the applicable line extension connection fee and/or Cable Service charge(s).

(e) *Annexed Territory.* Newly annexed territory shall be subject to the terms of this Chapter and specifically this Section.
(Ord. No. 95-13, 3/7/95, Enacted)