



# MEETING NOTICE

**MEETING:** METROPOLITAN POLICY COMMITTEE  
**DATE:** Thursday, July 6, 2023  
**TIME:** 11:30 AM - 1:30 PM  
**LOCATION:** VIRTUAL: <https://us06web.zoom.us/j/85172509099?pwd=TUNjL0lWbE9UMEJKUEl6Z0RtOU00dz09>  
Passcode: 663728  
**One tap mobile:** +17207072699,,85172509099#,,,,\*663728#  
**Telephone:** 1-720-707-2699 Webinar ID: 851 7250 9099 Passcode: 663728  
**Webcast:** <http://metrotv.omninet.org/>  
**CONTACT PERSON:** Paul Thompson, 541-682-4405, [pthompson@lco.org](mailto:pthompson@lco.org)

## A G E N D A

1. WELCOME & INTRODUCTIONS
2. CALL TO ORDER
3. APPROVE June 1, 2023 MPC MEETING MINUTES
4. ADJUSTMENTS TO THE AGENDA/ANNOUNCEMENTS FROM MPC MEMBERS
5. COMMENTS FROM THE AUDIENCE *(Please see notes at the end of the agenda.)*
6. METROPOLITAN PLANNING ORGANIZATION (MPO) ISSUES
  - a. MPO Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) Grant Program Letter of Support (15 min)  
Staff Contact & Presenter: Kelly Clarke, LCOG  
*Action Requested:* Direct staff to write a Letter of Support for MPC Chair signature.
  - b. Eugene Safe and Active Streets for All (SS4A) Grant Letter of Support (15 min)  
Staff Contacts & Presenters: City of Eugene  
*Action Requested:* Approve letter of support.
  - c. Follow-up and Next Steps (10 min)
    - 1) ODOT Update
    - 2) Next Steps/Agenda Build

**-OVER-**

Location is wheelchair accessible (WCA). American Sign Language (ASL) interpretation is available with 48 hours notice.

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## 7. METROPOLITAN CABLE COMMISSION ISSUES

- a. Cable TV Grant Program – Expenditures on Capital Equipment (15 min)  
Staff Contact & Presenter: Anne Davies, LCOG  
*Action Requested:* Approval of the Cable Franchise Authority Staff Recommendations for 2023 Grant Cycle
- b. Update on Franchise Renewal Negotiations (15 min)  
Staff Contact & Presenter: Anne Davies, LCOG  
*Action Requested:* Information & discussion; provide direction to staff, if necessary.

### UPCOMING MEETINGS:

August 3: **Recess, no meeting**

### PLEASE NOTE:

**The meeting will be conducted via Zoom Webinar, allowing public access to the Zoom meeting as an “attendee.” Anyone wishing to comment in general or during a public hearing will be asked to raise their Zoom virtual “hand” when prompted by the Chair at the beginning of each public comment opportunity. Speakers will be moved to “panelist” status and asked to speak on a first come basis. A limit of 3 minutes per person is requested.**



LCOG is now posting meetings on its website at <https://www.lcog.org/bc-mpc>. These postings will include the agenda, minutes, and attachments. If you no longer want to receive your meeting announcement in paper format, please contact Laura Campbell, 541-682-4006 or [lcampbell@lcog.org](mailto:lcampbell@lcog.org).



This meeting will be broadcast live, and rebroadcast on Metro Television, Comcast cable channel 21, at 1:30 PM on Mondays, 7:00 PM on Tuesdays, and 11:00 AM on Sundays for the rest of the month. A webcast will also be archived for future viewing on the LCOG website. Get details through links at <https://www.lcog.org/bc-mpc>.

***Please mute your phone or computer microphone when connecting to the virtual meeting, and remember to un-mute it if you are speaking to the meeting!***

***Thanks!***

# MINUTES

Metropolitan Policy Committee  
Virtual Meeting via Zoom

June 1, 2023  
11:30 a.m.

**PRESENT:** Steve Moe, Chair; Sean VanGordon (City of Springfield); Randy Groves (City of Eugene); Pat Farr (Lane County); Nancy Bell (City of Coburg); Kelly Sutherland, Susan Cox (Lane Transit District); Vidal Francis (Oregon Department of Transportation), members; Tom Schwetz for Jameson Auten (Lane Transit District), Anne Heath (City of Coburg), *ex officio* member.

Paul Thompson, Dan Callister, Kelly Clarke, Delaney Thompson, Drew Pfefferle, Kate Wilson (Lane Council of Governments); Rob Inerfeld, Jenifer Willer (City of Eugene); Sandy Belson (City of Springfield); John Marshall (City of Coburg), Bill Johnston, Mark Barnard (Oregon Department of Transportation), Dan Hurley, Sasha Vartanian (Lane County); Andrew Martin, Jeramy Card (Lane Transit District); Neil Moyer (Metro TV), Rob Zako (Better Eugene-Springfield Transportation).

## **WELCOME, CALL TO ORDER AND INTRODUCTIONS**

Mr. Moe convened the meeting of the Metropolitan Policy Committee (MPC) and a quorum was established.

## **APPROVE May 4, 2023, MPC MEETING MINUTES**

Mr. Groves, seconded by Mr. Farr, moved to approve the May 4, 2023, meeting minutes as submitted. The motion passed unanimously, 8:0.

## **ADJUSTMENTS TO THE AGENDA/ANNOUNCEMENTS FROM MPC MEMBERS**

There were no adjustments or announcements.

## **COMMENTS FROM THE AUDIENCE**

**Rob Zako**, Better Eugene-Springfield Transportation (BEST), spoke to the Public Participation Plan (PPP). He said the International Association of Public Participation had a graphic of public participation that identified the steps of inform, consult, involve, collaborate and empower. He said the key was to right-size how the public was involved in various types of decisions. As elected representatives, MPC members did not want to empower the public to make decisions for them, but did want to inform the community. It was important to identify situations in which the MPC was the decision-maker and those in which it was ratifying decisions made by other bodies. At a minimum the MPO should be a clearinghouse of information for the public. BEST would be looking at the PPP to determine whether the public was being informed in a robust way about projects, including which body made decisions, the purpose of the project and cost, and the intended outcomes.

## **AMENDMENT TO THE METROPOLITAN POLICY COMMITTEE BYLAWS**

Mr. Thompson provided an overview of the Climate-Friendly and Equitable Community (CFEC) rules that required the MPO to adopt a scenario plan and establish a governance structure. The MPC was determined to be an appropriate body for that purpose in its role to address metropolitan transportation issues. However, current bylaws did not include the City of Coburg in that function. At the May meeting the MPC had indicated that it supported being the CFEC governance structure and including Coburg in the

metropolitan transportation function of the MPC. A copy of the draft amended bylaws to accomplish those two things was included in the agenda materials and it would need to be published for a 30-day public comment period and provided to the governing bodies and chief administrative officers of all relevant jurisdictions. He asked approval to publish notice of the amendment, which would be formally approved at a future meeting.

Mr. Moe determined there was consensus to publish the proposed amendment and provide copies to governing bodies and administrative officers.

## **METROPOLITAN PLANNING ORGANIZATION (MPO) ISSUES**

### **Central Lane MPO Regional Transportation Plan (RTP) Overview of Contents, Implementation, and Update Schedule**

Mr. Thompson explained that an overview of the RTP was being provided because about half of the MPC were new members and it was an appropriate time to provide a refresher in the direction of the next update. He noted a link to the RTP was provided in the agenda materials.

Ms. Clarke said the RTP was both a federal requirement and provided regional benefit. The RTP assured that the MPO implement national planning goals at the regional level, met air quality conformity determination requirements and was a requisite for receiving federal funding. The plan was updated every four years. Regional benefits included a cooperative, continuous and comprehensive framework for making transportation investment decisions.

Ms. Clarks provided a brief description of the plan components:

Chapter 1 - Setting the stage: identified the MPO's role in the region, identified other plans that informed the RTP and project list, summarized the public engagement process for the update, and provided a base multi-modal inventory of the regional transportation network.

Chapter 2 - Goals, objectives and performance measures: those were not prioritized or weighted and instead considered to be equally important. Both federal and regional performance measures and targets were included. MPOs were required to have a performance-based planning and programming framework.

Chapter 3 - Regional assessment: population demographics, employment centers, key destinations, commute patterns, miles traveled, mode share and safety data.

Chapter 4 - Financial framework: identified all potential sources of funding from federal, state and local sources.

Chapter 5 - Regional projects, programs, plans and strategies.

Chapter 6 - Measuring plan outcomes: local performance measures establish a baseline to understand where the region currently is and where it wanted to be. The next update would include scenarios that would help determine which actions met intent and which did not.

Chapter 7 - Future of the region: evolving impacts and ongoing work.

Ms. Clarke said the upcoming RTP update was due January 2026 and staff was gearing up for preliminary

work, which would begin in January 2024.

In response to a question from Mr. Groves, Ms. Clarke said she would provide MPC members with a link to the MPO's data portal.

Ms. Bell asked what the expected impact of Goal 2 would be on Coburg. She said Coburg's main street was a heavy freight route. The city had expanded its urban growth boundary to include 120 acres of light industrial land and there would be limited trips per day when that area was fully developed. She requested the answer offline.

Mr. VanGordon observed that as the update process moved forward and became more complicated with more requirements, more detail and complexity would move the dial. He also said that data was lacking from a transportation system perspective, particularly with respect to safety data that tended to expire and be inconsistent. He felt ODOT should take responsibility for providing current and accurate data and remove the onus off local councils of government for providing that.

Mr. Thompson said staff could provide a presentation on the data portal in the fall, including limitations on safety data. He agreed with Mr. VanGordon's remarks on the timeliness and consistency on safety data and complexity of the RTP. He said in two weeks there would be the quadrennial certification review of the MPO with ODOT and the USDOT. That performance review would provide an opportunity to discuss with federal agencies what issues the MPC wanted to focus on during the update. Staff would have that discussion with the MPC at a future meeting.

Mr. Francis stated that he was willing to assist the MPO in obtaining the safety data it needed. He would also discuss offline the status of the Coburg bridge project with Ms. Bell. He said ODOT was still seeking funding for the project.

Mr. VanGordon welcomed the opportunity for further discussions with Mr. Francis regarding safety data. He said it was not necessarily a specific data set that was needed, but more broadly consistent access to safety data that was duplicatable across the communities; it was currently a very confusing to access information.

Mr. Groves echoed Mr. VanGordon's comments on the need for consistent, accurate data in order to determine trends by comparing current and historical information.

#### **Public Participation Plan (PPP) Update**

Mr. Callister presented an overview of the PPP, which was adopted in 2015 and needed to be updated. A link to the current document was included in the agenda materials. The plan was required by federal regulations in order to define a process for providing interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process. The current plan was composed of three sections: policy elements, providing input, and evaluation. He briefly reviewed each section and a table of public outreach and participation tools and the MPO work products for which they were required. There had been many changes in communication and information sharing since 2015 and the update process would assure the MPO was using the most appropriate tools and strategies. He requested direction from the MPC on the PPP update.

Mr. VanGordon was pleased the plan was being updated. He said current outreach included very technical information about a project or activity. He hoped to see information presented to the public in a way that helped the average citizen understand the big concepts.

Mr. Thompson agreed that a goal should be to simplify and make more accessible and understandable information about when and how the public could engage in decisions, not just at the MPO but at the point where decisions were actually being made at the local level or by ODOT. Often the MPO was simply ratifying those decisions that had already been made by other agencies or governing bodies.

Mr. Francis said that while technology provided greater public access via the internet, there were still people who did not have internet access. He asked if strategies to reach people beyond those typical venues were being considered. Mr. Thompson agreed that was an important issue to consider.

Mr. Farr said while everyone cared about transportation, most people did not attempt to participate in it because it was difficult. Many agencies made things too technical and it became difficult to participate. It was a challenge for agencies to engage the public and elected officials could be helpful through direct contact with constituents to determine what they wanted. He was interested in any ideas to expand outreach.

### **Follow-up and Next Steps**

- **ODOT Update**—Mr. Francis said discussions on the 2027-30 State Transportation Improvement Program (STIP) were under way and the public involvement process had begun. ODOT would be reaching out to various advisory groups around the state, such as MPOs, to begin a discussion of what the next STIP, its policy direction and funding priorities. He had a presentation that he could present at a future MPC meeting.
- **Transportation Improvement Program (TIP) Project Changes**—There were no questions.
- **Legislative Update**—Mr. Thompson said there was no report on legislation of interest as the legislature was currently at a standstill, although a work session of the Joint Ways and Means Committee was scheduled on June 2 with 30 bills on the agenda.
- **Next Meeting/Agenda Build**—July 6 Virtual meeting including Metropolitan Cable Commission meeting, August 3 Virtual meeting

Mr. Moe adjourned the meeting at 12:40 p.m.

(Recorded by Lynn Taylor)



June 28, 2023

To: Metropolitan Policy Committee

From: Kelly Clarke

Subject: MPO Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) Grant Program Letter of Support

**Action Recommended:** Direct staff to write a Letter of Support for MPC Chair signature

### **Background and Discussion**

Lane County and the Central Lane Metropolitan Planning Organization (CLMPO) are planning for transportation system resilience. Following recommendations from Lane County's Climate Action Plan and CLMPO's 2045 Regional Transportation Plan (RTP), Lane County and CLMPO intend to work with our regional partners to improve the region's capacity to respond to and recover from hazards such as a Cascadia Subduction Zone seismic event and climate change.

To complete some of this work, Lane County and CLMPO are preparing to submit a planning grant application to the new federal program called Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT), which was created by the Infrastructure Investment and Jobs Act (IIJA). It was established to provide funding for resilience planning and construction projects. The scope of work for the planning grant application we are preparing includes conducting a vulnerability assessment of the transportation system, establishing a regional network of Emergency Transportation Routes, and developing a nature based solutions strategy. If successful with a grant award, Lane County and CLMPO will convene a diverse group of interdisciplinary partners to help guide the work, ensure that it is aligned with other planning efforts that affect the region, and identify opportunities to leverage resources.

### **Requested Actions**

Staff is seeking direction from MPC to:

1. Move forward with this grant application.
2. Write a letter of support for this grant application, to be signed by the MPC Chair.

# MEMORANDUM

**Date:** July 6<sup>th</sup>, 2023

**To:** Metropolitan Policy Committee Members of Central Lane MPO

**From:** Rob Inerfeld, Transportation Planning Manager, City of Eugene, Public Works Engineering  
Email: [rinerfeld@eugene-or.gov](mailto:rinerfeld@eugene-or.gov)

**Subject:** MPC 6.b Safe Streets and Roads for All (SS4A) Program Grant Application Letter of Support

The City of Eugene is applying for the [U.S. Department of Transportation's Safe and Roads for All Grant program \(SS4A\)](#) FY-23 and will submit a joint application with Lane Transit District (LTD) for this funding. This supplemental planning grant (if awarded) would cover a First and Last Mile Safety Study in Eugene. The study would include extensive data analysis, community engagement, project identification, and funds for certain pilot project activities. The purpose of this funding is to solicit applications to support planning, infrastructure, behavioral, and operational initiatives to prevent death and serious injury on roads and streets involving all roadway users, including pedestrians; bicyclists; public transportation, personal conveyance, and micro-mobility users; motorists; and commercial vehicle operators.

The scope of the grant application will include the following:

- Comprehensive geospatial data analysis that looks at sidewalk connectivity, curb ramps, crossing gaps, streetlighting status, bike facilities, and bicycle level of stress leading to and from all LTD transit stops in Eugene, as well as a small subset of high priority school bus stops
- Geospatial analysis to identify the number and severity of pedestrian and bicycle crashes within a specific buffer of every LTD stop in Eugene.
- AI-generated crosswalk inventory to inform the data analysis
- Equity data analysis
- Funding for road safety audits on select Vision Zero high crash corridors with transit service
- Consultant support for community engagement activities with LTD riders, potentially including surveys, tabling, and focus groups. This community engagement support will have greatest emphasis on working with vulnerable demographics, such as community members with disabilities and low-income community members
- Generating a list of recommended projects to improve the safety and comfort of walking and biking to transit stops based on the data analysis and community engagement
- Funds for "demonstration projects" (I.e., pilot projects that utilize low-cost temporary materials such as bolt-down curbing or flexible delineators)

For the Planning and Demonstration Grants, the USDOT expects the minimum award to be \$100,000 and the maximum for \$25,000,000.

Oregon Department of Transportation (ODOT) has also strongly supported the City of Eugene's SS4A grant application by providing a letter of support. LCOG has also consistently encouraged infrastructure, traffic congestion, and safety improvements throughout Lane County. The proposed improvements in the project scope are also identified as some of the priority investment projects in Central Lane MPO's Transportation System Plan. That said, supporting member agency multimodal activities help bring Central Lane MPO's goals to fruition.

**STAFF RECOMMENDATION:** Staff recommends the approval of a letter of support for the City of Eugene for the FY-23 Safe and Active Streets for All (SS4A) Grant Application.



# Letter of Support

**Central Lane Metropolitan Planning Organization  
Lane Council of Governments  
859 Willamette Street #500, Eugene, OR, 97401**

**Jul 6, 2023**

**SUBJECT: Safe Streets and Roads for All Grant Application**

**The Honorable Pete Buttigieg  
Secretary U.S. Department of Transportation  
1200 New Jersey Ave., SE Washington, DC 20590**

Dear Secretary Buttigieg,

This letter serves to communicate the Central Lane MPO's support for the City of Eugene and Lane Transit District's (LTD) joint Safe Streets and Roads for All grant application. If awarded, the SS4A grant would cover supplemental planning that would help improve the safety and the comfort of walking and biking to transit stops in Eugene.

This First and Last Mile Safety Study will provide vital information on where infrastructure gaps and deficiencies create barriers to safely accessing transit in this metropolitan area, as well as generate a list of proposed projects designed to alleviate these barriers. Our organization believes this project identification process is an important step as the City of Eugene continues working towards Vision Zero.

Additionally, the Central Lane MPO strongly supports the City of Eugene and LTD's inclusion of equity-centered community engagement within the scope of the project. The scoped community engagement process will offer valuable qualitative insight into the lived experiences of vulnerable transit riders, such as those who are low income or have a disability.

Central Lane MPO also believes there is value in funding demonstration activities through this grant so the City of Eugene and LTD have the opportunity to pilot treatments and gain insight into desired design refinements before committing to a permanent construction project at a location.

Our organization looks forward to the announcement of SS4A awards and hopes to see the City of Eugene and LTD's joint application funded in the full requested amount.

Thank you for your time and consideration,

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Steve Moe , Chair  
Metropolitan Policy Committee

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Brendalee Wilson, Executive Director  
Lane Council of Governments

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June 26, 2023

To: Metropolitan Cable Television Commission  
 From: Anne Davies, Lane Council of Governments  
 Subject: 2023 PEG Grant Distributions/Update on Franchise Renewal

**Action Recommended:** Approval of Staff Recommendations for 2023 Grant Cycle

**I. PEG Grant Distributions**

**A. Background**

Under the current cable franchise agreement that Eugene, Springfield and Lane County have with Comcast, Comcast provides an annual payment of \$50,000 for distribution to PEG (Public, Educational, Government) broadcast channels. (There is a separate \$50,000 contributed for Metro TV Government Channel capital expenditures.) The Metropolitan Policy Committee uses that money to make awards of funds for capital improvements to the PEG channels. A separate reserve account of \$150,000 has been set aside to cover projected costs of installing a signal collection system (cameras and routers and fiber) in the new Eugene City Hall.

Staff sent out a general solicitation notifying potential grant recipients (PEG broadcast channels) that approximately \$73,000 in funding is available for distribution. Staff received three applications, one from Eugene/Springfield Fire Training Channel (see Attachment 2), one from Community Television (see Attachment 3), and one from the Education Channel (see Attachment 4). Past awards and the 2023 requested amounts are as follows:

	2017	2018	2019	2020	2021	2022	2023
City of Eugene							
City of Springfield							
Community TV	\$6,285	\$16,816		\$9,200	\$19,400	\$16,000	\$37,500
ES Fire Training	\$8,820	\$15,400	\$24,500	\$32,000	\$22,200	\$8,200	\$17,863
LCC (Education)	\$10,700				\$30,040	\$9,700	\$11,708
<b>Total</b>	<b>\$25,805</b>	<b>\$32,216</b>	<b>\$24,500</b>	<b>\$41,200</b>	<b>\$71,640</b>	<b>\$33,900</b>	<b>\$67,071</b>

Representatives of the jurisdictions and Metro TV technical staff met to review the applications.

Staff recommends that the grant of funds be awarded as provided below, but with the stipulation that any programming developed with the grant funded equipment be aired on a PEG channel.

#### B. Recommendation

Staff recommends distribution of the total amount of funds requested by the applicants as follows:

Eugene Springfield Fire Training	\$ 17,863
Community Television	\$ 37,500
Education	\$ 11,708

A detailed list of the items recommended is attached to this memo as Attachment 1. Staff recommends that any funds not used in this grant cycle be rolled over to next year.

Staff also recommends that a stipulation be included that any programming developed with the grant funded equipment be aired on a PEG channel.

#### C. Next Steps

If the MPC agrees with Staff's recommendation, a motion such as "I move to approve the Staff Recommendations for distribution of the 2023 PEG grants," would be appropriate.

If the MPC wishes to alter the amount of any award, a motion making those changes would be appropriate.

If the MPC approves an award, the next steps will be to purchase the equipment. Neil Moyer has established a string of qualified vendors and may be able to obtain better pricing. LCOG will purchase the equipment with the grant funds and deliver the equipment to the applicants.

## II. Franchise Renewal Update (Information Only)

#### A. General Telecom Background

The following is provided, for informational purposes only, to update the cable commission about ongoing negotiations with Comcast regarding renewal of the Comcast cable television franchise, and to provide a refresher on the basics of cable franchising in general.

Many utilities and other businesses use city/county rights of way to locate necessary infrastructure that enables their utilities and businesses to function. With some exceptions, cities must allow these entities to place their infrastructure in the public

right of way. However, cities are authorized to charge those entities a reasonable fee for use of the public right of way.

The Federal Cable Act (originally adopted in 1984) prohibits local governments from charging a cable company more than 5% of gross revenues generated from provision of cable services. In keeping with that cap, most jurisdictions throughout the country collect 5% of gross revenues from cable companies for the provision of cable services. Further, federal law prohibits local governments from “unreasonably refusing to award competitive franchises for the provision of cable services.” Section 621(a)(1) of the Communications Act of 1934.

As technology has changed and progressed, the methods for providing video services, such as those historically provided via cable infrastructure, have evolved. While there are now many ways of providing similar video programming services, they are all regulated differently, under different provisions of federal, state, and local laws, depending on the infrastructure that is required. The regulations and restrictions provided in the federal Cable Act, including the provision prohibiting local governments from refusing to award competitive cable franchises, however, applies only to providers of video programming that rely on a cable system.

#### B. History of Metropolitan Cable Television Franchise

In the Eugene/Springfield area, the original cable franchise with Comcast’s predecessor was adopted in 1989. Eugene, Springfield, and Lane County currently have a 10-year franchise with Comcast, which was last renewed in 2007. This franchise had an expiration date of August 1, 2018. That expiration date was first extended to January 1, 2019 by each of the jurisdictions’ elected bodies, and has since been extended to December 31, 2022, and most recently to December 31, 2024.

#### C. Franchise Renewal

Staff and Comcast have discussed and resolved many issues with regard to the franchise renewal in the past five years. As the past five years have seen many changes in regulation out of the FCC (Federal Communications Commission) and the court decisions, however, staff may need to revisit some of the issues that were previously considered resolved. That said, there are two main issues that remain unresolved. Those include: 1) the removal of the Springfield customer service center, and 2) competitive equity. Staff had proposed a solution to the impasse on these two issues, which is outlined in the memorandum, dated June 10, 2022 provided to Comcast last year. See Attachment 5. At the time, Comcast rejected that proposal out of hand. See Attachment 6.

The following is a bit more background on those issues than what is provided in the June 10, 2022 memo.

- Springfield Store

The current franchise requires an office in both Springfield and Eugene. Earlier in the franchise term, the Springfield office was closed, and the Eugene office was moved to Valley River Center. An amendment to the franchise did not accompany the closure of the Springfield office, although Comcast did provide some funds at the time. In order to remove the requirement for a Springfield office in the new franchise agreement, the parties had agreed, prior to last year, that Comcast would provide a one-time payment to Springfield of \$75,000.

However, when negotiations were re-started last year, Comcast withdrew that agreement. Comcast has since opened a store in Springfield, based on community need, and there appears to be some movement by Comcast off of their position outlined in their June, 2022 letter, at least with regard to the store issue. Negotiations are ongoing.

- Competitive Equity Provisions

In summary, Comcast's proposal regarding competitive equity would require the jurisdictions to treat all wireline providers of video programming the same. The draft language purports to require the jurisdictions to force competitor non-cable video providers to obtain a franchise, because Comcast requires a franchise to operate. A basic understanding of the Cable Act and the different video services currently being provided in this area makes clear why the jurisdictions cannot agree to the addendum as proposed by Comcast.

First, the Cable Act (Section 621) requires only that cable operators be treated the same as other cable operators. The proposed franchise language imposes a burden on the jurisdictions that is above and beyond that provided in federal law. Second, the jurisdictions do not have authority to do what the proposed language would require of them. Lane County does not have authority to franchise and charge for use of the right of way outside of the Cable Act. So it cannot require a franchise of a company that is not a cable operator. Eugene's telecom ordinance provides for a registration and license to use the ROW (rather than a franchise) for telecommunications providers that are not Cable Operators subject to the Cable Act. The ordinance does not authorize the City to impose other obligations like certain levels of service, customer service requirements, etc. Springfield has a similar utility ordinance and license.

That said, Staff understands Comcast's concern that other providers of video programming services may be treated preferentially to Comcast because they are not cable operators. Accordingly, staff proposes that, in the event a potential competitor seeks to enter the market, Comcast would

seek a declaratory ruling from a court of competent jurisdiction whether that alleged competitor qualified as such under the Cable Act. The jurisdictions would abide by the court's ruling.

### C. Summary

Staff is set to meet with Comcast again in July or August. While negotiations regarding the Springfield store appear hopeful, the parties appear to be at an impasse regarding competitive equity. Staff proposes to update the commission in the fall with any progress and possible next steps.

### **Attachments**

1. Staff recommended awards
2. E&S Fire Training application
3. Community Television application
4. Education Channel application
5. Memorandum to Comcast dated June 10, 2022
6. Comcast letter dated June 21, 2022

## 2023 Franchise Staff Grant Recommendations

**Eugene/Springfield Fire***“A” Camera Package*

Sony FX6 camera kit w/ lens	\$7,199
Zacuto FX6 Lens Finder	\$562
Sony Battery	\$319
Sony 80gb CFexpress card (x2)	\$792
Sony CFexpress card reader	\$118
Treppak divider kit for case	<u>\$149</u>
Sub-Total	\$ 9,139

*”B” Camera Package*

Sony FX3 cinema camera	\$3,899
Tilta Camera cage for FX3	\$98
Sony E 10-20mm PZ G lens	\$748
Treppak divider kit for case	<u>\$149</u>
Sub-Total	\$ 4,894

*Studio Control room upgrades*

Omnirax Force 12 Workstation	\$2,054
JLCooper Broadcast switcher panel for ATEM	\$1,595
Gooseneck Microphone	<u>\$181</u>
Sub-Total	\$ 3,830

**Total    \$17,863****Community TV (CTV29)***3D Animation Studio*

Alienware Aurora R13 gaming desktop (x2)	\$2,600
BenQ PD2705Q (x4)	\$1,200
Wacom One HD creative pen displace (x2)	\$600
ErGear adjustable standing desk	\$400
Neo computer desk chair	<u>\$100</u>
Sub-Total	\$4,900

**CTV Cont'd***ADR, Foley, and Sound-Mixing Booth*

Kaotica Eyeball microphones (x2)	\$300
Adjustable microphone stand (x2)	\$100
Sennheiser headphones (x2)	\$200
24 pack acoustic foam panels (x10)	\$1,000
Behringer Xenyx mixer	<u>\$300</u>

Sub-Total    \$1,900

*Upgraded Studio Production*

Rokinon lens set (x3)	\$6,900
Impact C-stand (x8)	\$1,800
Impact saddle sandbag (x20)	\$600
Aputure LS 600d Pro (x3)	\$5,700
Aputure LS C300d II (x3)	\$2,800
Sennheiser shotgun microphone (x2)	\$700
Neewer handheld mic boom arm (x2)	\$200
Manfrotto Befree tripod (x2)	\$500
Zoom multitrack filed recorders (x2)	<u>\$700</u>

Sub-Total    \$19,900

*Upgraded Broadcasting*

Cablecast Live 350	\$4,300
Cablecast VOD 450 Lite	<u>\$6,500</u>

Sub-Total    \$10,800

**Total \$37,500**

**Education Channel (Channel 23)**

Tightrope live streaming server	\$4,300
Cablecast VOD and automation server	\$6,450
Audio-Technica broadcast stereo headset (x2)	\$438
Canare BNC 100' cable (x4)	<u>\$520</u>

**Total        \$11,708**

**TOTAL AMOUNT OF GRANTS--\$67,071**



## **Application Request for PEG Equipment Funds (2023)**

The cable franchise agreement that Lane County, Springfield, and Eugene have with Comcast provides for an annual payment from Comcast for PEG-related capital costs. Pursuant to past policy decisions by the Lane County Cable Commission, half of that amount goes directly to Metro TV and half of it is allocated to fund a grant program to distribute funds to jurisdictions in need of capital improvements for Public Access, Education or Government (PEG) programming. As an agency that has, or could have, a connection agreement to place material on one or more PEG cable television channels, you are eligible to compete for capital equipment funding.

There is approximately \$72,764 available for distribution, but the Cable Commission may choose not to award all the funds. Applications must be received by Anne Davies by close of business on May 1, 2023. Materials may be submitted by e-mail to [adavies@lcoq.org](mailto:adavies@lcoq.org). You may contact Ms. Davies with any questions via e-mail or phone at 541-682-4040.

**Funds must be used for the purchase of capital equipment.** A capital equipment purchase is defined as a non-reoccurring expenditure for the purpose of acquiring and installing equipment (durable goods) with a potential useful life of at least two years. Funds may not be used for operational or maintenance costs. Actual purchase of equipment authorized by the Cable Commission must occur within five (5) months of the Cable Commission action. Equipment purchased with the PEG funding under this process shall become the property of LCOG, as fiscal agent for the Cable Commission.

Please provide the following information:

Applicant Organization:

**Eugene Springfield Fire**

Applicant Contact Information:

**Manuel Velazquez – Media Services Specialist 541-682-7136**

The capital equipment you propose to purchase must be intended for and used to generate signals to be broadcast on one or more of the Comcast PEG channels, to expand the availability of the signals, or for related operational purposes. However, the use of the signals need not be restricted to the PEG channels. Does your organization have access to the Public or the Educational Channels on the Comcast system in Lane County?

**Yes, our organization has access to a private scrambled channel (Comcast CH 998) that is broadcasted to all 16 fire stations in the area.**

What is the total amount of your request? *(Round to the nearest \$100)*

**\$17,900**

Describe the capital equipment your organization would like to purchase; include the following information for each type of equipment requested:

*Description of equipment, with estimated cost*

**“A” Camera Package**

**-Sony FX6 camera kit with lens: \$7199**

**-Zacuto FX6 Lens Finder: \$562**

**-Sony Battery: \$319**

**-Sony 80gb CFexpress card (x2): \$792**

**-Sony CFexpress card reader: \$118**

**-Trekpak divider kit for case: \$149**

*Preferred date of purchase for each item*

**June 2023**

*Funding requested (round to the nearest \$100)*

**\$9100**

*Describe how your equipment need benefits the PEG channel viewer:  
Improve the quality of reliability of signals  
Improve opportunities for programming on PEG channels  
Expand the diversity of programming on PEG channels*

**This proposed new camera package will replace our main, or “A” camera, that was purchased 5 years ago. Our current camera, the Sony FS5, is starting to show it’s age and has functions that are beginning to feel outdated. This new camera package includes the newer version of the FS5 which improves on several features. Ultimately these new features will cut down on production time and allow for faster delivery. The package comes with a lens as well as some accessories that are necessary in order to handle the workload we will throw at it. A newer more modern camera will allow us to keep up with the current digital trends that are changing faster than ever.**

*Is the equipment critical to the initial or continued input of signals to the PEG system? Briefly describe.*

**Yes. Almost every video we produce for the channel is filmed with our “A” camera.**

*Description of equipment, with estimated cost  
“B” camera package*

- Sony FX3 cinema camera: \$3899**
- Tilta Camera cage for FX3: \$98**
- Sony E 10-20mm PZ G lens: \$748**
- Trekpak divider kit for case: \$149**

*Preferred date of purchase for each item  
June 2023*

*Funding requested (round to the nearest \$100)  
\$4900*

*Describe how your equipment need benefits the PEG channel viewer:  
Improve the quality of reliability of signals  
Improve opportunities for programming on PEG channels  
Expand the diversity of programming on PEG channels*

**This proposed package upgrades our “B” camera that compliments the FX6. Having a secondary camera is useful when filming interviews. This camera has a smaller form factor which works well with the gimbal we purchased last year. Having a “B” camera that matches the look of your “A” camera is important and also helps improve workflows in post production.**

*Description of equipment, with estimated cost*  
**Studio control room upgrades**

**-Omnirax Force 12 Workstation: \$2054**  
**-JLCooper Broadcast switcher panel for ATEM: \$1595**  
**-Gooseneck Microphone: \$181**

*Preferred date of purchase for each item*  
**June 2023**

*Funding requested (round to the nearest \$100)*  
**\$3800**

*Describe how your equipment need benefits the PEG channel viewer:*  
*Improve the quality of reliability of signals*  
*Improve opportunities for programming on PEG channels*  
*Expand the diversity of programming on PEG channels*

**This package includes some furniture upgrades for the control room. Currently all the video equipment for the studio/classrooms are housed in a rack and on top of a desk that isn't ideal for this type of equipment. The omnirax desk will house all the necessary components we use for broadcasting/livestreaming. 2 years ago we purchased a similar desk for the editing suite so having another model to match it will help clear up the control room even more. This package also includes a microphone that will allow the control room operator to talk to whoever is in the studio, and a new broadcast panel that will replace the digital one we are currently using.**

*Is the equipment critical to the initial or continued input of signals to the PEG system? Briefly describe.*

**Yes. The studio as well as the cameras in the classrooms are constantly being used, so having the equipment organized in an efficient and comfortable manner is important.**

If your application includes a request for more than one type of equipment, please assign a priority to each request (#1 being the highest priority) to assist MPC members in partial awards should total requests exceed the funding available.

- 1."A" Camera package**
- 2."B" Camera package**
- 3.Studio control room upgrades**

Subject to use for PEG purposes by the applicant, the capital equipment must be available for other PEG users to the extent practical. Would this be an issue for your organization? If yes – please briefly describe why.

**No. If any other PEG users would like to use the equipment they can do so. The only limitation is that most of it will be permanently be installed at 2nd & Chambers, so they would have to travel there for access.**

If approved by the Cable Commission, how will the equipment be preserved and protected, and what methods will your organization use to ensure that the use of the equipment will be responsible, safe, and legal?

**If approved, the equipment will live at the TV studio located at 2nd & Chambers. The studio is locked all day and can only be accessed by designated users who have key cards (not everyone's prox card opens it). Furthermore the entire building is locked and can only be accessed by key card. The use of the equipment will be supervised by myself- Manuel Velazquez. I am in charge of all operations in the TV studio and its equipment.**

If approved by the Cable Commission, what is the shelf life of the equipment and how does the organization intend to plan for the funding of future equipment replacement? *(Applications demonstrating a capacity to fund replacement internally will score higher.)*

**I estimate that the equipment requested should have a shelf-life of about 5 – 10 years. Major shifts in video broadcasting technologies could affect shelf-life projections. Future purchases due to technology shifts will be made through grants or other funding.**

Describe the impact to your organization if funds are not allocated for your request through this process.

**We evaluate our equipment replacement needs and purchase a couple of small pieces each year. With current budget restrictions this isn't always possible though. The PEG funds will be able to update, replace and in some cases, introduce new equipment. Since our whole operation is essentially a "one man band" it's important to have the necessary equipment to make that work.**

Applications that can show that the proposed capital expenditure will provide a benefit to a larger number of viewers will be scored higher than other applications that benefit a smaller number of viewers. Briefly describe the viewer benefit of the proposed capital expenditure. (*The method of demonstrating broader benefit is up to the applicant, but objective demonstrations will be scored higher than subjective demonstrations.*)

**If our organization were awarded with these funds the results would greatly benefit our viewers. Over the past year we have seen an increase in demand for live shows, podcasts, and various other programs for our channel. This new equipment will make sure that we are prepared to meet all our department's needs for years to come. The camera and studio upgrades will not only significantly upgrade the quality of productions, but will also open up more opportunities for more diverse programming. With our department's social media presence growing, upgrades to our equipment will mean that we can keep up with the times. Outreach and education are important right now, and our department wants to utilize video now more than ever for these purposes. The funds would ultimately streamline many workflows here in the field/studio which in turn will yield a better product for the viewers.**

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Please provide the following information:

Applicant Organization:

Applicant Contact Information:

Coalition to Rebuild Community Television of Lane County  
David DeRienzo – Board President  
[david.derienzo@ctvlc.onmicrosoft.com](mailto:david.derienzo@ctvlc.onmicrosoft.com)  
(386) 307-0971

The capital equipment you propose to purchase must be intended for and used to generate signals to be broadcast on one or more of the Comcast PEG channels, to expand the availability of the signals, or for related operational purposes. However, the use of the signals need not be restricted to the PEG channels. Does your organization have access to the Public or the Educational Channels on the Comcast system in Lane County? -- Yes

What is the total amount of your request? (Round to the nearest \$100)  
See attached spreadsheet

Describe the capital equipment your organization would like to purchase;  
include the following information for each type of equipment requested:

*Description of equipment, with estimated cost*

*Preferred date of purchase for each item*

*Funding requested (round to the nearest \$100)*

*Please detail installation costs - if any. Installation costs may not necessarily be funded by PEG Capital funds.*

*Describe how your equipment need benefits the PEG channel viewer:*

*Improve the quality of reliability of signals*

*Improve opportunities for programming on PEG channels*

*Expand the diversity of programming on PEG channels*

*Is the equipment critical to the initial or continued input of signals to the PEG system? Briefly describe.*

*(Selections of specific equipment must be documented to show a competitive selection; equipment will be purchased by the Cable Commission purchasing agent and provided to the successful applicant(s). Substitutions will be made only when the Cable Commission purchasing agent has a competitively acquired lower cost).*

If your application includes a request for more than one type of equipment, please assign a priority to each request (#1 being the highest priority) to assist MPC members in partial awards should total requests exceed the funding available.

Subject to use for PEG purposes by the applicant, the capital equipment must be available for other PEG users to the extent practical. Would this be an issue for your organization? If yes – please briefly describe why. – See attached spreadsheet.



If approved by the Cable Commission, how will the equipment be preserved and protected, and what methods will your organization use to ensure that the use of the equipment will be responsible, safe, and legal?

- Our equipment will be inventoried in a system called AirTable and each piece of equipment will be asset tagged.
- We will be performing quarterly inventories where each item is scanned.
- Our studio is equipped with CCTV cameras that record the studio itself and our equipment room.
- In order to check out equipment or use our facilities, members must agree to being accountable for damaged, lost, or stolen equipment.
- Equipment such as computers have appropriate anti-theft measures in place, such as activation lock/remote lock using Apple IDs, etc.

If approved by the Cable Commission, what is the shelf life of the equipment and how does the organization intend to plan for the funding of future equipment replacement? *(Applications demonstrating a capacity to fund replacement internally will score higher.)* – See attached spreadsheet.

Describe the impact to your organization if funds are not allocated for your request through this process. – Please see “Benefit” column of spreadsheet.

Applications that can show that the proposed capital expenditure will provide a benefit to a larger number of viewers will be scored higher than other applications that benefit a smaller number of viewers. Briefly describe the viewer benefit of the proposed capital expenditure. *(The method of demonstrating broader benefit is up to the applicant, but objective demonstrations will be scored higher than subjective demonstrations.)*

PEG Grant Equipment Proposal

Description	Equipment	Estimated Cost	Preferred Date of Purchase	Funding Requested	Installation Costs	Benefit/Impact	Issues with Other PEG Users	Maintenance Plan	Shelf Life	Priority
3D Animation Studio	(2) ALIENWARE AURORA R13 GAMING DESKTOP	\$2600.00	N/A	\$4,900.00	Installation can be done by CTV members	Traditional animation can be very difficult to get into. There is a cost of entry for the equipment as well as the training and time needed to develop this craft.  However, if CTV can have the equipment to remove the barrier to entry for those in the community and learn the software to teach the basics of animation to members of the community, we can attract a new type of creator and get a wider range of content on Channel 29.	No	Can be maintained, repaired, and replaced by CTV Members.	5-7 Years	4
	(4) BenQ PD2705Q	\$1200.00								
	(2) Wacom One HD Creative Pen Display	\$600.00								
	(2) ErGear Height Adjustable Electric Standing Desk, 48 x 24 Inches Sit Stand up Desk	\$400.00								
	(2) Neo Chair Office Computer Desk Chair	\$100.00								
ADR, Foley, and Sound-Mixing Booth	(2) Kaotica Eyeball Microphones	\$300.00								
	(2) Adjustable Boom Height Microphone Stand w/ Pop Filters	\$100.00								
	(2) Sennheiser HD 280 Pro Studio Headphones	\$200.00								
	(10) 24 Pack-12 x 12 x 2 Inches Pyramid Designed Acoustic Foam Panels	\$1000.00								
	Behringer Xenyx X1832USB Mixer	\$300.00								
Upgraded Studio Prouction	(3) Rokinon T1.5 Cine Lens Set	\$6,900.00		\$19,900.00	No installation required	Keeping our studio relevant is one of the best ways to appeal to younger generations of storytellers. Part of our long-term plan is to drive more engagement with local filmmakers and content creators, and if we were to attract a major production in Lane County to CTV today, we would be ill-equipped due to our lack of proper gear.  We currently only have 3 C-Stands, a couple of cheap, plastic tripods, and some LED lights hooked up to our grid. The upgrades proposed here would make us a much better resource for the community, and our members have the experience to showcase how this new	No	Can be maintained, repaired, and replaced by CTV members.	Indefinite	1
	(8) Impact LS-CT40MK Turtle Base C-Stand	\$1800.00								
	(20) Impact SBF-B-20 Filled Saddle Sandbag	\$600.00								
	(3) Aputure LS 600d Pro	\$5700.00								
	(3) Aputure LS C300d II	\$2800.00								
	(2) Sennheiser MKE 600 Shotgun Microphone	\$700.00								
	(2) Neewer NW-088 Handheld Microphone Boom Arm	\$200.00								

	(2) Manfrotto Befree Advanced Tripod	\$500.00				equipment can be used to tell stories that will captivate and educate the viewers in a circle of influence.				
	(2) Zoom F6 Multitrack Field Recorders	\$700.00								
Upgraded Broadcasting	Cablecast Live 350	\$4300.00	\$10800.00	\$500.00		These upgrades to our broadcast tech will allow us to keep our programs running regardless of where we are and allow us to expand our content to streaming services as well, making us much more relevant to our	Yes. This equipment would be part of our broadcast tech stack.	Maintenance and troubleshooting may require us to reach out to LCOG.	5-7 Years	3
	Cablecast VOD 450 Lite	\$6500.00								
Total	\$37,500.00									

## **PEG GRANT APPLICATION MAY 2023**

### **APPLICANT ORGANIZATION:**

Educational Channel 23

### **APPLICANT CONTACT INFORMATION:**

Neil Moyer

[nmoyer@lcoq.org](mailto:nmoyer@lcoq.org)

541.682.3799

### **DOES YOUR ORGANIZATION HAVE ACCESS TO THE PUBLIC OR EDUCATIONAL CHANNELS ON THE COMCAST SYSTEM?**

Yes – Comcast Channel 23

### **WHAT IS THE TOTAL AMOUNT OF YOUR REQUEST?**

\$11,707.80.00

### **DESCRIBE THE CAPITAL EQUIPMENT YOUR ORGANIZATION WOULD LIKE TO PURCHASE**

#### **TIGHTROPE MEDIA SYSTEMS CBL-LIVE-350**

Single channel H.264 HLS adaptive bit-rate live streaming server in a 1 RU chassis

\$4,300.00

#### **CBL-SVR450-LITE**

Cablecast VOD and Automation server in a 1 RU chassis. Streams H.264 HLS Adaptive bitrate VOD to mobile devices, OTT and desktops.

\$6,450.00

#### **AUDIO-TECHNICA BPHS1 BROADCAST STEREO HEADSET**

The Audio-Technica BPHS1 Broadcast Stereo Headset is designed for monitoring and speech capturing for news broadcasts, direction, sports commentary and more.

\$219.00 (QUANTITY 2 = \$438.00)

#### **CANARE 12G-SDI UHD 4K Single-Channel BNC Cable (100')**

\$129.95 (QUANTITY X 4 = \$519.80)

### **DESCRIPTION OF BENEFITS**

This equipment will make it possible to offer PEG viewers a downloadable app which will stream the channel to TVs and mobile devices. The app will also offer video-on-demand viewing options.

These devices will also allow us to stream content from remote locations back to the studio via public internet. This allows for us to go live from those remote locations. It also will allow for affordable auto-generated closed-captioning, should we decide to utilize this service in the future...

The headsets will enable us to add announcers when we cover live sporting events.

The SDI cables are needed to continue to build the travelling system for covering live sporting events. They will connect cameras to the switcher.

All equipment purchased will be insured.

Generally speaking, the shelf life of the server hardware is four to six years. This hardware will probably last longer. We will attempt to put money aside to put towards the replacement of all this equipment.

The purchase of this gear is not critical to the initial or continued input of signal to the PEG channel system, but will be very helpful in the continual modernization of the channel.

The server equipment will be mounted in our head-end rack, and won't be shareable with other PEG channels. The headsets and SDI cables will be shareable.



## MEMORANDUM

TO: Comcast Internal Staff and Tim Goodman

FROM: Anne Davies

RE: Competitive Equity/Springfield Store Proposal

DATE: June 10, 2022

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### I. Springfield Store

At the time the current franchise was adopted, Comcast had a store in Springfield. The existing franchise contains a provision that requires Comcast to provide a store in Springfield and a store in Eugene. At some point in the last 10 years or so, Comcast closed their Springfield store. Because the closure violated the terms of the franchise agreement, Comcast paid Springfield compensation for the closure. However, the requirement for the store remained in the franchise. The jurisdictions do not consider that compensation to have been consideration for permanently removing the requirement for a Springfield store from the franchise. Thus, during previous negotiations, the jurisdictions proposed, and Comcast agreed to further compensation for the removal of that language from the franchise.

Comcast now notifies the jurisdictions that Comcast plans to open another store in Springfield. A lease for space has been signed that is for a 5-year term, with the possibility of extensions. However, Comcast does not agree to pay any compensation for removing from the franchise agreement verbiage that would require a store in Springfield.

The jurisdictions have proposed that, upon expiration of the lease term, plus any extensions, for the store in Springfield, the parties would negotiate whether to retain the language in the franchise regarding the Springfield store. Given that the franchise is only for 10 years, it seems advisable to kick the ultimate decision on this issue to a point in time when it would become relevant. It is quite possible that the store will remain open, and discussion of compensation for removing language from the franchise would become moot. Under this scenario, Comcast would not compensate Springfield because the circumstances surrounding the store would not change.

If, at some point in the future, Comcast decided to close the Springfield store, the parties would at that time negotiate the consequences of that action.

## II. Competitive Equity

Comcast has proposed competitive equity language for the renewed franchise that would require the jurisdictions to treat companies they believe to be “competitors” similarly to how they treat Comcast of Oregon II under the cable franchise. The United States Cable Act already requires jurisdictions to treat cable operators the same as they treat other cable operators. It is acknowledged by both parties that the language proposed by Comcast would impose a requirement above and beyond the anti-discrimination language that appears in the federal Cable Act.

Comcast states a concern that new competition will come into the market and that our three jurisdictions will not treat it the same as Comcast is treated. However, Comcast has not articulated a rationale for this concern. The three jurisdictions, through their staff, have assured Comcast that they have no intention of violating the federal Cable Act. Further, staff for the three jurisdictions believe that the language proposed by Comcast is not clear enough regarding which new entrants would be considered “competitors.” Staff for the jurisdictions would not be able to recommend that the Cable Commission agree to Comcast’s language as currently proposed.

As a solution, staff for the jurisdictions propose incorporating language into the franchise that would allow Comcast to notify the jurisdictions when it becomes aware that a company has entered the market or plans to enter the market that Comcast believes is US Cable Act-qualifying “competitor.” Comcast will provide sufficient documentation for their position. If the jurisdictions believe that the company is not a competitor under the US Cable Act, then Comcast can seek a declaratory ruling from a court of competent jurisdiction confirming their assertion that the company meets the cable operator criteria under the US Cable Act. The jurisdictions would agree to abide by the court’s ruling.



DATE: June 21, 2022  
TO: Anne Davies, Lane Council of Governments  
FROM: Tim Goodman, Senior Director, Government & Regulatory Affairs  
RE: Response - Competitive Equity Language/Springfield Store

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**Springfield Store Issue:**

Comcast made the business decision to close its Springfield retail store in the Fall of 2011 and communicated with the City of Springfield the reasons for the closure. The City responded with a letter (see attached) wherein it was disappointed with Comcast's decision but felt the Eugene retail store would provide adequate services to Springfield residents and was "unable to determine the store's closure was inconsistent with the terms of the current franchise.

To be clear, Comcast will not be paying any additional compensation to the City of Springfield for the removal of language from the current franchise agreement. As a private business, Comcast should not be required to maintain a store in any jurisdiction or pay any type of fee or have to obtain the permission of a government entity to make such a business decision. Give our position on this issue, Comcast is acceptable to the following language in all three franchises managed by LCOGS – language similar to that in franchises such as Portland, MACC, and Vancouver:

***The Grantee shall maintain an office within the City of Eugene/City of Springfield/Lane County. The office must be adequately staffed and able to respond to subscribers and the public not less than fifty (50) hours per week, with a minimum of nine (9) hours per day on weekdays and five (5) hours on Saturdays. Grantee shall have the option to substitute the office requirement by providing for pick up or drop off of equipment free of charge in anyone of the following manners: (a) by having Grantee representative going to the customer's residence, (b) by using a mailer, or (c) by establishing or using a local business office in the City of Eugene/City of Springfield/Lane County.***

**Competitive Equity:**

As I explained to you during our last call around the subject of competitive equity, this language is contained in every franchise Comcast has, with very slight deviations from jurisdiction to jurisdiction. All the Cities or County have to do is provide Comcast with a copy of any new video franchises it approves and we can determine whether or not this is a huge advantage give to the new entrant entering the market. As I explained, we went through this when obtaining a franchise with the City of Woodburn, where we were required to agree to items in our franchise agreement that were similar or equal to those requirements of the incumbent provider.

The Woodburn determination did not require the involvement of any court, as the City handled this by telling the new entrant (In this case Comcast) they must agree to a franchise that contained the same or similar requirements that kept the two agreements materially the same – thus keeping the two providers on the same level playing field. In conclusion, this has been a very rare occurrence, as cable providers have been reluctant to overbuild other cable providers, but the industry is starting to see more and more of this in this ever-changing market. In fact, we have close to twenty (20) of these competitive situations in our market today.

TRG/trg