

Chris Johnson
2418 E. Fairfield St.
Mesa, AZ 85213

To whom it may concern,

I am a concerned citizen of the Mesa community and believe that there are additional revisions in the city ordinance codes that would greatly benefit the community and improve the standards of city life regarding cable “extension of service.” Cable Internet has become a very viable and substantial improvement upon the standard 56k dial-up Internet access that is currently the dominant and most prevalent form of public Internet access.

The cable service providers that provide service for the 84,000 homes that receive cable in the Mesa area have been updating the nodes used for Internet access in selected subdivisions of the city over the past two years. However, progress has been relatively sluggish and established members of the community are slow to receive the upgrade to their current cable lines to support two-way signal transfer needed for CATV Internet access.

Just as the City recognized the need to effect passage of an “extension of service” for cable television, it has become necessary to include cable Internet within Chapter 7 of the City ordinance codes regarding Community Antenna Television Systems. Licensees should be required to provide access to cable Internet under the same guidelines as noted in the “extension of service” provisions of the city ordinance codes. Petitions requesting cable Internet should be included in the Chapter 7 Section 11 ordinance and the same regulations adhered to as provided for under cable television requests. Such petitions

must be responded to within the 60-day period and ought to then be placed on a priority list for service in updating the existing cable services in the area.

As a young citizen of the City, I hope to ensure that future generations will have an equal opportunity to access the public services provided for in the city ordinances. As cited in Chapter 7 Section 23, I would encourage council members to recognize the need to exercise the City's "right and authority" to "require additional standards of construction" and "to take advantage of new developments in the cable television industry so as to more effectively, efficiently, and economically serve the public."

I realize the great potential and responsibility that the city council has to negotiate with the cable companies and act on behalf of Mesa citizens. As a citizen that has recently purchased and acquired the installation of cable internet through Cox Communications, I would also like to ensure that my peers have equal access to such opportunities with the best interests of the community in mind.

Sincerely,

Chris Johnson


~ current Senior at Mountain View High School

Crismon v. Cox Communications By: Jon Crismon

1. Introduction - motivator, Thesis, Blueprint.

Good afternoon Mayor Brown and council members. My name is Jon Crismon I live at 2854 E. Backus Rd. I'm a senior at Mountain View High School. In the fall I'm enrolling in Computer Systems Engineering at ASU. I've had family roots in this town ever since it was founded. My Grandpa was former Mayor Virgil Crismon. Our family loves this city. We like the "great people". However, we're not getting the "quality service" we should be getting from these licensed cable providers. The neighborhood my parents chose, I believe 24 years ago, was perfect for raising my brothers and sister. The Jasmine Ranchetts are sparsely zoned lots including Jasmine and Backus Rd. The streets also involved in my neighborhood are: Rico Circle, Iris, 29th Place, 30th Street, and 32nd Street. For as long as my parents can remember they've been able to get basic cable service just like everyone else in this town because of council members approving licenses to responsive cable providers, such as Dimension cable. Their prices were reasonable and fair and their service was satisfactory.

2. Recommending a Strategy - how the council should renew the two companies' licenses, ideas for today and tomorrow.

The reason I'm here is because I would like my neighborhood to be on the broadband bandwagon of cable Internet. I'm unhappy with the way fast Internet is distributed in the valley with these two cable companies. I'm doing this also to debunk the stereotypes of teens indifferent to the community. I'm hoping to do my part as a responsible and concerned member of this community. I'm working to shape the future of the city and improve the city's focus on the future.

3. Vision Statement - State the vision and long-term direction, what I see happening. Explain or allude to how and what cable Internet does, and what it is. Tell stories.)

What is the future for Mesa's fast Internet, what does the Internet do for us? Will USWEST get its act together? Is wireless service improving? One question I ask myself is, should Cox be ordered to respond to all customers? In my opinion, yes! Cox networks will be the city's best choice for fast Internet service.

4. I have GOALS and OBJECTIVES for the future of high-speed Internet services, and these two companies are very much involved in the future.

State the desired goal of the community.

My neighborhood is totally in favor of jumping on the broadband bandwagon of cable Internet as well as other neighborhoods that have been waiting a very long time. What are our Goals for neighborhoods and the good of community? We can respond to the needs of everyone by mandating an approach to speed up the upgrade services with these cable companies.

State the desired objective.

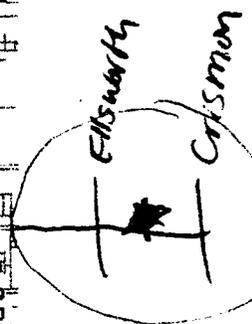
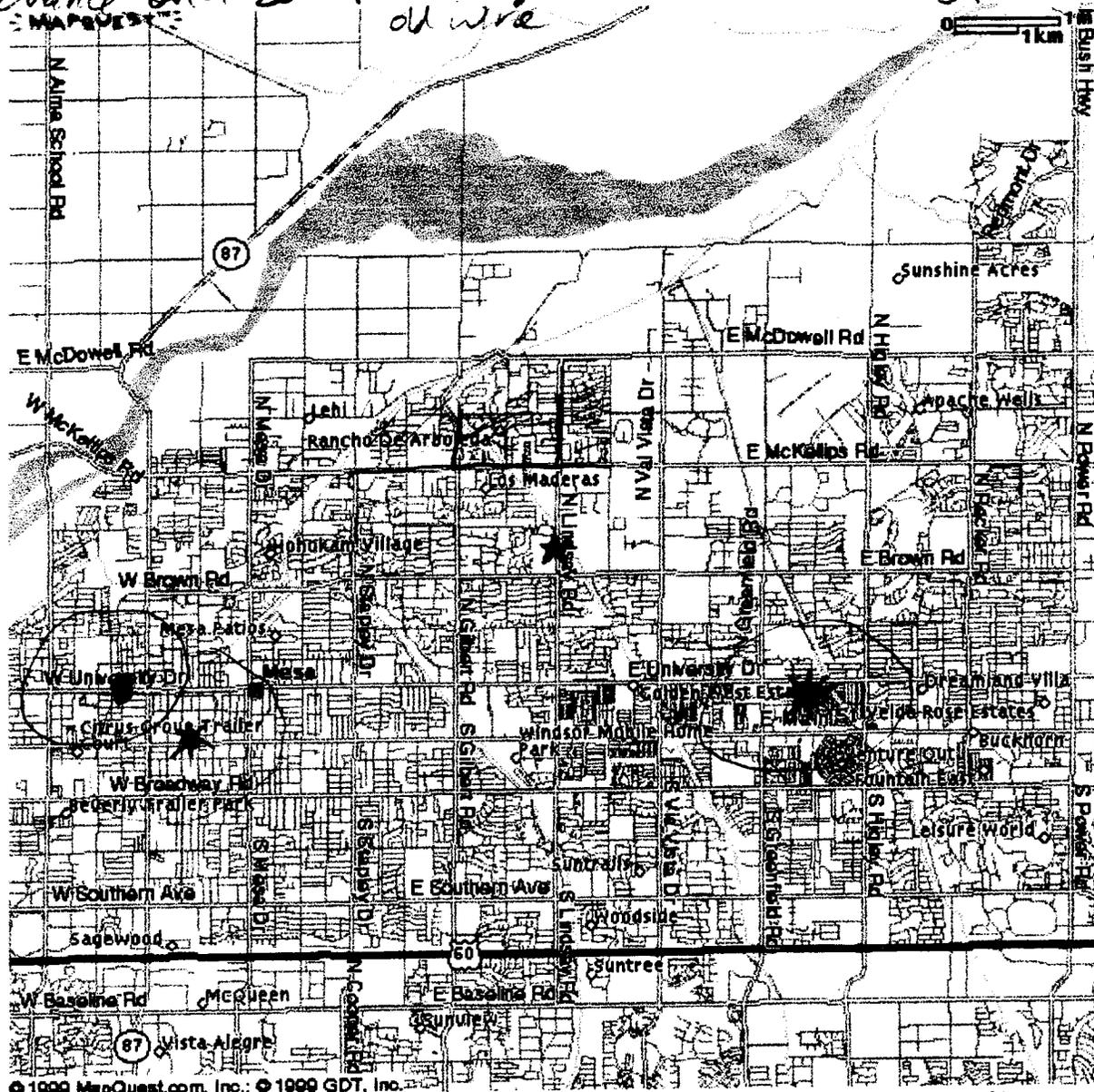
IT IS NOW BECOMING necessary to institute amendments. Cox and CableAZ are too slow to provide the needs of this community.

5. Today's Situation.

Summary of the current situation.

Cox is the best Internet provider in the valley but, it is unresponsive to everyone who doesn't currently have it, in my mind it is the older neighborhoods not near their offices. Cox@home is the best service provider for Internet in the valley for Residential users. It is the best option for the cheapest price and the fastest service around when comparing fast Internet options. I can talk to you about a wireless provider known as Speedchoice and tell you that it has been an unsatisfactory approach to faster Internet service because of their unstable bi-directional service. They've slowed down because there was such a high demand to have that bi-directional dish service. They expanded faster than they could handle all the customers and the price wasn't worth the speed. This company may have improved their services since Sprint took over, however, radio waves are not the best solution for mass amounts of sending and receiving data. Light waves are much faster and have no interference as opposed to sound waves. What would be your choice? DSL is restricted to many customers because of three main problems they face in wiring this community: existing, old telephone lines, too many splits in the phone lines, and the required distance from the Central Office. **SEE A MAP OF DSL CENTRAL OFFICES in Mesa on the next page.** (I made a map marking where the Telco central offices are and drew a two-mile radius around each CO. The outlook of DSL for most of Mesa's residents doesn't look like our best choice for fast Internet service.) To have speeds comparable to cable modem you would have to be less than 2 miles from the Central Office. The pricing also involves two separate charges, one for the ISP (Internet

ISP, DSL carrier, + phone company
 n5 chance on a DSL + can't get DSL
 old wire USWest



7000 feet or less, no trouble w/ any speed; over 2 miles can't get maximum speed.

SDSL limit

ADSL limit

Tech Limit

1DSL

15000 feet

17500 feet

20,000 feet

25,000 + ft

160k

384

144k

200k

768/408

RA DSL → 64k + more

416k

3000/1000

VD SL → makes makes people

7000/1000

56mb/s → too water 50

1000

1/11/99

The Addresses of these 4 Central Offices in Mesa are

<u>Address</u>	<u>Zip Code</u>
25 E. Pepper St.	85201
1231 W. University Dr.	85201
4755 E. University Dr.	85205
9639 E. Apache Trail	85207

Service Provider) and one for the monthly connection. Usually in advertisements, they only mention the price for the monthly charge to keep the connection for their megabit service, which isn't the price you pay for a 24/7 connection. However, you can pay more to have the "always on" connection. Also, with DSL, there will soon be two operating DSL companies making DSL free. I earned a free modem from the company FreeDSL, but how will I ever be able to use it if the phone lines are too old and the central office is beyond 4 miles. I just spoke to you about the current Internet situations of today. Now your question might be now,

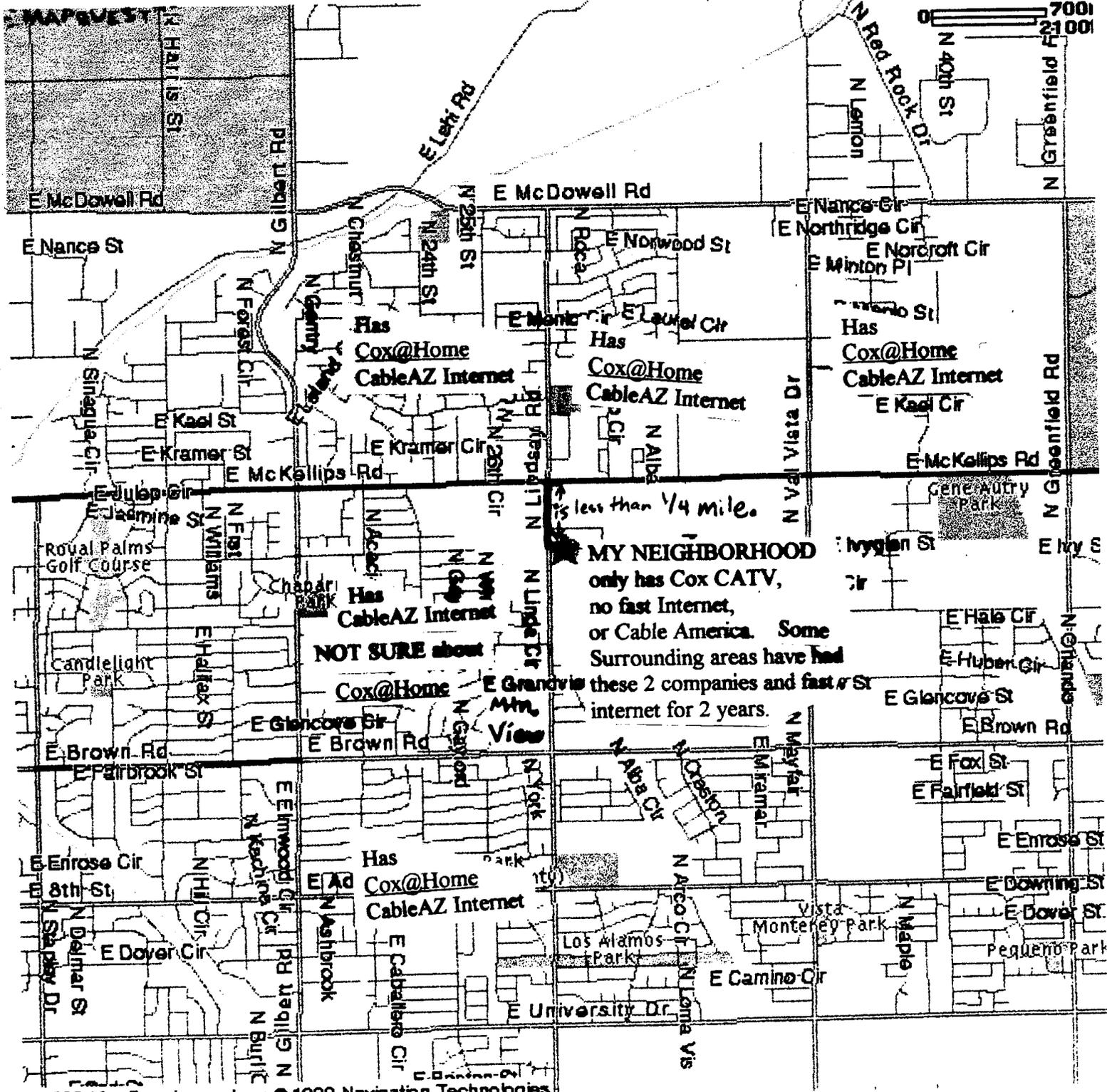
6. How did our city over the past years, upgrade cable Internet services?

Any relevant historical information (fast internet development around Mesa.)

I would like to first off, emphasize, that you have awarded 2 cable companies, Cox and CableAZ a meaningless contract; they have not taken advantage of delivering new developments in the industry to everyone, so as to more effectively, efficiently, and economically serve the public. They have only served a handful of neighborhoods with these new cable services. Cable television distribution is protected by the extension of service law so that all citizens are capable of receiving basic cable TV service. Is this to be cable companies' only requirement to operate in our city? (You can find these comments in the amendment section of Title 9, Chapter 7 in the City Code Book), but for cable Internet there is no such law, the cable company gets to choose the areas they want to upgrade. Cox has been an unresponsive, tortoise moving, discriminatory company to my neighborhood, as well as other ones throughout Mesa. They may argue their upgrade project is one of the most extensive and aggressive of its kind in the country, and that they are working hard to bring the new services to my area as quickly as possible. (This comment is from their website.) They have made many accomplishments, but there are still citizens that have been demanding cable Internet for over two years. I noticed that nearby neighborhoods have had cable Internet service less than 1/2 of a mile away that long ago. Why didn't they get to my neighborhood? They have targeted, first, in my observation, densely populated neighborhoods, and newer housing developments for people who have just moved into this city. These neighborhoods also have the choice between two cable companies that have brought in brand new HFC cable access. My frustrations with Internet over the past 2½ years developed when Cox advertised their

Cox@Home service and told customers an estimated upgrade plan, which will be when they filter the cable so that it can send data back and forth for Internet purposes. I have called Cox dozens of times and they have promised to come in the next month or two, saying such things as “we should be there by then,” “your node has been activated for bi-directional service, but hasn’t been filtered in your neighborhood, yet.” This was two years ago and I still get the same response to this day. I have pointed out that people nearby me have had it for quite some time, but why doesn’t our neighborhood have it?

SEE THE MAP OF COX INTERNET COVERAGE, found on the next page. I have a map here of my neighborhood and surrounding neighborhoods that have access to CableAZ and Cox Internet. This map explains why this neighborhood has been singled out. We are the “technologically impaired”, inferior, old neighborhood that companies like to ignore and admit that this neighborhood may not be “economically feasible”. Cox claims that they will come eventually, and they continue to remind me that money isn’t the issue for their delay, every time I accuse them of ignoring my sparsely zone neighborhood. The problem is that there is just no real reason why they aren’t here. They just don’t have proposed upgrade plans for cable Internet in this city. They admitted to this when I asked if they had a plan for the next cable Internet customers, and they said they have no idea. Because the contract doesn’t require any area at all to get the service, it is a luxury; left up to the cable companies to spontaneously pick and choose who will be on their broadband bandwagon. One recent response from a supervisor was that CableAZ cut some of their lines in the new housing developments south of my neighborhood where the dairy by Mountain View once was. I thought that the supervisor’s comments were bogus and sensed that CableAZ would deny this allegation. However, this doesn’t explain the two-year delay from Cox not being capable of extending its Internet services less than ½ mile from where they do have their Fast Internet. Our neighborhood is different compared to other neighborhoods nearby. We have aerial lines and both Cox and CableAZ admit that it takes time to get permission either from SRP or USWEST to situate their lines on the poles between the electricity and phone lines. Let me ask you council members, how can we solve this neighborhood’s problem?



Has
Cox@Home
CableAZ Internet

Has
Cox@Home
CableAZ Internet

Has
Cox@Home
CableAZ Internet

NOT SURE about

Cox@Home
CableAZ Internet

MY NEIGHBORHOOD
only has Cox CATV,
no fast Internet,
or Cable America. Some
Surrounding areas have had
these 2 companies and fast
internet for 2 years.

Has
Cox@Home
CableAZ Internet

7. We have many - Available options, State the alternative strategies (alternative Internet options) DSL SERVICES (NO), WIRELESS SERVICES (NO). CABLE INTERNET SERVICES YES!

We need to have FASTER EXPANSION, while supporting Cox's Network Management to ensure that all customers share in an equal amount of network resources. This is why Speed caps are appropriate for Internet downstream and upstream. This could be the reason CableAZ isn't as reliable in comparison to Cox because they don't have speed caps. I realize that this isn't the only factor causing the inconsistency. CableAZ is a much smaller company and they might not have as good software and hardware as Cox does.

State cost of each option - You need to explain what cheaper and faster service, and equal amount of the network resources, consistent and reliable STATE INFORMATION ABOUT COX'S PRICING.

I've heard from people in my neighborhood (even though we don't have CableAZ) that CableAZ is cheaper for TV, has better video quality, and that their Internet is the same price as Cox, but who do you think has better reliability and consistency (the small or GIANT company?) Answer: the GIANT company (COX).

8. Recommendation - Recommend one or more of the strategies, CHANGES TO LAW for EXPANSION.

We should have a city effort to upgrade and monitor equal Fast Internet access which I have concluded that cable internet is the best choice for everyone since there already exists a law of extension of service for cable TV to be granted for everyone in Mesa. This law needs to be revised to include cable services for everyone in the community also. In order to implement this law in the American way, there shall exist more than one licensee provider for cable internet service in Mesa that needs to adhere to the same proposed law.

Summarize the results.

If things go as proposed with no control over cable internet upgrades, there will be a FAILURE in the technological advancement in this community, not to mention the inequality that will continue to exist. If you just give this license away with no conditions or law concerning Fast Internet equality and distribution, there will be inevitable

COMPLAINTS. We'll be technologically impaired; we would be living as if we were in an "Amish paradise", in contrast to communities like Chandler and Phoenix who have a more complete cable Internet service coverage. These communities also have more coverage of DSL services than our city.

What to do next?

We need an amendment that should allow people who petition for cable Internet services first, to be the ones granted the equal, guaranteed, and speedy activation of the companies permitted by the city to do these upgrade services. This amendment may need to include digital telephone and digital television requests. You may award the contract to these two companies, only **if** you include the conditions for Cox and CableAZ to follow an "extension of service law for cable Internet". We may need to schedule a new meeting and have a map satisfactory to the city indicating the proposed initial area of the city that will be served with "cable internet". It is vital that there is a general five-year plan for the proposed upgrade of licensee's "cable internet service" areas within the city. Also, there should be a proposed time schedule for the installation of all equipment necessary to become operational throughout the initial area to be served. The proposed schedule shall meet minimum FCC construction requirements. (This all comes from Chapter 7 License Application procedures for cable **television** operation in Mesa. This needs to be applied to cable Internet services, digital telephone, and digital TV.)

Identify action items. (Reemphasize the action the council and Cox and other cable company needs to take.)

Does the FCC have any laws regarding equality of high-speed Internet access or the distribution of it? We need to orchestrate a compromise between the cable companies and the citizens, so that both will be treated fairly, which may in turn accelerate the installation of cable Internet in Mesa.

9. Conclusion (restate thesis, the Gestalt, community goals, growth, technological advancement, the future of Mesa in 10 years.

We are the third largest city in Arizona surrounded by technology, let me say this on behalf of the future of this city's problem, we should have some knowledgeable tech guys on a citizen panel discussing the best possible solutions regarding fast Internet services. The quality of service needs to be the best possible to all citizens, not just a

handful. I carried a petition during Spring Break when I had the time, and it asked if people wanted CableAZ (since it's not in our neighborhood) and Cable Internet, i.e., Cox@Home. The response to dissatisfaction with Cox's basic cable service was overwhelming and requests for cable Internet service by either Cox or CableAZ, also was surprising. 30 houses saw my petition, 26 signed wanting CableAZ (this meets the requirements of the extension of service laws which needs 51% of 50 houses (in an aerial line neighborhood) agreeing to switch over to a different, more responsive cable provider. Thirteen people said that they would like cable Internet and more people said that they would sign up for it IF they had more information about the pricing, quality, and the way fast internet works. I 'm hoping for a response from CableAZ about my neighborhood. CableAZ has surveyed our neighborhood. What's going on now? The basis for who should be next to get cable Internet, should be awarded to the people who petition for the upgrade first, whether the upgrade is for COX@home or CableAZ's cable Internet Services. In addition, the cable nodes and fiber lines must be within a reasonable distance so that it won't be too expensive to service a neighborhood, so this law will protect cable companies' investments in stringing or burying the wire. There definitely needs to be an informative article in the tribune on High Speed Internet providers such as Cox, CableAZ, Uswest, Sprint, and Direct PC with advantages and disadvantages to all of these services. This article needs to include the integrity, quality, price, and speed, with no tricky footnotes or asterisk marks. If the company can't handle the load the city should take matters in its own hands for the expansion. The most recent prediction of my neighborhood upgrade is scheduled between May 15th and September. Let's just hope it's not another false estimate like Cox has given me before. We need to know what Cox is doing with their waiting list.

In brief, HIGH SPEED Internet will provide untold benefits for the modernization of the community and generate some serious economic potential! I wouldn't say that this valley is not "technologically impaired" because there is Intel, Motorola, Sun Microsystems, MicroAge, Cox, and Cable America, just to name a few. All of them have nice little plants. We should be catching the community up with the technology giants that surround us. Furthermore, Mesa will be resourceful to pool the efforts of these corporations and provide a gateway that would revolutionize and provide amazing

opportunities for the citizens. I'd like to close my comments by thanking you for your time. I'm looking forward to a lot of changes, especially amendments to title 9 chapter 7 of the city codebook, and the administration of these new laws. Please take into account your decision of rewarding your license with Chris Johnson's letter and my arguments. I've tried to make these arguments as informative and truthful as possible **because what you don't know CAN hurt you as well as the rest of our community!**

WANTS CABLE	Cable internet	Name	Address	Phone	Email Address	Signature
w/ cable america	Ex: Cox@home					
1	yes	Sharon Snyder	2874 E Backus	832-8772	SnyderS@comcast.net	Sharon Snyder
2	yes	Jon Crismond	2854 E Backus Rd.	832-4582	jmcristmond@comcast.net	Jon Crismond
3	yes	William Shuler	2910 E. Backus Rd	1041-9233		William Shuler
4	Maybe	Marten Smith	1714 N. River Cr.	924-4678		Marten Smith
5	NO	Lee Pace	1735 Al. Hill Cir	944-6263	pacelee@att.net	Lee Pace
6	yes	Dan Garner	8857 E Backus	920-2825	garnerd@comcast.net	Dan Garner
7	maybe	Linda Hoffman	2831 E. Backus Rd.	570-2256		Linda Hoffman
8	yes	Barry Smith	16218 Lincoln Rd	512-0327		Barry Smith
9	yes	Samuel M. Smith	1645 Lindsay Rd	832-7167		Samuel M. Smith
10	yes	William M. Smith	1711 N. Lindsay Rd	832-6669	WMSM12@att.net	William M. Smith
11	yes	Kathy Smith	1722 N. Lindsay Rd	841-9237	841-9237@aol.com	Kathy Smith
12	maybe	Samuel M. Smith	1925 N. Lindsay Rd	854-0133		Samuel M. Smith
13	yes	Richard Thomas	2816 E. Backus Rd	1041-5961		Richard Thomas
14	maybe	Tom Jones	2815 E. Backus Rd	141-8234	tomjones@msn.com	Tom Jones
15	yes	Charles Green	2828 E. Jasmine	834-9194	cgreen1@comcast.net	Charles Green
16	yes	Shirley Smith	2946 Jasmine	832-7859	ssm865@aol.com	Shirley Smith
17	yes	Don Williams	2956 E. Backus	940-154-0834	AZMudd@comcast.net	Don Williams
18	yes	John Williams	1732 D 30th St	832-0734	dc Ray 13@juno.com	John Williams
19	yes	Joan M. Smith	1718 N. 30th St	921-7510		Joan M. Smith
20	yes	David K. Stewart	1705 N. 30th St	830-4074	dkstewart@att.net	David K. Stewart
21	yes	Lara Hummer	1925 N. 30th St	830-2412		Lara Hummer
22	yes	Jeff Stuber	P.O. Box 2217	602-765-5346		Jeff Stuber
23	yes	Jane Hoots	5126 E. Iris	602-924-3288		Jane Hoots
24	maybe	John W. Ferguson	3015 E. Backus Rd	480-854994		John W. Ferguson
25	yes	Walter Dendure	3039 E. Backus Rd	480-832-7887		Walter Dendure
26	yes	James Dendure	9195 E. Backus Rd.	480-830-6183	TARBOURIE JUNE	James Dendure
27	yes	Genevieve Espinoza	3118 E. Backus Rd	480-832-0494		Genevieve Espinoza
28	yes	Licubio Espinoza	3124 E. Backus Rd	480-832-3246		Licubio Espinoza
29	yes	Chris Forcer	1732 N 31st St	480-830-4249		Chris Forcer
30						
31	26					
32		Competition				
33	12,480					
34	12,480					
35	27,280					
36		loss of wire				
37		single				
38	wood					
39						
40	estimate	basic cable \$40?				
41						
42						

DATE March 13th 14th, 2000

Mesa City Code about the law of more than 50 homes 51 % wanting cable television (if I do this Cable America must string in Aerial Lines for Television (which will include internet)).....

The link to the LINE EXTENSION CODE is on Title 9 chapter 7 section 11 at this web address.....

http://www.ci.mesa.az.us/frames.asp?main_section=m&nav_section=mc_city_code_book&title=City%20Code%20Book

www.phx.cox.com has cable tv and cable modem info.

www.cableaz.com has cable tv and cable modem info.

www.speedchoice.com wireless, I was once a customer..... Slow tech help and slower connection than cox and very unreliable and unstable.... I would prefer Cox or Cable AZ because it is cheaper and faster.

uses with fast internet:

same things as dial-up but over cable wire..... doesn't use phone line. MUCH, MUCH, MUCH FASTER.....

use e-mail
make web pages
use www.dialpad.com talk to relatives anywhere in US for free... But works much better with a faster connection

download music

download whatever

ebay

etrade

Education information

Buy stuff

Play Network games

share internet with more than one computer.

all sorts of things at a FAST CONNECTION (NOT LIMITED BY SPEED).....

If you have any questions about Cable TV and Cable INTERNET (especially about getting it in our neighborhood as soon as possible) call me (Jon Crismon) at 832-4582 or e-mail me at joncrismon@yahoo.com or send a fax at 854-8511 or send mail to 2854 E. Backus Rd., Mesa, AZ 85213.

- (C) The Council may, upon written application by a licensee, approve the abandonment of any property in place by a licensee and under such terms and conditions as the Council may prescribe. Upon abandonment of any property of the licensee in place, the property shall become that of the City, and the licensee shall submit to the City Manager an instrument in writing, to be approved by the City Attorney, transferring to the City the ownership of such property. (972.1947)
- (D) Any property of the licensee remaining in place one hundred eighty (180) days after the cancellation, termination, or expiration of the license shall be considered permanently abandoned. The Council may extend such time not to exceed thirty (30) days. (972.1947)

9-7-23: AMENDMENTS:

There is hereby reserved to the City the right and authority to amend any section of this Chapter so as to require additional or greater standards of construction, operation, maintenance, or otherwise on the part of the licensee to reflect technical and economic changes occurring during the license term and to enable the City and the licensee to take advantage of new developments in the cable television industry so as to more effectively, efficiently, and economically serve the public. Such additional or greater standards may be imposed by the City if not prohibited by the FCC or the Cable Communications Policy Act of 1984 and amendments thereto. (972.1947)

9-7-24: SEVERABILITY:

- (A) If any section, subsection, sentence, clause, phrase, or portion of this Chapter is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof. (1947)
- (B) In the event any future law, rule, or regulation adopted by the Federal government makes it necessary or desirable to amend or change any of the terms or conditions of this Chapter or of any license issued hereunder, the City reserves the right to renegotiate the terms and conditions of this Chapter and/or such license(s). (972.1947)

CHAPTER 8

OFF-SITE IMPROVEMENT REGULATIONS

SECTION:

- 9-8-1: Purpose and Intent**
9-8-2: Definitions
9-8-3: Street and Utility Improvement Requirements
9-8-4: Modifications
9-8-5: Appeals
9-8-6: Penalties

9-8-1: PURPOSE AND INTENT:

The purpose of these regulations is to provide for the orderly growth and harmonious development of the City of Mesa; to insure that proper off-site facilities are constructed in conjunction with the development of unsubdivided land for commercial, industrial, and multiple-residential uses where no subdivision of land is required; to provide for public dedication of such rights-of-way as streets or easements as are reasonably required by or related to the effect of the proposed use; to secure adequate provisions for water supply, drainage, sanitary sewerage, and other health requirements as part of the development. In its interpretation and application, the provisions of these regulations are intended to provide a common ground of understanding and equitable working relationship between public and private interests to the end that both independent and mutual objectives can be achieved in the development of land where no subdivision is required. (1095)

9-8-2: DEFINITIONS:

COUNCIL: The City Council of the City of Mesa. (1095)

DEVELOPER: A developer shall be deemed to be the individual, firm, corporation, partnership, association, syndication, trust, or other legal entity that initiates the development of land for commercial, industrial, or multifamily residential purposes in accordance with the provisions of this Ordinance; and said developer need not be the owner of the property as defined by this Chapter. (1095)

EASEMENT: A grant by the owner of the use of a strip of land by the public, a corporation, or persons for specific uses and purposes, and so designated. (1095)

- (C) No acceptance of any payment shall be construed as an accord that the amount paid is in fact the correct amount, nor shall such acceptance of payment be construed as a release of any claim the City may have for further or additional sums payable under the provisions of this Section. All amounts paid shall be subject to audit and recomputation by the City. (972.1947)

9-7-11: EXTENSION OF SERVICE: (972)

- (A) When there is only one (1) active Citywide license in effect under this Chapter, that licensee shall comply with the service line extension requirements set forth in Subsection (B) below and that licensee is also subject to the petitioning provisions of Subsection (C) for areas not covered under Subsection (B). (2273)

When there is more than one active Citywide license in effect under this Chapter, that licensee shall comply with the service line extension requirements set forth in Subsection (B) below and that licensee is also subject to the petitioning provisions of Subsection (C). (2273)

Licensees who do not have a Citywide license shall comply with the provisions of Subsections (B) and (C) within their designated service area. (2273)

- (B) When there is only one (1) active Citywide license that is in effect under this Chapter, that licensee shall provide cable television service to any resident(s), residence(s), or other person(s) or facility(ies) in areas containing not less than seventy-five (75) dwelling units per trench mile (underground construction) and/or not less than fifty (50) dwelling units per strand mile (aerial construction) and not currently served by any licensee within the corporate limits of the City as now established and as may be expanded or extended at any time hereafter. (2273)

1. For purposes of this Section, "provide cable television service" shall mean having all cable plants including trunk feeder and drop lines and other necessary electronics in place and activated. (1947, 2273)
2. When fifty percent (50%) of all dwelling units passed by the licensee's cable system inside the corporate limits of the City subscribe to the licensee's cable television service, that is, when the licensee's penetration rate reaches fifty percent (50%), then the residential density requirement for service under Subsection (B) of this Section shall be forty (40) dwelling units per strand and/or trench mile, without regard for method of construction. (1947.2273)

3. For purposes of this Section, "dwelling units" shall be defined as single-family residences and all multiple-family residences, with the exceptions that: (1947.2273)
 - (a) Multiple-family residences such as, but not limited to, condominiums, townhouses, apartments, and other multiple-unit dwellings, excluding duplexes, triplexes, and fourplexes, which shall be counted as single-family residences, shall be counted as one-half (1/2) a dwelling unit under this Section. (1947.2273)
 - (b) Mobile home parks and recreational vehicle parks which allow for rental space by a majority of their tenants/lessees for periods of less than six (6) months shall be excluded from this definition of dwelling units under this Section. (1947.2273)
 - (c) Multiple-unit dwellings served by satellite master antenna television (SMATV) shall be excluded from the definition of dwelling units in this Section. (1947.2273)
4. In the case of new development, a licensee, if refused access to an open or joint trench, or in the case of multiple-unit dwellings, to a construction site, in order to prewire those units for receipt of cable service, may exclude said development from consideration for the licensee's cable service under this Section for a period of five (5) years. (1947.2273)
 - (a) For purposes of this Section, "new development" is defined as a development in which an open trench, and in the case of multiple-unit dwellings, in which access to the site, for prewiring is provided by the developer during the initial construction period. (1947.2273)
 - (b) Refusal by a developer or owner shall be demonstrated by the licensee. (1947.2273)
- (C) When there is more than one active Citywide license that is in effect under this Chapter or in areas not covered under Subsection (B) of this Section, for extension of service, residents may petition any licensee for service. Petitions for service may be filed as follows: (1947.2273)

1. If fifty-one percent (51%) of the persons residing in a specific area of the City not covered under Subsection (B) of this Section and not served by any licensee petition, in writing, one (1) or more licensees for service, the licensee(s) so petitioned must respond to the petitioners within sixty (60) days of receipt of said petitions, indicating that service can and will be provided and outlining procedures, fees, and timetables for receiving services or indicating that service cannot be provided and thoroughly documenting the reasons why it is not economically feasible to do so. (1947.2273)
2. If fifty-one percent (51%) of the subscribers in a specific area of the City containing not less than fifty (50) dwelling units per street mile and currently availing themselves of the services of a licensee petition, in writing, other licensees under this Chapter to provide service to them in the event that said subscribers allege and believe that service provided by their current cable operator is unacceptable to them, the licensee(s) so petitioned must respond to the petitioners within sixty (60) days of receipt of said petitions, indicating that service can and will be provided and outlining procedures, fees, and timetables for receiving service or indicating that service cannot be provided and thoroughly documenting the reasons why it is not economically feasible to do so. (1947.2273)
3. For purposes of this Section, "economically feasible" shall mean that the additional incremental revenues that may reasonably be generated by extending service to a specific area will equal or exceed the additional incremental costs incurred in furnishing service to that specific area in an amount sufficient to provide the licensee(s) with a reasonable Internal Rate of Return (IRR). (1947.2273)
4. Licensees must extend and make cable television service available at the standard connection charge to any resident(s) isolated from a standard residential area who requests connection, provided the isolated residence is passed by existing cable, if the connection to the isolated resident(s) would require no more than a standard one hundred fifty-foot (150') drop. (1947.2273)

Licensees must extend and make cable television service available to any isolated resident(s) requesting it, provided the isolated residence is passed by existing cable, even if the connection would require more than a one hundred fifty-foot (150') drop, at a charge not to exceed the actual installation costs incurred by the licensee for the distance exceeding one hundred fifty feet (150'). (1947.2273)

5. Licensee shall keep a record for at least three (3) years of all petitions and requests for service received pursuant to this Section. (1947.2273)
- (D) Nothing herein shall be construed to prevent any Citywide licensee from serving more areas and residents of the City than is required by this Section. Conversely, if any licensee shall determine that the provisions under Subsection (B) of this Section under particular circumstances combine to work a severe economic hardship on him/her, the licensee shall have the right of appeal to the City Manager for a waiver of the performance required by that portion of said Subsection (B) of this Section. (1947, 2273)
- (E) A licensee intending to overbuild another licensee under this Section shall obtain all applicable permits from the City to do so and shall be obligated by this Section to notify, in writing, the licensee to be overbuilt no less than ten (10) days prior to the start of construction. (1947,2273)
- (F) All licensees under this Chapter shall be required to provide, upon request, current and accurate maps showing the full extent of the licensee's system both inside the corporate limits of the City and in other incorporated and unincorporated areas outside the City. (1947.2273)

9-7-12: SYSTEM CONSTRUCTION AND MAINTENANCE:

- (A) New licensees or licensees proceeding with reconstruction of an existing system under this Chapter shall establish and file with the City Manager a construction plan, including maps showing construction locations, and a timetable for buildout and activation of cable lines. (1947)
- (B) After acceptance of a license in the City, any licensee shall proceed with diligence to obtain all necessary permits and authorizations which are required in the conduct of its business, including but not limited to, any utility joint use attachment agreements, microwave carrier licenses, and any other permits, licenses, and authorizations to be granted by duly constituted regulatory agencies having jurisdiction over the operation of cable television systems or associated microwave transmission facilities. (972.1947)