

**REQUEST FOR BOARD ACTION**  
**HENDERSON COUNTY**  
**BOARD OF COMMISSIONERS**

MEETING DATE:                    5<sup>th</sup> September 2006

SUBJECT:                            Mediacom Southeast, L.L.C. temporary franchise extension

ATTACHMENT(S):                Draft agreement executed by Mediacom

**SUMMARY OF REQUEST:**

Attached is a proposed extension of the existing franchise agreement with Mediacom Southeast, L.L.C. This proposal maintains the status quo, pending Mediacom's obtaining a state-wide franchise early in 2007. Mediacom has already agreed to this extension.

A franchise agreement must be twice adopted by this Board to be effective. Proposed is preliminary (first reading) adoption, subject to another vote at this Board's next meeting.

County staff and a representative of Mediacom will be present and prepared if requested to give further information on this matter.

**PROPOSED BOARD ACTION:**

If the Board is so inclined, the following motion is suggested:

***I move that the Board give preliminary approval to the extension of the County's franchise agreement with Mediacom Southeast L.L.C., subject to final agreement at this Board's next meeting.***

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

## AGREEMENT

This AGREEMENT is made on the \_\_\_\_\_ day of \_\_\_\_\_, 2006, by and between Henderson County, a body politic and corporation ("the County") and Mediacom Southeast L.L.C. ("Mediacom").

### Statement of Facts and Circumstances


1. Mediacom and the County are parties to a franchise agreement for cable television service within the unincorporated areas of the County ("the local franchise agreement").
2. The local franchise agreement will soon expire by its terms.
3. North Carolina has recently enacted "An Act To Promote Consumer Choice In Video Service Providers And To Establish Uniform Taxes For Video Programming Services", session law 2006-151 ("the Act").
4. Pursuant to the Act, Mediacom will be able to obtain a franchise allowing it to provide video services in Henderson County of the same type as are allowed under the local franchise agreement.
5. Election by Mediacom of a statewide franchise under the Act can occur on or after 1 January 2007.
6. Mediacom is not willing to commit to a new long-term local franchise agreement with Henderson County on terms more stringent than the state franchise agreement at this time.
7. The purpose of this Agreement is to extend the local franchise agreement until such time as Mediacom elects to obtain a franchise pursuant to the Act.

### Statement of Agreement

1. The term of the local franchise agreement is extended until terminated by Mediacom obtaining a franchise under the Act, or until the County gives six (6) months notice to Mediacom of termination (which termination will be subject to the other provisions of the local franchise agreement, and applicable North Carolina and Federal law).

2. This Agreement is effective after second adoption by the Board of Commissioners of Henderson County and execution by both parties.

MEDIACOM SOUTHEAST, LLC

By:  \_\_\_\_\_

**Bruce Gluckman**  
**VP of Legal and Regulatory Affairs**

\_\_\_\_\_  
Printed Name of Person Executing Agreement

HENDERSON COUNTY

By: \_\_\_\_\_

WILLIAM L. MOYER  
Chairman, Board of Commissioners