

CITY OF BROKEN ARROW, OKLAHOMA

RESOLUTION NO. 1627

**A RESOLUTION OF THE CITY OF BROKEN ARROW, OKLAHOMA
CONCERNING THE COMMENCEMENT OF FORMAL RENEWAL
PROCEEDINGS UNDER THE FEDERAL CABLE COMMUNICATIONS
POLICY ACT OF 1984, AS AMENDED**

WHEREAS, on August 19, 2002, the City of Broken Arrow, Oklahoma (“City”) granted, by Ordinance No. 2468, a Franchise (the “Franchise”) to Cox Com, LLC (“Cox”), to provide cable television service within the territorial limits of the City; and

WHEREAS, by letter dated November 19, 2024, from Cox to the City, Cox invoked the formal renewal procedures set forth in Section 626 of the Cable Communications Policy Act of 1984, as amended (the “Cable Act”), 47 U.S.C. § 546 (“Renewal Letter”); and

WHEREAS, Section 626(a)(1) of the Cable Act, 47 U.S.C. § 546(a)(1), provides that if a written renewal request is submitted by a cable operator during the 6-month period which begins with the 36th month before franchise expiration and ends with the 30th month prior to franchise expiration, a franchising authority shall, within six months of the request, commence formal renewal proceedings to identify the future cable-related community needs and interests, and to review the performance of the cable operator under its franchise during the then current franchise term; and

WHEREAS, the City is desirous of commencing the formal renewal proceedings specified in Section 626(a)(1) of the Cable Act, 47 U.S.C. § 546(a)(1) and, at the same time, of pursuing the informal renewal process with Cox pursuant to Section 626(h) of the Cable Act, 47 U.S.C. § 546(h), as requested by Cox in its Renewal Letter; and

WHEREAS, the City intends to take any and all steps required or desired to comply with the franchise renewal and related requirements of the Cable Act, Oklahoma law and the Franchise; and

WHEREAS, the City must provide the public with notice of, and an opportunity to participate in, formal renewal proceedings under Section 626(a) of the Cable Act; and

WHEREAS, formal Section 626(a) proceedings and the informal franchise renewal process may involve the collection and analysis of information from Cox (and its affiliates and subsidiaries), City agencies and departments, the public and other interested parties, and may require one or more public hearings.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BROKEN ARROW, OKLAHOMA DO RESOLVE AS FOLLOWS:

Section 1. The City hereby commences formal franchise renewal ascertainment and past performance proceedings under Section 626(a)(1) of the Cable Act, 47 U.S.C. § 546(a)(1), concerning Cox and the Franchise.

Section 2. City staff and/or designee(s) are authorized to manage and conduct the formal franchise renewal proceedings specified in 626(a)(1) of the Cable Act, 47 U.S.C. § 546(a)(1), and to take all steps and actions necessary or desired to assess the community's cable-related needs and interests, to review Cox's past performance under the Franchise and applicable laws and regulations, and to comply with applicable laws, regulations, orders and decisions.

Section 3. City staff and/or their designee(s) are authorized to pursue the informal renewal process under Section 626(h) of the Cable Act, 47 U.S.C. § 546(h). City staff and/or their designee(s) are authorized to enter into Franchise renewal and/or extension negotiations with Cox, to prepare informal renewal proposals and to respond to informal renewal proposals from Cox, to communicate with Cox on the City's behalf, to perform past performance and needs assessment reviews, and to take all other steps and actions necessary or desired to engage in the informal renewal process and/or to comply with applicable laws, regulations, orders and decisions. The City will provide adequate public notice of and an opportunity to comment on any informal Franchise renewal proposal(s) submitted by Cox before taking any final action on such proposal(s).

Section 4. City staff and/or their designee(s) may establish procedures and dates for the conduct of any hearings, meetings and/or surveys related to any Section 626(a) proceedings or the informal renewal process and may establish procedures and dates for the submission of testimony and other information in connection with such proceedings and/or the informal renewal process.

Section 5. City staff and/or their designee(s) are authorized to request and require Cox and its affiliates and subsidiaries to submit such information as may be deemed appropriate in connection with any Section 626(a) proceedings or the informal renewal process under Section 626(h) (including any needs assessment(s) or past performance review(s) associated therewith), to the maximum extent permitted by the Franchise and applicable laws, ordinances, regulations, resolutions, settlement agreements, and memoranda of understanding, to gather such other information from other persons, agencies or sources as may be deemed appropriate, and to take such further steps as may be needed or desired to ensure the City and the public's cable-related needs and interests are satisfied and fully protected consistent with applicable law.

Section 6. Nothing in this Resolution shall be construed to waive or limit the City's authority, rights, remedies and defenses under applicable agreements, laws, regulations, orders and decisions.

Section 7. City staff shall keep the City fully apprised of the status and progress of the formal and informal renewal processes, as appropriate.

Section 8. This Resolution shall become effective immediately upon adoption.

ADOPTED this _____ day of _____, 2025.

CITY OF BROKEN ARROW, OKLAHOMA

Mayor

ATTEST:

(seal) City Clerk

APPROVED:

City Attorney