

PROPOSED AMENDMENT TO THE LIBERTY CABLE FRANCHISE

The City Council is currently considering an amendment to the existing cable communications franchise held by Liberty Communications, Inc. What follows is a general description of the entire franchise, and a description of the proposed amendment. These descriptions are not legal documents. Persons interested in the details of the franchise or the proposed amendment should review the complete documents. Copies may be obtained from the City Auditor, 202 City Hall.

The proposed amendment has been printed in full in the December 31, 1980 issue of the *Daily Journal of Commerce*. A City Council hearing on the amendment will be held in the near future. Any objections to the amendment should be filed with the City Auditor.

EXISTING FRANCHISE

The franchise, dated July 19, 1978, authorizes Liberty Communications, Inc., to construct, operate and maintain a cable system in Portland.

Section 1. Nature and Term of Grant. The franchise allows Liberty to operate the cable system until January 2, 1993.

Section 2. Areas. Liberty may operate on the West side of the Willamette River, within the City limits.

Section 3. Compensation. Liberty must pay the City 3% of its revenues from selling basic cable service to subscribers. Payments must be made quarterly, and be accompanied by a full report of the basic service revenues. Liberty's books must be made available to the City for inspection to determine the amount of compensation due the City.

Section 4. Schedule of Charges. Liberty must file all its rates for service with the City Auditor. A service consisting of the transmission of all Portland broadcast television stations must be made available to low-income elderly persons for no more than \$7.50 per month. This rate may be raised, by one-half the percentage of the increase in the Consumer Price Index, every two years. The City reserves the right to further regulate rates at any time.

Section 5. Service Requirements and Options. In addition to any television signals, Liberty must carry at least 12 FM radio stations. Liberty may carry programs other than radio and television transmission for an additional charge to subscribers. Liberty is required to make its system available to the public, providing production facilities, technical assistance and free channel space.

Section 6. System Construction and Extension. Whenever Liberty receives requests from at least 15 households located within 1320 feet of its existing trunk cable, service must be provided to those households at standard rates for installation. In less dense areas, or in other unusual circumstances, installation may be provided for the cost of materials, labor and easements, plus ten percent.

Section 7. Operational Standards. Liberty's cable system must meet the technical standards set by the Federal Communications Commission.

Section 8. Local Office: Complaints. Liberty must maintain a local office to receive complaints, and must notify all subscribers of the procedures for reporting and resolving complaints. The City's Commissioner-in-Charge is responsible for the administration of the franchise and the mediation of complaints.

Section 9. Construction and Use of Poles. Liberty is expected to use the poles and conduits owned by the telephone and power companies, and to comply with all standards of construction and maintenance applicable to those entities, according to agreements approved by the City. If Liberty cannot use telephone and power company poles and conduits, then it may construct its own, but must comply with City standards for construction.

Section 10. Restoration of Streets. Liberty is responsible for restoring any streets dug up in the course of its construction, and all its work must be done in a safe and lawful manner.

Section 11. Reservation of Street Right. The City may require Liberty to remove or replace its facilities to enable the City to work on the streets, sewers or other public projects.

Section 12. Trimming of Trees. Liberty will be under the same rules relative to the cutting or trimming of trees as are the other utility companies.

Section 13. Use of Poles and Conduits by the City. The City may use the poles and underground conduits owned by Liberty. The City takes responsibility for any damage it causes to Liberty's property.

Section 14. Franchise Not Exclusive. The City may grant another franchise authorizing construction of a cable system in the same area as that covered in the Liberty franchise.

Section 15. Street Vacation or Abandonment. If the City abandons or vacates any street containing equipment owned by Liberty, the company is responsible for cleanly removing the equipment or making special arrangements to leave it there.

Section 16. Insurance. Liberty must be insured for \$100,000 for injury or death to any one person; \$300,000 for injury or death from any one accident; and \$300,000 for property damage from any one accident.

Section 17. Control of Current and Facilities. Liberty is required to transmit any electrical currents or television signals in such a way that they cause no damage to persons or property within the City.

Section 18. Movement of Facilities. If someone is moving a building or other large object through the streets, Liberty may be required to temporarily rearrange its facilities to make way for the move, at the mover's expense.

Section 19. Franchise Not Transferable. The franchise, and all the rights it bestows, belong only to Liberty. They cannot be transferred to anyone else unless the City specifically authorizes the transfer.

Section 20. Mandatory Transfer Upon Certain Conditions. If the City grants a City-wide franchise, then the holder of that franchise may buy the Liberty system at fair market value any time after January 1, 1989. A procedure is described for determining fair market value.

Section 21. Regulation. The City retains the power and right to regulate in the public interest at all times, not only as specified in the franchise, but in the more general way guaranteed by the charter and ordinances of the City, and by Oregon law.

Section 22. Common User. The City may require Liberty to allow another utility agency to share its poles or conduits under certain circumstances, on a reasonable cost-sharing basis.

Section 23. Forfeiture. If Liberty violates any of the provisions of the franchise, the City may revoke the franchise, after 30 days' notice and a public hearing.

Section 24. Charter and General Ordinances to Apply. The franchise is subject to the Charter of the City of Portland, and also the requirements of City codes and ordinances governing permits, fees and manner of construction.

Section 25. Written Acceptance. Liberty must file written acceptance of this franchise ordinance within 30 days after its passage by the City Council, otherwise it does not go into effect.

Section 26. Filing of Pole User Agreement. Within 30 days of the effective date of the franchise, Liberty must file with the City all agreements with the telephone and power companies for using their poles.

Section 27. Conditions for Grant of Additional Franchise. The City expresses its intention to have only one franchise in the West side areas where King and Transvideo once operated two separate franchises.

Section 28. Miscellaneous Provisions. All matters required for filing under the franchise must be filed with the City Auditor. Liberty must pay the cost of publishing the franchise.

PROPOSED AMENDMENT

The City Council is presently considering an amendment to Section 20 of the Liberty franchise that would: a) release Liberty from the obligation to sell to the city-wide franchisee unless the City Council finds that Liberty's services and rates are of significantly lesser benefit to subscribers on the West side than are the services and rates of Cablesystems Pacific -- the currently proposed citywide franchisee -- on the East side; b) delay the date of a possible mandatory sale to Cablesystems by two years -- until January 1, 1990; c) allow Liberty to hold out certain property from a mandatory sale to Cablesystems; and d) authorize Liberty to purchase Cablesystems if the Council finds Cablesystems' rates and services are of lesser benefit to subscribers than Liberty's.

CITY OF PORTLAND INVITATION TO BID

Sealed proposals will be received in Room 412, City Hall, Portland, Oregon 97204 for items detailed herein until 2:00 P.M. on the dates indicated.

Plans and specifications may be obtained at the above address. For additional information telephone Buyer at number listed.

When Bid Surety is required, proposals shall be accompanied by a certified check, cashier's check or a bid bond, payable to the City of Portland for an amount not less than ten percent (10%) of the aggregate amount of the bid as guaranty that the bid shall be irrevocable for the period specified in the proposal. Said bond to be forfeited as fixed and liquidated damages should the bidder seek to revoke his offer for any reason not authorized by law and not consented to by the City within the irrevocable period, or neglect or refuse to enter into contract and provide a suitable bond for the faithful performance of the contract, in the event the said contract is awarded to him.

NON-DISCRIMINATION: No proposal or bid will be considered unless the bidder is certified as an EEO Affirmative Action Employer as prescribed by Chapter 3.100 of the Code of the City of Portland. All bidders not currently certified should file the required documentation with the Contract Compliance Division, Room 209, City Hall, 1220 SW Fifth Avenue, Portland, Oregon 97204, 248-4696, at least five (5) days prior to the Bid opening. Failure to achieve certification by the Bid Opening Date and Time shall result in the return of your Bid unopened.

BID NO.	DESCRIPTION	BID OPENING DATE
81	RFP - Bond Counsel Services for Civic Stadium Renovation. For information call Carlton Chayer, Ass't Purchasing Manager, 248-5374. Special Prequalification Required.	02/03/81
82	Labor, Material & Equipment for 60-Inch Water Transmission Main for Groundwater Development Program, Phase II. For information call Carlton Chayer, Ass't Purchasing Manager, 248-5374. 10% Bid Surety Required.	02/10/81
80	Furnishing 911 Communications System. For information call Carlton Chayer, Ass't Purchasing Mgr., 248-5374. 10% Bid Surety Required.	02/26/81

SELF SERVICE FARE COLLECTION EQUIPMENT ADVERTISEMENT FOR BID

Notice is hereby given that the Tri-County Metropolitan Transportation District of Oregon (Tri-Met) will receive sealed bid proposals until 10:00 a.m. Pacific Standard Time, March 3, 1981, at its facilities at 4012 S.E. 17th Avenue, Conference Room "D," Third Floor, Portland, Oregon 97202, attention: Ms. Ann McFarlane, Asst. Grant & Contract Specialist, Grants and Contracts. Bids will be opened at that time for on board fare collection equipment consisting of:

- 746 Controllers
- 956 Validators
- 766 Printers
- Tickets and Miscellaneous Equipment

Contractors will be required to comply with all applicable Equal Employment Opportunity laws and regulations.

All bidders will be required to certify that they are not on the Comptroller General's list of ineligible contractors.

The Tri-County Metropolitan Transportation District of Oregon will not discriminate with regard to race, color, sex or national origin, in consideration for contract award.

The Bid Documents including Specifications, Conditions, and Rules for Bidding may be obtained from Ann McFarlane at (503) 238-4802.

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Sr. Kathleen Stupfer, Principal Grades 1 thru 8

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Morning Worship		Friday	"The Pastor Speaks"	7:30pm
"Showers of Blessings Broadcast"	3:30-4:30			
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