

ORDINANCE NO. 61, EIGHTH SERIES

**AN ORDINANCE OF THE CITY OF FERGUS
FALLS, MINNESOTA, AMENDING FRANCHISE
AGREEMENT OF SPECTRUM MID-AMERICA,
LLC, SUCCESSOR IN INTEREST TO CC VIII
OPERATING, LLC, AND EXTENDING ITS TERM.**

THE CITY OF FERGUS FALLS DOES ORDAIN:

WHEREAS, Spectrum Mid-America, LLC, successor-in-interest to CC VIII Operating, LLC (“Grantee”), currently holds a Franchise Agreement with the City of Fergus Falls, Minnesota (“Grantor or City”) which became effective on November 5, 2016, under Ordinance No. 51, Seventh Series; and

WHEREAS, the Grantee desires to make the following amendments to said Franchise Agreement

Section 1. Subd. 4, Standards of Service, subparagraph (J), is hereby amended to read as follows:

- J. **Subscribed Charges for Extensions of Service.** No Subscriber shall be refused service arbitrarily. However, if an area does not meet the density requirements of Subdivision 4(I) above, the Grantee shall only be required to extend the Cable System to Subscribers in that area if the Subscribers are willing to share the capital costs of extending the Cable System. The Grantee may require that payment of the capital contribution in aid of construction borne by such potential Subscribers be paid in advance. Subscribers shall also be responsible for any Standard/non-standard Installation charges to extend the Cable System from the tap to the residence.

Section 2. Subd. 4, Standards of Service, subparagraph (L), entitled Service to Public Buildings, is hereby deleted in its entirety.

Section 3. Subd. 4, Standards of Service, subparagraph (M), is hereby amended to read as follows:

- M. **Emergency Use.** Grantee shall comply with 47 U.S.C. 544(g) and all regulations issued pursuant thereto with respect to an Emergency Alert System (“EAS”).

Section 4. Subd. 5, Regulation by City, subparagraph (A), is hereby amended to read as follow:

- A. **Franchise Fee.** During the term of this franchise extension, the City does not require the Grantee to pay the Grantor a franchise fee.

Section 5. Subd. 5, Regulation by City, subparagraph (F), is hereby amended to read as follows:

- F. **City's Right to Purchase System.** The City shall be entitled to a right of first refusal of any bona fide offer to purchase the Grantee as set forth in Section E above, but only if and for so long as such a right is required to be part of a franchise under Minnesota law. Bona fide offer as used in this Section means a written offer which has been accepted by Grantee subject to City's rights under this Franchise. The price to be paid by City shall be the bona fide offer for the Cable System including the same terms and conditions as the bona fide offer. The City shall notify Grantee of its decision to purchase within ninety (90) days of City's receipt from Grantee of a copy of written bona fide offer. If the City decides to exercise this right of first refusal, the City must complete its acquisition of the Cable System within 60 days after notifying Grantee of its decision to do so.

Section 6. Subd. 11, Miscellaneous Provisions, subparagraph (E), Notice, is amended in part to read as follows:

The notices or responses to the Grantee shall be addressed as follows:

Charter Communications, Inc.
Attn: Vice President, Local Government Affairs & Franchising
601 Massachusetts Ave. NW, Suite 400W
Washington, DC 20001

Section 7. Said Franchise Agreement shall be extended to November 4, 2036, and all other terms and conditions of said Franchise Agreement effective on November 5, 2016, shall remain the same. Grantor and Grantee reserve all rights under the formal procedures of Section 626 of Title VI of the Communications Act of 1934, as amended and do not waive any rights related thereto.

Section 8. Summary Publication. Pursuant to Minn. Stat. §412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance.

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Section 9. Effective date. The effective date of this ordinance shall be the 22nd day of September, 2024.

THIS ORDINANCE was introduced on the 19th day of August 2024, and adopted by the City Council of the City of Fergus Falls, Minnesota, on the 3rd day of September, 2024, by the following vote:

AYES: Kremeier, Rachels, Hicks, Job, Kvamme, Rufer
NAYS: None
ABSENT: Fish

ATTEST:

APPROVED:

City Administrator

Mayor

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