



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: August 16, 2017

Department: Public Works Agenda Planning Date: August 10, 2017 Time required: 5 min.

Audio/Visual aids

Contact: Alan Haley Phone: 503-588-5036

Department Head Signature: Alan M Haley

TITLE Consider a Resolution Transferring Control of a Cable Television Franchise.

Issue, Description & Background WaveDivision VII, LLC, dba Wave Broadband, currently has a county-wide franchise to supply cable services to unincorporated Marion County. Radiate Holdings, L.P., has submitted the requisite paperwork and filings to affect the transfer of the franchise of Wave Broadband to Radiate.

Financial Impacts: There will be no fiscal impact to Marion County. Wave, under its new ownership, will continue to pay franchise fees to the county under the same formula as it currently does.

Impacts to Department & External Agencies The transfer of the franchise should be seamless to their customers. Future business decisions regarding any potential change in services will be communicated directly to Wave customers.

Options for Consideration: 1. Adopt the resolution transferring the franchise of Wave Broadband to Radiate Holdings, LP. 2. Take no action at this time.

Recommendation: Adopt the resolution transferring the franchise of Wave Broadband to Radiate Holdings, LP.

List of attachments: Resolution

Presenter: Alan Haley

Copies of completed paperwork sent to the following: (Include names and e-mail addresses.)

Copies to: Jolene Bray - jbray@co.marion.or.us

BEFORE THE BOARD OF COMMISSIONERS  
FOR MARION COUNTY, OREGON

In the Matter of consenting to the )  
Transfer of the previously approved )  
cable communications franchise from )  
WaveDivision VII, LLC, dba )  
Wave Broadband to Radiate Holdings, L.P. )

**RESOLUTION NO. \_\_\_\_\_**

This matter came before the Board of Commissioners at its regularly scheduled public meeting on August 16, 2017, in response to an application for consent to the transfer of a cable communications franchise.

WHEREAS, WaveDivision VII, LLC (the “Franchisee”) is the duly authorized holder of a franchise (the “Franchise”) authorizing the operation and maintenance of a cable television system (the “System”) and authorizing Franchisee to serve unincorporated Marion County with cable television services; and

WHEREAS, Radiate Holdings, L.P. (“Radiate”) and Franchisee, have entered into an agreement for the transfer of control of Franchisee (the “Agreement”) dated May 18, 2017; and

WHEREAS, Franchisee and Radiate filed an FCC Form 394 Application for Franchise Authority Consent to Assignment or Transfer of Control of Cable Television Franchise with the county on or about June 16, 2017, (“Application”); and

WHEREAS, the Franchisee and Radiate requested the consent of Marion County to the transfer of control of the Franchisee in the Application; and

WHEREAS, following review and investigation Radiate has established that it has the requisite legal, technical and financial qualifications to own and operate the System; now, therefore,

IT IS HEREBY RESOLVED:

1. Marion County consents to the transfer of control of the Franchisee, effective immediately upon closing of the transactions contemplated by the Agreement;
2. The consent granted herein is subject to the following conditions:
  - a. The Franchisee or Radiate shall file proof of the closing of the transaction with the county cable officer;
  - b. Franchisee shall file with the county an unconditional continued acceptance of all of the terms and conditions of the Wave Broadband TV Franchise and will continue uninterrupted operation of the System pursuant to the Franchise;
  - c. Franchisee shall file with the county all performance security and insurance required by the Franchise.

Conditions a, b and c shall be met within 30 days following closing of the transaction.

DATED at Salem, Oregon, this 16th day of August 2017.

MARION COUNTY BOARD OF COMMISSIONERS

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Commissioner

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Commissioner

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Commissioner

RESOLUTION NO. \_\_\_\_\_