

ADOPTED BY THE  
MAYOR AND COUNCIL

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RESOLUTION NO. 20615

RELATING TO CABLE COMMUNICATIONS; ISSUING A PRELIMINARY ASSESSMENT DENYING THE FORMAL PROPOSAL FOR CABLE RENEWAL LICENSE OF COX COMMUNICATIONS; ADOPTING FORMAL PROCEDURES FOR HEARING ON THE DENIAL; APPOINTING A HEARING OFFICER; AND DECLARING AN EMERGENCY.

WHEREAS, by Resolution No. 20562 adopted January 17, 2007, the Mayor and Council of the City of Tucson adopted the report of City staff outlining cable related needs and interests of the Tucson Community and the past performance of Cox Communications under its existing cable license; and

WHEREAS, pursuant to 47 U.S.C. § 546(b), the City requested Cox Communications to provide a formal request for license renewal proposal to the City of Tucson by February 16, 2007; and

WHEREAS, Cox Communications provided a formal request for license renewal proposal to the City of Tucson; and

WHEREAS, the staff has submitted an analysis of that proposal which concludes that there is a basis for denying the renewal, or terminating the renewal process in accordance with 47 U.S.C. § 546(c);

WHEREAS, formal procedures for an administrative hearing on denial of the Cox Communications request for renewal license are necessary pursuant to 47 U.S.C. § 546(c).

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. The City of Tucson hereby issues its preliminary assessment pursuant to 47 U.S.C. § 546(c)(1) that the request for cable license renewal submitted by Cox Communications to the City of Tucson on February 16, 2007, be denied. Without deciding the issues, the City finds, based on the analysis submitted by staff, attached to this Resolution as Exhibit 1, that there is cause to move forward to hold a formal hearing to make a final determination whether the license renewal requested by Cox should be granted or denied, or formal proceedings terminated.

SECTION 2. 47 U.S.C. § 546(c) lists four factors that may be considered in determining whether a license should be granted or denied. The City finds that there are significant issues that need to be considered under each of the four factors. Without deciding the merits of the matter, it adopts the initial statement of issues contained in the staff report as the issues to be considered in the proceeding. Nothing prevents the City from adding or dropping issues with appropriate notice, and the City Attorney is authorized to do so.

SECTION 3. The procedures and timelines for the formal administrative proceeding required by 47 U.S.C. § 546(c)(2), attached to this Resolution as Exhibit 2, are authorized and approved.

SECTION 4. J. Scott Douthitt is hereby appointed as the hearing officer to hear and decide the matters at issue in the formal administrative proceeding required by 47 U.S.C. § 546(c)(2).

SECTION 5. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this resolution.

SECTION 6. WHEREAS, it is necessary for the preservation of the peace, health, and safety of the City of Tucson that this resolution become immediately effective, an emergency is hereby declared to exist and this resolution shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, \_\_\_\_\_.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

REVIEWED BY:

\_\_\_\_\_  
CITY ATTORNEY

\_\_\_\_\_  
CITY MANAGER

TR:tc  
03/16/2007 8:34 AM