

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To grant a cable television franchise to Verizon Washington, DC Inc., subject to certain exemptions from law, and approve a cable television system franchise agreement between the District of Columbia and Verizon Washington, DC Inc.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Approval of the Verizon Washington, DC Inc. Cable Television System Franchise Act of 2008”.

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) “Cable Act” means the Cable Television Reform Act of 2002, effective October 9, 2002 (D.C. Law 14-193; D.C. Official Code § 34-1251.01 *et seq.*).
- (2) “Existing Requirements” means:
 - (A) Section 103 of the Urban Forest Preservation Act of 2002, effective June 12, 2003 (D.C. Law 14-309; D.C. Official Code § 8-651.03);
 - (B) Acts which are codified in Chapter 19 of Title 34 of the District of Columbia Official Code;
 - (C) The Telecommunications Act of 1996, effective September 19, 1996 (D.C. Law 11-154; D.C. Official Code § 34-2001 *et seq.*);
 - (D) Chapter 34 of Title 24 of the District of Columbia Municipal Regulations; and
 - (E) Subsection 3705.1 of Title 24 of the District of Columbia Municipal Regulations (24 DCMR § 3705.1).
- (3) “Franchise” means a 15-year, non-exclusive cable television system franchise granted to Verizon under section 3.
- (4) “Franchise agreement” means the franchise agreement between the District and Verizon approved under section 3.
- (5) “FTTP Network” means the fiber-to-the-premises network of Verizon.

(6) “Verizon” means Verizon Washington, DC Inc., and its lawful and permitted successors, assigns, and transferees.

Sec. 3. Grant of franchise.

(a) Pursuant to the Cable Act, the application of Verizon for a cable television system franchise is approved and Verizon is granted a franchise. Except as provided in sections 4 through 6, the franchise shall be subject to the provisions of the Cable Act and the terms and conditions of the franchise agreement approved by subsection (b) of this section.

(b) The Council approves the proposed franchise agreement between the District and Verizon included as an attachment to the committee report for this act.

Sec. 4. Exemptions from the Cable Act.

(a) The following provisions of the Cable Act shall not apply to the franchise:

- (1) Section 103(19), (22), and (26);
- (2) Section 401(d)(4);
- (3) Section 405(a)(1) through (3), (5) through (7), and (10) through (11), (b),

and (c);

- (4) Section 407(e)(1);
- (5) Section 408(g);
- (6) Section 501;
- (7) Section 502;
- (8) Section 503;
- (9) Section 504;
- (10) Section 505;
- (11) Section 506;
- (12) Section 507;
- (13) Section 601(c), (d), (f), and (g);
- (14) Section 601(f);
- (15) Section 602;
- (16) Section 604;
- (17) Section 605(c);
- (18) Section 801(a) and (b);
- (19) Section 802(a) and (b);
- (20) Section 803;
- (21) Section 907(a) and (c); and
- (22) Section 909.

(b) Subsection 3000.2 of Title 15 of the District of Columbia Municipal Regulations (15 DCMR § 3000.2) shall not apply to the franchise.

Sec. 5. Right-of-way construction provisions.

(a) Notwithstanding sections 401(d)(1), 702, 703, 704, and 705 of the Cable Act, the right-of-way management provisions of the Existing Requirements shall apply to Verizon with respect to the FTTP Network, except to the extent that a particular Existing Requirement does not apply to Verizon's other facilities.

(b) Notwithstanding the provisions of this act or the franchise agreement:

(1) The District:

(A) Reserves all of its rights under applicable law regarding the scope of its legislative and regulatory authority over Verizon;

(B) Shall regulate the placement, construction, repair, and maintenance of physical facilities located in the public rights-of-way, including the FTTP Network; and

(C) Does not waive any right or authority that the District may have now or in the future to regulate information services, telecommunications services, or the use of the FTTP Network to provide such services.

(2) Verizon shall have the right to challenge the lawfulness or applicability of the Existing Requirements and any future amendments thereto.

Sec. 6. Effect of competition.

(a) On or before the effective date of this act, upon a finding by the Office of Cable Television that the purpose of certain provisions of the Cable Act and rules issued thereunder has been achieved, the Office of Cable Television may exempt the franchise from the provisions of Chapter 6 of Title 4, and Chapters 30 and 31 of Title 15 (except subsection 3000.2), of the District of Columbia Municipal Regulations and the following provisions of the Cable Act:

- (1) Section 706;
- (2) Section 901;
- (3) Section 902;
- (4) Section 903;
- (5) Section 904(b);
- (6) Section 905;
- (7) Section 906;
- (8) Section 908(b) through (d);
- (9) Section 1001;
- (10) Section 1002;
- (11) Section 1202;
- (12) Section 1203;
- (13) Section 1303; and
- (14) Section 1401.

(b) Notwithstanding the provisions of subsection (a) of this section, the District does not waive any of its rights or powers to enact laws or to issue rules addressing the subject

matter of the provisions of law which may be exempted by the Office of Cable Television at any time in the future.

Sec. 7. Award fee.

Pursuant to section 406(d) of the Cable Act and the franchise agreement, Verizon shall pay the District an award fee in the amount of \$200,000 to be paid within 30 days of the effective date of the franchise agreement as the term is defined in the franchise agreement.

Sec. 8. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 9. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia