

06/23/99

97-0-99

AN ORDINANCE

**Amending the Cable TV Franchise
With Respect to PEG Access Channels**

WHEREAS, MediaOne, as Grantee, of a non-exclusive franchise to engage in the business of operating and providing a cable system in the City of Evanston, pursuant to Ordinance 69-O-96, has requested that the City Council reduce the PEG access channel capacity currently available for downstream channels for non-commercial PEG access programming; and

WHEREAS, School District 202 has been notified of the MediaOne request to reduce the downstream PEG access channel capacity;

WHEREAS, the Administration of Public Works Committee has approved a reduction of the downstream channel capacity from five to four non-commercial channels; and

WHEREAS, this reduction of one PEG access channel will enhance the programming capacity of MediaOne and provide cable subscribers within Evanston a different viewing opportunity.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That Ordinance 69-O-96, an Ordinance of the City of Evanston granting a non-exclusive cable communication system franchise to Continental Cable Acquisitions of Northern Illinois, Inc., is hereby amended as follows:

Paragraph 8.12, Subsections A and B are amended to read as follows:

8.12 Public, Educational and Governmental Use.

A. PEG Access Channel Capacity. The Grantee shall provide four (4) downstream channels for non-commercial PEG access programming.

B. Requirements Regarding Rules and Procedures for Use of PEG Access Channels.

1. The City may designate a non-profit access management corporation (hereafter "Access Corporation"), to manage the use of the PEG access channels under the Franchise. The City shall be responsible for establishing and enforcing rules for use of the PEG access channels during any period such Access Corporation does not exist.
2. The Access Corporation shall establish and enforce rules for the non-commercial use of the PEG access channels (a) to assure non-discriminatory access to the channels to similarly situated users; and (b) to promote use and viewership of the channels, consistent with the obligation to provide non-discriminatory access to similarly situated users.
3. The Grantee may not exercise any editorial control over the content of programming on the designated PEG access channels except as provided in Federal law.
4. The four (4) PEG access channels shall be available on a non-discriminatory basis for non-commercial programming at no charge to the Access Corporation.

SECTION 2: The City Manager is hereby authorized and directed to sign, and the City Clerk is hereby authorized and directed to attest, to said amendment to the Cable

Franchise. The City Manager is further authorized to negotiate any changes or additional terms and conditions with respect to this Ordinance as he may deem fit and proper.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

Introduced: June 28, 1999

Adopted: July 12, 1999

Approved: July 20, 1999

Lorraine A. Norton
Mayor

ATTEST:

Mary D. Morris
City Clerk

Approved as to form:

[Signature]
Asst. Corporation Counsel

