

ORDINANCE NO. 6094

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANAHEIM DETERMINING THAT THERE SHALL BE NO FRANCHISE FEE CHARGED TO ANY VIDEO SERVICE PROVIDER PROVIDING VIDEO SERVICE IN THE CITY OF ANAHEIM UNDER A STATE FRANCHISE ISSUED BY THE CALIFORNIA PUBLIC UTILITIES COMMISSION PURSUANT TO THE DIGITAL INFRASTRUCTURE AND VIDEO COMPETITION ACT OF 2006, CAL. PUB. UTIL. SECTIONS 5800, *ET SEQ.*

WHEREAS, effective January 1, 2008, the California Public Utilities Commission will have the sole authority to issue franchises to video service providers in California pursuant to the Digital Infrastructure and Video Competition Act of 2006, Cal. Pub. Util. Sections 5800, *et seq.* (hereinafter "DIVCA"); and

WHEREAS, a video service provider, within the meaning of DIVCA, is an entity providing video programming services, cable service, or OVS service through facilities located at least in part in public rights-of-way without regard to delivery technology, including Internet protocol or other technology; and

WHEREAS, pursuant to DIVCA, all video service franchisees must pay a franchise fee directly to the city in which the franchisee is providing video services equal to either i) 5% of gross revenues of the video service provider, ii) the percentage applied to the gross revenues of the existing cable operator in the city if that percentage is lower than 5%, or iii) a rate established by ordinance by the city which is less than 5%; and

WHEREAS, the Anaheim City Council desires to ensure that no resident or business in Anaheim shall be required to pay a franchise fee for the provision of video services.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ANAHEIM DOES ORDAIN AS FOLLOWS:

There shall be no franchise fee paid by any video service provider providing video service in the City of Anaheim pursuant to a franchise issued by the California Public Utilities Commission pursuant to the Digital Infrastructure and Video Competition Act of 2006, Cal. Pub. Util. Sections 5800 *et seq.*

THE FOREGOING ORDINANCE was introduced at a regular meeting of the City Council of the City of Anaheim held on the 8th day of January, 2008, and thereafter passed and adopted at a regular meeting of said City Council held on the 29th day of January, 2008, by the following roll call vote:

AYES: Mayor Pringle, Council Members Hernandez, Sidhu, Galloway, Kring

NOES: NONE


ABSENT: NONE

ABSTAIN: NONE

CITY OF ANAHEIM

By 
MAYOR OF THE CITY OF ANAHEIM

ATTEST:


CITY CLERK OF THE CITY OF ANAHEIM

Doc. 67406.1

AFFIDAVIT OF PUBLICATION

STATE OF CALIFORNIA,)
) ss.
County of Orange)

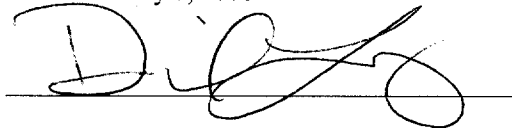
I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the **Anaheim Bulletin**, a newspaper that has been adjudged to be a newspaper of general circulation by the Superior Court of the County of Orange, State of California, on December 28, 1951, Case No. A-21021 in and for the City of Anaheim, County of Orange, State of California; that the notice, of which the annexed is a true printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

February 7, 2008

"I certify (or declare) under the penalty of perjury under the laws of the State of California that the foregoing is true and correct":

Executed at Santa Ana, Orange County, California, on

Date: February 7, 2008



Signature

Anaheim Bulletin
625 N. Grand Ave.
Santa Ana, CA 92701
(714) 796-2209

PROOF OF PUBLICATION

Proof of Publication of

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Notice
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AYES: Mayor Pringle, Council Members Hernandez, Sidhu, Galloway, Kring

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

CITY OF ANAHEIM

By /s/ Curt Pringle
MAYOR OF THE CITY OF ANAHEIM

ATTEST:

/s/ Linda Nguyen
CITY CLERK OF THE CITY OF ANAHEIM