

CLARK COUNTY  
STAFF REPORT

DEPARTMENT: City/County Cable Television Office

DATE: October 22, 2013

REQUEST: ALLOCATION OF HIGH-DEFINATION CHANNELS AND VIDEO ON DEMAND HOURS

CHECK ONE:  Consent  Routine

**BACKGROUND:** The new cable franchise agreement with Comcast was approved by the Board of Commissioners on June 4, 2013. The new agreement authorizes three (3) high-definition (HD) PEG channels and six hours of PEG Video-on-Demand (VOD). The three (3) designated access providers, CVTV, TV ETC and FVTV, have each expressed interest in having both HD channels and VOD. The City/County Telecommunications Commission is recommending that the City Council and Board of County Commissioners allocate the HD channels and VOD hours as follows:

High- Definition Channels

The HD channels will be available beginning October 1, 2013. While the franchise agreement does not specify a deadline for starting HD, Comcast has expressed some concerns about providing channels and then having them not be used. The Telecommunications Commission recommends that the City Council approve allocation of one HD channel to each of the three providers with the condition that the organization must implement HD programming by October 1, 2014 – one year after the channels become available. If any of the access providers are not able to use the HD channel by October 1, 2014, the channel can be reallocated.

Video on Demand Hours

Under the terms of the franchise, local PEG access providers will have six hours of Video on Demand (VOD) available within 120 days after October 1, 2013. VOD programs can be no more than 60 minutes in length and have to be updated every 30 days. If after one-year of VOD, the viewership over a 6-month period drops to 500 or fewer, Comcast can reclaim all but 2 VOD hours. The Telecommunications Commission recommends that the VOD hours be allocated based on the number of channels the Access Providers operate.

**ACTION REQUESTED:** On October 22, 2013 adopt a resolution under the terms of the interlocal agreement between Clark County and the City of Vancouver, allocating one high-definition channel to each of the three designated Access Providers with the condition that the organizations must implement HD programming prior to October 1, 2014 and allocating video-on-demand hours based on the number of channels each Access Provider operates (3 for TV ETC, 2 for CVTV and 1 for FVTV).

map  
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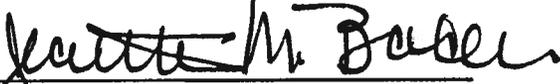
**POLICY/BUDGET IMPLICATIONS:** None

**COMMUNITY OUTREACH:** The City/County Telecommunications Commission held a public hearing, on September 4, 2013 regarding the allocation of high-definition channels and video-on-demand hours.

Attachments: Board Resolution plus attachments

**DISTRIBUTION:**

Christine Cook, Prosecuting Attorney's Office

  
Approved  
Jeanette Bader  
Program & Policy Development Manager

OCT. 22, 2013  
CLARK COUNTY BOARD OF  
COMMISSIONERS

SR 204-13

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**RESOLUTION NO. 2013-10-10**

12           A RESOLUTION relating to cable television and the allocation of high-definition  
13 channels and video-on-demand hours to Public, Educational and Governmental (“PEG”)  
14 designated Access Providers.

15           WHEREAS, on June 4, 2013, a new cable franchise agreement with Comcast of  
16 Washington, V LLC (“Comcast”) was approved by the Board of County Commissioners  
17 on behalf of Clark County (County) and on June 3, 2013 the cable franchise agreement  
18 was approved by the Vancouver City Council on behalf of the City of Vancouver (City);  
19 and

20           WHEREAS, the franchise agreement authorizes three (3) high-definition (HD)  
21 cable channels and six hours of video-on-demand (VOD) for designated Public,  
22 Educational and Governmental (“PEG”) Access Providers; and

23           WHEREAS, the three designated Access Providers, Fort Vancouver Television  
24 (“FVTV”), the Vancouver Educational Telecommunications Consortium (“TV ETC”)  
25 and Clark/Vancouver Television (“CVTV”) have all expressed interest in HD channels  
26 and VOD hours; and

27           WHEREAS, the Local Programming Subcommittee of the Vancouver/Clark  
28 County Telecommunications Commission (“Commission”) reviewed options for

1 allocating HD channels and VOD hours and made a recommendation to the Commission;  
2 and

3 WHEREAS, the Commission, by Resolution 2013-08, adopted on September 4,  
4 2013, is recommending that the County allocate one (1) HD channel to each of the three  
5 designated Access Providers with the condition that HD programming must be  
6 implemented by October 1, 2014 and also recommends that the allocation of six (6) VOD  
7 hours be based on the number of channels each Provider operates.

8 NOW, THEREFORE,

9 BE IT ORDERED AND RESOLVED BY THE BOARD OF COUNTY  
10 COMMISSIONERS OF CLARK COUNTY, STATE OF WASHINGTON, AS  
11 FOLLOWS:

12 Section 1. As recommended in SR 204-13 and in the City/County  
13 Telecommunications Commission Resolution 2013-08, attached hereto as Exhibit "A",  
14 one (1) High-Definition channel is hereby allocated to each of FVTV, TV ETC and  
15 CVTV, subject to the condition that each organization must implement HD programming  
16 by October 1, 2014, one year after the HD channels become available, or the  
17 Telecommunications Commission, with the approval of the City and the County, may  
18 reallocate the channel to a different Access Provider.

19 Section 2. As recommended in SR 204-13 and in City/County  
20 Telecommunications Commission Resolution 2013-08, attached as Exhibit "A", six (6)  
21 hours of Video on Demand are hereby allocated based on the number of channels each  
22 Access Provider operates: 3 for TV ETC, 2 for CVTV and 1 for FVTV.

23 ADOPTED on this 22nd day of October, 2013.

1 Attest:

BOARD OF CLARK COUNTY  
COMMISSIONERS

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*Rebecca Tipton*  
Clerk to the Board

By: *SA*  
Steve Stuart, Chair

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9 Approved as to form only  
10 Anthony F. Golik  
11 Prosecuting Attorney

By: \_\_\_\_\_  
David Madore, Commissioner

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By: *Christine Cook*  
Christine Cook  
Deputy Prosecuting Attorney

By: \_\_\_\_\_  
Tom Mielke, Commissioner

17 Attachments:

18  
19

Exhibit "A" – Telecommunications Commission Resolution 2013-08

## **City/County Telecommunications Commission**

### **RESOLUTION 2013-08**

#### **A Resolution Forwarding the Recommendations of the Telecommunications Commission Regarding the Allocation of High-Definition Channels and Video-on Demand Hours for PEG Access Providers**

##### **Section 1. Recitals**

- 1.1 In June 2013 new cable television franchise agreements between the City of Vancouver ("City"), Clark County ("County") and Comcast of Washington, V LLC ("Comcast"), were adopted.
- 1.2 The City/County Telecommunications Commission ("Commission") is authorized under Section 5.19.300 of the Vancouver Municipal Code and under Clark County Code 36.12.160 to administer Ordinances and any Franchise granted pursuant to the implementation of Franchise compliance procedures.
- 1.3 The Commission's authorized duties, pursuant to the codes mentioned in Section 1.2 of this Resolution, include "To have primary responsibility for advising the City and County regarding public, educational and governmental access programming including the development of processes for the selection of designated access providers, and for evaluating their performance, for assigning and designating access channels, for allocating access funds and for making written reports and recommendations to the City Council [or Board of County Commissioners] thereon."
- 1.4 As stated in Section 9.5 "HD Channels" of the franchise, "By October 1, 2013 or a later date mutually agreed upon ..... Grantee shall simultaneously carry three (3) of the existing Access Channels in high definition (HD) format Channels for PEG Access use". Under the VMC's and Clark County Code, the Commission is authorized to assign access channels
- 1.5 Separate Letters of Agreement between the City, County and Comcast provide for Video on Demand. Section B of the Letter of Agreement states, "Within 120 days after October 1, 2013 or a later date as mutually agreed to by the parties, Comcast shall provide the City, County or its designated access providers with Video on Demand ("VOD") capacity". Section B (1) states "Initial VOD capacity provided shall be up to a total of 6 hours of access programming at any time".
- 1.6 Under the terms of the Letter of Agreement, "The City or its designee (the Commission) shall coordinate use of such VOD hours among the Designated Access Providers and Clark County."
- 1.7 The Local Programming Committee, a subcommittee of the Commission, reviewed the terms of the franchise and letter of agreement as relates to HD Channels and Video on Demand.

- 1.8 The Local Programming Committee is recommending the Commission approve allocating one HD Channel to each of the Designated Access Providers with the condition that the Provider must implement HD programming by October 1, 2014. The Committee is also recommending that the Commission recommend the allocation of Video on Demand hours based on the number of channels each Access Provider has (3 for TV ETC, 2 for CVTV and 1 for FVTV).
- 1.9 The Commission accepts the recommendation of the Local Programming Committee and concludes that it should be forwarded to the Council and Board for adoption.

**NOW, THEREFORE BE IT RESOLVED:**

**Section 2.**

- 2.1 The City/County Telecommunications Commission, through this Resolution, recommends that:
- a.) One HD channel be allocated to each of the three providers with the condition that the organization must implement HD programming by October 1, 2014 – one year after the channels become available; and
  - b.) The Video on Demand hours be allocated based upon the number of channels each Access Provider has (3 for TV ETC, 2 for CVTV and 1 for FVTV).

**Approved (Date): September 4, 2013**

  
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**Fred Bateman, Chair, City/County Telecommunications Commission**