KISSINGER & FELLMAN, P.C.

ATTORNEYS AT LAW
PTARMIGAN PLACE, SUITE 900
3773 CHERRY CREEK NORTH DRIVE
DENVER, COLORADO 80209
TELEPHONE: (303) 320-6100
TOLL FREE: 1-877-342-3677
FAX: (303) 320-6613
www.kandf.com

RICHARD P. KISSINGER
KENNETH S. FELLMAN
BRETT D. CHARDAVOYNE
BOBBY G. RILEY
JONATHAN M. ABRAMSON
NANCY E. CORNISH

ROBERT E. JAROS
1941 - 2002

July 11, 2006

VIA ELECTRONIC COMMENT FILING SYSTEM (ECFS)

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 Twelfth Street, SW
Washington, D.C. 20554

Re: In re the Matter of Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992
MB Docket No. 05-311

Dear Ms. Dortch:

This *ex parte* notice is filed on behalf of the Greater Metro Telecommunications Consortium ("GMTC")[1], the Rainier Communications Commission ("RCC")[2] and the City of Tacoma, Washington ("Tacoma")[3]. GMTC was represented by its President, Melissa Gallegos, Assistant to the City Manager in Greenwood Village, Colorado and Vice President, Darryn Zuehlke, Director of the Office of Telecommunications for the City and County of Denver, Colorado. RCC and the City of Tacoma were represented by Mayor and past-RCC Chair Bill Baarsma and Carol Mathewson, Tacoma's Communications Division Manager. The group was accompanied by Libby Beaty, Executive Director of the National Association of Telecommunications Officers and Advisors (NATOA), as each local government entity is a NATOA member. On July 6, 2006, we met with the following representatives of the Commission in order to discuss issues pending in this docket that will be summarized below.

- Office of Commissioner Deborah Taylor Tate: John Grant, Special Legal Advisor
- Wireline Competition Bureau: Bureau Chief Thomas N. Navin, Julie A. Veatch, Deputy Chief and Marcus Maher, Attorney Advisor

---

[1] GMTC is an Intergovernmental Agency consisting of 32 municipalities and counties in the metro Denver region. Individual members are listed on Exhibit 1.
[2] RCC is an Intergovernmental Agency consisting of Pierce County, Washington and 14 municipalities located in Pierce County. A list of the full members of RCC is attached as Exhibit 2.
[3] Tacoma is an associate member of RCC.

- Media Bureau: Bureau Chief Donna Gregg, William H. Johnson, Deputy Chief, Rosemary Harold, Deputy Chief, John Norton, Deputy Division Chief, Policy Division, Holly Saurer, Policy Division, Brendon Murray, Policy Division. Natalie Roisman, Policy Division
- Office of Chairman Kevin J. Martin: Heather Dixon, Legal Advisor
- Commissioner Michael J. Copps, Jessica Rosenworcel, Senior Legal Advisor and Erin Reid, Intern
- Commissioner Robert M. McDowell and Cristina Chou Pauzé, Acting Legal Advisor
- Office of Commissioner Jonathan Adelstein, Rudy N. Brioché, Legal Advisor

The following is a summary of the substantive issues discussed at each of the aforementioned meetings.

1. We indicated strong support of and agreement with the legal arguments raised in the Comments and Reply Comments of the National Association of Telecommunications Officers and Advisors ("NATOA"), the National League of Cities ("NLC"), National Association of Counties ("NACO"), and the United States Conference of Mayors ("USCM"), and indicated that at a foundational level, we do not believe that the Commission has the legal authority in Title VI to impose rules, or even suggest guidelines to "implement" Section 621(a). We believe that any alleged violations of that section of the Cable Act must be addressed in local courts pursuant to Section 635.

2. If the Commission is going to consider rules, guidelines or even best practices impacting the local franchising process, it needs to have a clearer understanding of the detailed issues that are involved in the franchising process. Toward that end, we presented a document attached to this Notice as Exhibit 3, detailing the specifics of the activities that took place in six separate competitive franchise negotiations in our jurisdictions since the passage of the Telecommunications Act of 1996.

We explained that negotiations necessarily involve two parties, and it is an oversimplification to believe that competitive entry into video programming can be facilitated by requiring a local government to act on a franchise application within a specific period of time. What the Commission may consider a delay is often a reasonable time for consideration, and indeed, the internal bureaucracies within many large companies often times dwarf the internal processes within local governments, so that any rules the Commission might deem appropriate to apply regarding time to respond, must also be imposed upon the other party to negotiations.

3. There is a fatal flaw in this proceeding, namely, the lack of a Commission rule that requires basic due process to governmental entities whose alleged actions are identified by other parties in proceedings such as this as inappropriate, and warranting federal preemption of traditional state or local government authority. The record is replete with comments from the industry about unnamed local governments, often times with multiple commenters citing the

same unverifiable sources. In those more limited occasions where a commenter actually named a specific local government as an alleged bad actor, the commenter almost never provided the appropriate due process notice to that entity, in order to allow that entity to provide its side of the story, and more importantly, to give the Commission a reasonable basis upon which to evaluate the "evidence." Indeed, the only instance in which we have been able to identify notice being provided by an industry commenter to a named local government is in the *ex parte* notice filed by Qwest Communications on June 13, 2006, making allegations against the City of Colorado Springs, Colorado. We indicated that Colorado Springs would shortly be filing its own *ex parte* communication to explain its side of the story. Unless a similar opportunity were to be provided for every local government named in this proceeding as a bad actor, the Commission cannot be in a position to fairly evaluate competing claims and make an independent determination on the credibility of those claims. Therefore, the Commission's stated goal of developing a strong, fact-based national record will not be met. The only result of this proceeding should be the Commission's adoption of a rule requiring notice to entities names as alleged bad actors, and in support of preemptory rules.

4. Regarding the issue of buildout, multiple industry commenters indicated that buildout requirements were anti-competitive, and would result in no competition. We expressed our strong agreement with the Commission's tentative conclusion that buildout requirements are both appropriate, and subject to local franchising authority determinations as to how local needs should best be met. We urge the Commission to make this finding permanent. We also gave the specific example of Click! Network, the competitive provider in Tacoma, Washington. Click! was obligated to reasonable buildout conditions covering the entire City of Tacoma, subject to a density requirement. Click! has been so successful, that it has sought competitive franchises in adjoining communities, and continues to expand its network.

5. We suggested that before the Commission might seek to impose the federal government's preemption on a traditional area of state or local government authority, the following analysis must be undertaken:

A. The Commission must first determine whether a problem exists that it needs to fix. We strongly suggest that the record in this docket discloses no such problem for the reasons identified above.

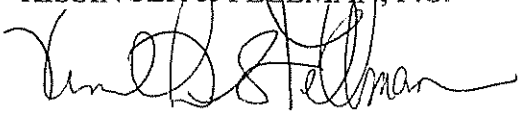
B. If the Commission was to determine a problem exists, it must consider whether there is any role it could play short of preemption, which would address the problem.

C. If, after analyzing the first two issues, the Commission is convinced that a broad-based national problem exists, that there is no reasonable way for the Commission to act without preempting a traditional area of local authority, and that the Commission has been given the authority by Congress to preempt in this specific area, it must tailor whatever action it takes as narrowly as possible to address those specific problem areas,

and leave the balance of local authority free from the heavy hand of the federal government.

In summary, we indicated that we do not believe there is a record indicating a national problem; even if there were, the Commission has no legal authority to act as suggested in the NPRM or as requested by industry commenters; and if the Commission does anything, it should amend its rules to provide that appropriate notice and due process is afforded to state and local governments that may be named as alleged bad actors in future Commission proceedings.

Very truly yours,
KISSINGER & FELLMAN, P.C.



Kenneth S. Fellman
kfellman@kandf.com

KSF/eaj
Enclosure
cc: Melissa Gallegos, President -- GMTC
Darryn Zuehlke, Vice-President -- GMTC
Mayor Bill Baarsma -- RCC
Carol Mathewson -- RCC
Libby Beaty -- NATOA
John Grant, Special Legal Advisor to Commissioner Tate
Wireline Competition Bureau Chief Thomas N. Navin
Julie Veatch, Deputy Chief, Wireline Competition Bureau
Marcus Maher, Attorney Advisor, Wireline Competition Bureau
Media Bureau Chief Donna Gregg
William Johnson, Deputy Chief, Media Bureau
John Norton, Deputy Division Chief, Policy Division
Holly Saurer, Policy Division, Media Bureau
Brendon Murray, Policy Division, Media Bureau
Natalie Roisman, Policy Division, Media Bureau
Rosemary Harold, Deputy Chief, Media Bureau
Heather Dixon, Legal Advisor to Chairman Kevin J. Martin
Commissioner Michael J. Copps
Jessica Rosenworcel, Senior Legal Advisor to Commissioner Copps
Erin Reid, Intern to Commissioner Copps
Commissioner Robert M. McDowell
Cristina Chou Pauzé, Acting Legal Advisor to Commissioner McDowell
Rudy N. Brioché, Legal Advisor to Commissioner Adelstein

EXHIBIT 1

GMTC MEMBER LISTING

Adams County	Federal Heights
Arapahoe County	City of Glendale
City of Arvada	Greenwood Village
City of Aurora	Jefferson County
City of Brighton	City of Lafayette
City/County of Broomfield	City of Lakewood
City of Castle Rock	City of Littleton
City of Centennial	Town of Lochbuie
Cherry Hills Village	City of Lone Tree
Columbine Valley	City of Louisville
Commerce City	City of Northglenn
City and County of Denver	Town of Parker
Douglas County	City of Sheridan
City of Edgewater	City of Thornton
City of Englewood	City of Westminster
Town of Erie	City of Wheat Ridge

EXHIBIT 2

RCC MEMBER LISTING

Bonney Lake

Carbonado

DuPont

Edgewood

Fife

Milton

Orting

Pierce County

Puyallup

Ruston

Steilacoom

Sumner

University Place

Wilkeson

EXHIBIT 3

COMPETITIVE FRANCHISE NEGOTIATION HISTORY

FCC MB DOCKET NO. 05-311
GREATER METRO TELECOMMUNICATIONS CONSORTIUM ("GMTC");
RAINIER COMMUNICATIONS COMMISSION ("RCC");
CITY OF TACOMA, WA; AND CITY OF BELLEVUE, WA
JULY 6, 2006

COMPETITIVE FRANCHISE NEGOTIATION HISTORY

GREATER METRO TELECOMMUNICATIONS CONSORTIUM (GMTC) / WIDEOPENWEST (WOW)
MODEL FRANCHISE AGREEMENT

ACTIVITY DATE	DESCRIPTION	COMMENT
1/19/00	Receipt and legal counsel review of proposed model franchise agreement from WOW	
2/2/00	GMTC negotiating team meeting to discuss WOW proposal	
2/17-22/00	Drafting of revisions to model franchise for presentation to GMTC committee	
2/21/00	Review Bud Chandler memo re: proposed changes to Model Agreement; review and revise Agreement to incorporate Chandler's suggested changes	
2/22/00 to 3/22/00	Feedback obtained from GMTC negotiating team, and revisions to drafts made and circulated to negotiating team	
3/23/00	Discussion of negotiating team's draft with full GMTC Board	
4/4/00	Meeting with WOW to negotiate Franchise Agreement	
4/9-18/00	Additional drafting to incorporate changes discussed in meeting with WOW; review new language proposed by WOW and incorporate into Model Agreement; complete final franchise draft and distribution to GMTC and WOW	
4/27/00	Consideration and approval of WOW model agreement by GMTC Board	Entire process: 98 days

FCC MB DOCKET NO. 05-311
GREATER METRO TELECOMMUNICATIONS CONSORTIUM ("GMTC");
RAINIER COMMUNICATIONS COMMISSION ("RCC");
CITY OF TACOMA, WA; AND CITY OF BELLEVUE, WA
JULY 6, 2006

COMPETITIVE FRANCHISE NEGOTIATION HISTORY

DENVER / WIDEOPENWEST(WOW) FRANCHISE

ACTIVITY DATE	DESCRIPTION	COMMENT
12/1/99	Initial Meeting with WOW and Office of Telecommunications Director	
12/9/99	Meeting with Financial Consultant to assess WOW financial viability	Because WOW was a new, untested company the City determined that feasibility studies on its financial, technical, and legal health were called for.
12/14/99	Meeting with Technical Consultant to assess technical portion of WOW cable system	
12/15/99	Second meeting with WOW to discuss timeline, existing franchise provisions, expectations	
12/28/99	Meeting with City Attorney to discuss legal preparations for franchise negotiation	
1/11/00	Initial Discussion with City Council Public Works & Amenities Committee on WOW franchise	
1/18/00	Phone discussion with WOW President on City Council meeting, schedule for negotiations	
2/1/00	Negotiation session with WOW representatives	
2/23/00	OTC Director gives update to City Council Public Works & Amenities committee on negotiations	
2/25/00	OTC Director gives update on negotiation status to City Council President	OTC reports directly to City Council and not the Mayor, although the Mayor's Office was also updated
3/22/00	Final technical assessment report and financial feasibility report presented to the City by consultants	
3/28/00	Recommendations received from consultant on franchise language specific to franchise term, initial capital grant, institutional network	
4/5/00	Negotiation session with WOW representatives	

FCC MB DOCKET NO. 05-311
GREATER METRO TELECOMMUNICATIONS CONSORTIUM ("GMTC");
RAINIER COMMUNICATIONS COMMISSION ("RCC");
CITY OF TACOMA, WA; AND CITY OF BELLEVUE, WA
JULY 6, 2006

COMPETITIVE FRANCHISE NEGOTIATION HISTORY

DENVER / WIDEOPENWEST(WOW)
FRANCHISE

ACTIVITY DATE	DESCRIPTION	COMMENT
4/6/00	Negotiation session with WOW representatives	
4/7/00	Negotiation session with WOW representatives	
4/10/00	E-mail from WOW accepting franchise language as negotiated	
4/12/00	City Council Public Works & Amenities Committee approves WOW franchise and refers it to full Council	
4/17/00	First reading of WOW franchise agreement by full City Council	To further expedite the process, the City went out of its normal procedure and held the first reading before getting approval at the Mayor-Council meeting the next day. This saved an additional week in the process.
4/18/00	WOW franchise approved at Mayor-Council meeting	
5/22/00	Second reading and final adoption of WOW franchise agreement by full City Council	Per the City Charter, there must be 30 days between introduction and final consideration of a franchise ordinance.

FCC MB DOCKET NO. 05-311
GREATER METRO TELECOMMUNICATIONS CONSORTIUM ("GMTC");
RAINIER COMMUNICATIONS COMMISSION ("RCC");
CITY OF TACOMA, WA; AND CITY OF BELLEVUE, WA
JULY 6, 2006

COMPETITIVE FRANCHISE NEGOTIATION HISTORY

CITY OF LONE TREE, COLORADO/QWEST BROADBAND SERVICES, INC. (QWEST) FRANCHISE AGREEMENT

ACTIVITY DATE	DESCRIPTION	COMMENT
5/18/04	City Council Executive Session to discuss legal issues related to Qwest's request for a limited geographic area cable franchise	
6/7/04	Lone Tree's counsel notifies Qwest's counsel re: City Council's decision to proceed with negotiations	After City responds to Qwest's request, and indicates it is willing to negotiate a limited geographic area franchise, City waits 4 1/2 months for Qwest to commence franchise negotiations
10/25/04	Lone Tree's counsel review City's franchise agreement with Comcast and consideration of level playing field implications	
10/26/04	Lone Tree Counsel meeting with Mayor and City Manager re: franchise issues and categories of consideration for limited geographic area franchise	
10/27/04	Meeting with Qwest's counsel re: Qwest franchise issues, and issues that the City proposed to be addressed	
11/24/04	Office conference with Qwest's counsel re: timing for Qwest's response to various issues that the City suggested be included in any franchise proposal, and what Qwest's position is expected to be	
12/9/04	Review letter from Qwest's counsel re: what issues would and would not be acceptable to include in a franchise.	
12/22/04	Meeting with City representatives re: Qwest's letter and strategy for negotiations	Counsel for the City acknowledges some slowdown in the process, due to City schedules between Thanksgiving and mid-January
1/16-21/05	Draft agreement with Qwest Broadband, incorporating changes tentatively agreed to in discussions with Qwest's counsel	
1/25/05	Negotiating session at Lone Tree	

FCC MB DOCKET NO. 05-311
GREATER METRO TELECOMMUNICATIONS CONSORTIUM ("GMTC");
RAINIER COMMUNICATIONS COMMISSION ("RCC");
CITY OF TACOMA, WA; AND CITY OF BELLEVUE, WA
JULY 6, 2006

COMPETITIVE FRANCHISE NEGOTIATION HISTORY

CITY OF LONE TREE, COLORADO/QWEST BROADBAND SERVICES, INC. (QWEST) FRANCHISE AGREEMENT

ACTIVITY DATE	DESCRIPTION	COMMENT
2/1-2/06	Receive and review Qwest's proposed changes to franchise documents; draft changes to proposed franchise document and explanations for sections where City requires further modifications to new Qwest language; email next draft of franchise agreement to City and Qwest	
2/16/05	Complete final draft of franchise agreement for publication	
3/15/05	City Council meeting re: second reading and adoption of franchise	

FCC MB DOCKET NO. 05-311
GREATER METRO TELECOMMUNICATIONS CONSORTIUM ("GMTC");
RAINIER COMMUNICATIONS COMMISSION ("RCC");
CITY OF TACOMA, WA; AND CITY OF BELLEVUE, WA
JULY 6, 2006

COMPETITIVE FRANCHISE NEGOTIATION HISTORY

GMTC/QWEST
MODEL FRANCHISE AGREEMENT

ACTIVITY DATE	DESCRIPTION	COMMENT
9/1/05	Discussions between GMTC counsel and Qwest counsel re: possible model franchise with GMTC communities and scheduling a Qwest presentation about model franchise; discussions of issues that will need to be addressed in negotiations	
10/3-4/05	GMTC communications between legal counsel and negotiating team re: upcoming meetings	
10/11-14/05	GMTC legal counsel review of Qwest's modifications and GMTC negotiating team's proposed changes to Comcast's model franchise	
10/14/05	GMTC negotiating team internal meeting re: strategy for negotiations on model franchise; GMTC legal counsel revisions to Qwest's version of model agreement through Section 5; GMTC - Qwest negotiating session	
10/15-19/05	GMTC negotiating team feedback on draft of revisions; GMTC counsel communications with Qwest counsel re issues to be addressed	
10/24/05	Qwest notifies GMTC of need to reschedule negotiating meeting	
11/4/05	Counsel for both parties meet to review Qwest's revised document	
11/5/05	GMTC counsel's further review of Qwest's revised document and draft comments to GMTC negotiating committee re: various provisions	
11/7/05	GMTC negotiating committee conference re: strategy for upcoming negotiating session; GMTC and Qwest meet to continue franchise negotiations; GMTC internal meeting re: PEG issues	
11/8/05	GMTC and Qwest legal counsel telephone conference re: buildout issue	

FCC MB DOCKET NO. 05-311
GREATER METRO TELECOMMUNICATIONS CONSORTIUM ("GMTC");
RAINIER COMMUNICATIONS COMMISSION ("RCC");
CITY OF TACOMA, WA; AND CITY OF BELLEVUE, WA
JULY 6, 2006

COMPETITIVE FRANCHISE NEGOTIATION HISTORY

GMTC/QWEST
MODEL FRANCHISE AGREEMENT

ACTIVITY DATE	DESCRIPTION	COMMENT
11/12-15/05	GMTC counsel draft next version of franchise agreement and transmit to GMTC negotiating team; GMTC counsel's review of comments from GMTC committee re: PEG issues; incorporation of changes into franchise draft	
11/22/05	GMTC and Qwest negotiating session; GMTC negotiating team internal meeting re: negotiations and next steps	
11/29/05	GMTC and Qwest meeting to continue negotiations on PEG, franchise fee payments and indemnification	
12/6/05	GMTC Board memo re: status of model franchise negotiations	
12/15/05	GMTC and Qwest counsel discussion re: Qwest's expectation to deliver next draft by end of month and suggestions re: video on demand and buildout language	
2/1/06	GMTC counsel receipt and review of next draft from Qwest; GMTC and Qwest counsel discussion re: buildout issues and additional negotiating sessions	In the approximately 7 weeks between the time Qwest indicated it would have a revised draft to GMTC by the end of December, there were multiple communications, where Qwest explained the need to review some of the more complex and technical issues with multiple company representatives, causing the delay in negotiations.
2/2/06	GMTC and Qwest counsel meet to discuss Qwest's latest draft; memo to GMTC re: Qwest's latest draft, status of negotiations, buildout issues and scheduling next negotiating session	

FCC MB DOCKET NO. 05-311
GREATER METRO TELECOMMUNICATIONS CONSORTIUM ("GMTC");
RAINIER COMMUNICATIONS COMMISSION ("RCC");
CITY OF TACOMA, WA; AND CITY OF BELLEVUE, WA
JULY 6, 2006

COMPETITIVE FRANCHISE NEGOTIATION HISTORY

GMTC/QWEST
MODEL FRANCHISE AGREEMENT

ACTIVITY DATE	DESCRIPTION	COMMENT
2/7/06	GMTC and Qwest counsel discussion re: scheduling next negotiating session and GMTC proposed alternative method to address buildout language; GMTC counsel memo to GMTC negotiating team re: status of buildout issue negotiations	
2/8/06	GMTC and Qwest counsel continued discussions on buildout issues; GMTC negotiating team communications re options for addressing the issue	
2/16/06	GMTC Board Executive Session re status of negotiations and Board instructions to move forward with attempt to resolve buildout issues	
2/21/06	GMTC - Qwest negotiating session	
2/22/06	GMTC counsel review of committee feedback on modifications to draft; incorporate additional changes to franchise draft and forward to GMTC negotiating committee for review	
2/28/06	GMTC counsel incorporates committee feedback into next draft and forwards to Qwest counsel for review	
3/2/06	GMTC and Qwest counsel discussion re: status of Qwest feedback on outstanding franchise issues and GMTC's need to complete negotiations no later than March 13 in order to bring agreement forward on GMTC Board's March agenda, and Qwest's expected timing for response	NOTE: GMTC's Board meets once per month. GMTC's legal counsel and lead negotiator had a long standing trip planned that caused him to miss the April meeting. There were discussions between GMTC and Qwest whereby the parties acknowledged that if the model agreement could not be concluded with sufficient time to bring it to the GMTC Board in March, consideration of the final agreement would need to wait until May. Both parties agreed that neither would be "blamed" for this "delay."

FCC MB DOCKET NO. 05-311
GREATER METRO TELECOMMUNICATIONS CONSORTIUM ("GMTC");
RAINIER COMMUNICATIONS COMMISSION ("RCC");
CITY OF TACOMA, WA; AND CITY OF BELLEVUE, WA
JULY 6, 2006

COMPETITIVE FRANCHISE NEGOTIATION HISTORY

GMTC/QWEST
MODEL FRANCHISE AGREEMENT

ACTIVITY DATE	DESCRIPTION	COMMENT
3/9-10/06	GMTC and Qwest counsel discussion of remaining issues to address; memo to GMTC re: remaining issues	
5/2/06	GMTC counsel's receipt and review of Qwest's redlined version of agreement; GMTC and Qwest counsel discussion of agreement revisions	
5/3/06	GMTC internal meeting to review issues and discuss strategy; GMTC and Qwest negotiating session to attempt to conclude model agreement; GMTC counsel begins draft of next version of franchise to include agreed upon changes	
5/5/06	GMTC and Qwest counsel discussion re: Qwest approval of regional access channel and additional information on government access video on demand; GMTC counsel's continued revisions to franchise draft based on Qwest information	
5/8/06	GMTC counsel discussion with negotiating team to obtain feedback re: latest draft of changes to model franchise agreement; GMTC counsel drafts GMTC negotiating team's additional proposed changes into model agreement; GMTC counsel transmits revised agreement to Qwest counsel	
5/18/06	GMTC Board meeting to consider and approve model franchise agreement	

FCC MB DOCKET NO. 05-311
GREATER METRO TELECOMMUNICATIONS CONSORTIUM ("GMTC");
RAINIER COMMUNICATIONS COMMISSION ("RCC");
CITY OF TACOMA, WA; AND CITY OF BELLEVUE, WA
JULY 6, 2006

COMPETITIVE FRANCHISE NEGOTIATION HISTORY

CITY OF BELLEVUE, WASHINGTON / QWEST

ACTIVITY DATE	DESCRIPTION	COMMENT
3/1/06	On or around 3/1/06 there was initial phone contact from independent attorney in Denver who represents Qwest in indicating that they wanted to obtain a franchise to provide CATV and/or broadband services. City manager called back and asked staff to follow up.	
3/7/06	Staff contacts Qwest; meeting set for 3/15/06. Staff forwards copy of incumbent (Comcast) franchise. Requests copies of recent Qwest franchises.	
3/15/06	Initial meeting between Qwest and City staff at Bellevue City Hall.	
5/19/06	On May 19th, the City of Bellevue receives formal Application for a Competitive Cable Franchise from Qwest. Qwest a hard copy of existing Comcast franchise, and marked up by Qwest as a starting point.	
5/22/06	City requests mark-up of incumbent franchise via e-mail.	
5/25/06	Qwest provides mark-up of incumbent franchise via e-mail.	
6/16/06	City provides reply to Qwest mark-up of incumbent franchise via e-mail.	

FCC MB DOCKET NO. 05-311
GREATER METRO TELECOMMUNICATIONS CONSORTIUM ("GMTC");
RAINIER COMMUNICATIONS COMMISSION ("RCC");
CITY OF TACOMA, WA; AND CITY OF BELLEVUE, WA
JULY 6, 2006

COMPETITIVE FRANCHISE NEGOTIATION HISTORY

TACOMA, WASHINGTON / CLICK! NETWORK

ACTIVITY DATE	DESCRIPTION	COMMENT
9/3/97	City's initial franchise draft delivered to Click! as a foundation from which to begin discussions.	
9/29/97	City/Click! I-Net discussion related to the network build.	The City engaged in numerous discussions addressing I-Net issues, due to the fact that the City was exploring an I-Net for the first time, was concurrently negotiating a renewal with its incumbent operator, and addressing the feasibility of different technical solutions with each entity.
10/15/97	I-Net discussion, with technical consultant to assist City with the complexities of a telecommunications network.	
10/31/97	I-Net discussion, focused primarily on technical capabilities.	
11/24 - 12/1/1997	Drafting of I-Net MOU	
12/10/97	I-Net discussion – Nortel presentation with I-Net users	
12/11/97	I-Net MOU finalization	
1/8/98	PEG and I-Net discussion	
1/29/98	PEG and I-Net discussion	
2/10/98	Click! receipt of next draft from City and discussion of I-Net costing request.	Over a period of a few months there were a number of negotiating sessions that needed to be rescheduled by the City. The City was concurrently negotiating a franchise renewal with its incumbent cable operator, and with a limited staff, occasionally had to make its staff available to the incumbent on dates when the incumbent was available to meet, and to Click! on dates when Click! was available to meet.

FCC MB DOCKET NO. 05-311
GREATER METRO TELECOMMUNICATIONS CONSORTIUM ("GMTC");
RAINIER COMMUNICATIONS COMMISSION ("RCC");
CITY OF TACOMA, WA; AND CITY OF BELLEVUE, WA
JULY 6, 2006

COMPETITIVE FRANCHISE NEGOTIATION HISTORY

TACOMA, WASHINGTON / CLICK! NETWORK

ACTIVITY DATE	DESCRIPTION	COMMENT
2/19/98	Click! receipt of new PEG section from City.	
3/6/98	I-Net and PEG discussions.	
3/13/98	Interconnection, PEG transport, maintenance agreement discussion.	
3/18/98	I-Net and parity discussion.	
3/30/98	Review of Sections 4, 6 and 10 and new proposed language for Sections 3, 4 and 6.	
4/2/98	Discussed I-Net and Click!'s new proposed language for Sections 4, 6 and 10.	
4/7-29/98	Internal discussions of both parties on outstanding issues; City proposal and Click! review of package approach to address outstanding issues; review of new language on PEG and interconnections.	
5/18/98	Discussion of outstanding issues.	
5/20/98	Review of new document, concept of PEG transport over SONET and interconnection discussed.	
5/28/98	Discussion of outstanding issues.	
6/1/98	Downtown deferral discussion, provided map of area affected, discussed outstanding issues.	
6/3/98	Discussion regarding latest package from City.	
6/4/98	Discussion regarding latest package from Click! and reviewed latest I-Net document.	
6/8/98	Finalizing the latest package offer, and discussion about I-Net design, funding issues	

FCC MB DOCKET NO. 05-311
GREATER METRO TELECOMMUNICATIONS CONSORTIUM ("GMTC");
RAINIER COMMUNICATIONS COMMISSION ("RCC");
CITY OF TACOMA, WA; AND CITY OF BELLEVUE, WA
JULY 6, 2006

COMPETITIVE FRANCHISE NEGOTIATION HISTORY

TACOMA, WASHINGTON / CLICK! NETWORK

ACTIVITY DATE	DESCRIPTION	COMMENT
6/9/98	Finalizing the latest package offer, and discussion about Public Utilities Board/City Council timelines.	
6/10/98	Final issues resolved via telephone conference.	
6/15/98	Conference call with City's outside counsel re-opens material issues in franchise agreement.	
6/16/98	Conference call efforts to address re-opened issues in negotiations.	
6/18/98	Conference call discussion regarding public hearing and options going forward.	
6/29/98	Discussion regarding Executive Session of 6/23, Council's direction, and timing of Agreement to Public Utilities Board/City Council.	
7/8/98	Finalized all sections of document, except I-Net via teleconference.	
7/15/98	Finalized document.	