



City of Cambridge

1.

IN CITY COUNCIL

December 22, 1997

COUNCILLOR DUEHAY
COUNCILLOR DAVIS
COUNCILLOR GALLUCCIO
COUNCILLOR TRIANTAFILLOU

ORDERED: That all items pending before the City Council and not acted upon by the end of the 1997 legislative session be placed in the files of the City Clerk without prejudice, subject to recall by any member, provided that those proposed ordinances which have been passed to a second reading, advertised and listed under "Unfinished Business," and further provided that any items pending in committee may, at the discretion of the committee, be forwarded to the next City Council.

In City Council December 22, 1997.

Adopted by the affirmative vote of eight members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

A handwritten signature in black ink, reading "D. Margaret Drury". The signature is written in a cursive style with a large, looped "D" and "y".

ATTEST:-

D. Margaret Drury
City Clerk

Notice of Request for Amendment

MediaOne has submitted a request on October 27, 1997 to amend the cable television license in the City of Cambridge dated December 30, 1985. The amendment seeks a reduction of access channels controlled by Cambridge Community Television from a total of four (4) channels to three (3) channels. This amendment will prevent the deletion of other programming which is currently part of the channel line-up in Cambridge.

Pursuant to 207 CMR §5.04(1)(c), members of the public have a right to petition for a hearing relative to the aforementioned proposed amendment. A copy of 207 CMR §5.04(1)(c) detailing the requirements to request a hearing are on file in the City Clerk's office.

Pursuant to 207 CMR §5.03(2), a copy of the draft amendment report is available for public inspection in the City Clerk's office.

City of Cambridge
Robert Healy
City Manager

**Report on Request for
Amendment of the Cable License of
MediaOne, Inc.**

Pursuant to the regulations of the Massachusetts CATV Division, MediaOne, Inc. ("MediaOne") hereby requests an amendment to its December 30, 1985 Cable Television License ("License") with the City of Cambridge. The request for amendment was received by the City of Cambridge on October 27, 1997. The purpose of this amendment is to change the number of access channels dedicated for the use and control of Cambridge Community Television from four (4) channels to three (3) channels thereby eliminating the need to drop current programming from the Cambridge channel line-up.

Public notice of the request for amendment will be published in a newspaper of general circulation in Cambridge once during the week beginning November 10, 1997 and the week beginning November 17, 1997. MediaOne will cablecast the notice of request for amendment on the cable system pursuant to state regulations.

The Licensee has consulted with the Issuing Authority about the inability of the present system to maintain current cable programming services without a deletion of one of the public access channels. MediaOne believes that the interests in current programming can be maintained by merging the programming which formerly occupied four (4) access channels for the use and control of Cambridge Community Television ("CCTV") down to three (3) access channels. In exchange for the aforementioned channel reduction, CCTV will receive consideration as outlined in the attached agreement. If MediaOne does not amend this license and reduce the access channels controlled by CCTV, current programming on the Cambridge line-up will have to be deleted due to the current maximization of the Cambridge cable system's channel capacity.

Interested parties may petition for hearing as set forth in 207 CMR 5.04(2):

207 CMR 5.04(2): Petition for Hearing. A petition to the issuing authority for hearing on an amendment to a final cable license shall be valid when signed by one half of 1 percent of the residents who are voters in the municipality, except that in no event shall the number of required signatures be more than five hundred (500) nor less than ten (10), and when received by the issuing authority not later than thirty (30) days after the date of the initial public notice as required. The number of signatures necessary shall be determined from the last official federal census figures for the municipality.

The final date to petition for hearing regarding this amendment is November 26, 1997.

EXHIBIT A

Amendment to Cambridge Renewal License

WHEREAS, MediaOne, Inc. (hereinafter "MediaOne") is the duly authorized holder of a license to operate a cable communication system in the City of Cambridge, said license having been originally granted on December 30, 1985; and

WHEREAS, MediaOne requested an amendment on October 27, 1997 to reduce the number of access channels provided for under Section 4.1(c) of Schedule 15 of the aforementioned license; and

WHEREAS, MediaOne has complied with the notice and filing requirements to amend it's License pursuant to 207 CMR 5.00.

NOW THEREFORE, MediaOne and the City of Cambridge agree to amend said License as follows:

- 1) Delete the reference in Schedule 15, Section 4.1(c) to "(4) downstream channels" and insert in its place "(3) downstream channels".

WITNESS My Hand and Official Seal this _____ day of November, 1997

City of Cambridge

Robert Healy, City Manager

MediaOne, Inc.
by:

Approved as to form

by its: City Solicitor

Section

5.01: Definitions

5.02: Applicability

5.03: Request for Amendment

5.04: Hearing on Request for Amendment

5.05: Effectiveness of Amendment

5.06: Complaint Provisions

5.07: Notice Requirements

207-5.01: Definitions

The following terms as used in this regulation shall have the following meanings:

Amend or amendment shall mean any alteration, modification, or other change, however designated, and shall include, but not be limited to, changes in rates and charges to subscribers as determined by the issuing authority under St. 1971, c. 1103, s. 2.

Final license shall mean any cable license granted or renewed by an issuing authority pursuant to M.G.L. c. 166A and the regulations for granting licenses, (207 CMR 3.00); or any cable replacement or confirmatory license received by a licensee pursuant to St. 1971, c. 1103, ss. 4 or 6.

License shall include any and all contracts, agreements, and understandings regarding the cable system, either formal or informal, entered into between the licensee and the issuing authority.

207-5.02: Applicability

207 CMR 5.00 shall not govern the granting of final or renewal licenses pursuant to the provisions of M.G.L. c. 166A or the issuance of replacement or confirmatory licenses pursuant to St. 1971, c. 1103, ss. 4 and 6.

207-5.03: Request for Amendment

(1) Notice of Request for Amendment. When an issuing authority and a licensee propose to amend a final license, the issuing authority shall cause notice of the same to be published pursuant to 207 CMR 5.07 (1).

(2) Report on Request for Amendment. Coincident with publication of notice of any request for an amendment, the issuing authority shall make available to the public in the city or town clerk's office a written report, prepared by the party initiating the request for an amendment, which shall:

(a) Identify the licensee and the purpose for which the requested amendment is being made;

(b) State the date the request for amendment was received by the issuing authority;

(c) Describe the probable effect(s) of the proposed amendment on services and charges to consumers and any other concerned parties;

(d) Present such data, statistics, schedules and other information as shall be appropriate or necessary to enable the public to determine the probable effect(s) of the proposed amendment;

(e) Incorporate the text of 207 CMR 5.04 (2) and the final date for petition on its front page.

207-5.04: Hearing on Request for Amendment

(1) Hearing Rights. A hearing on a request for amendment shall be held either:

(a) Upon the issuing authority's own initiative; or

(b) At the request of the licensee; or

(c) Upon receipt of a petition as prescribed in 207 CMR 5.04 (2) from an appropriate number of residents in the municipality over which the issuing authority has jurisdiction. Requests for a hearing must be made within thirty (30) days of initial publication of the public notice prescribed in 207 CMR 5.03 (1).

(2) Petition for Hearing. A petition to the issuing authority for hearing on an amendment to a final cable license shall be valid when signed by one half of 1 percent of the residents who are voters in the municipality, except that in no event shall the number of required signatures be more than five hundred (500) nor less than ten (10), and after the date of the initial public notice as required. The number of signatures necessary shall be determined from the last official federal census figures for the municipality.

(3) Hearing Notice and Time. Upon request for a hearing, the issuing authority shall hold such hearing within a reasonable period of time. Public notice of the hearing shall be made pursuant to 207 CMR 5.07 (2) to insure that all petitioners, residents, and other interested parties shall be given full and fair opportunity to be heard.

(4) Hearing Record. The issuing authority shall provide for a stenographic or tape record to be made of any hearing held pursuant to this regulation.

207-5.05: Effectiveness of Amendment

(1) If no hearing is requested, any amendment shall be legally effective if the issuing authority and the licensee so determine, on the first business day following the expiration of the required thirty (30) day notice period.

(2) Concurrent with the grant or denial of a request to amend the final license, the issuing authority shall render, with its decision, a written public report specifying the reasons for that decision. Within seven (7) days of the decision date, it shall forward to the Commission a copy of the decision and its report, with a copy of the modified license, if said license has been modified.

207-5.06: Complaint Provisions

(1) Any person aggrieved by the action of the issuing authority in amending a final license pursuant to this regulation may file a complaint in writing with the Commission within thirty (30) days of the issuing authority's action. The Commission may, at its discretion, initiate an investigation of the issuing authority's action and hold hearings thereon, giving due notice to all parties.

If, after investigation and hearing, the Commission approves the

issuing authority's action, it shall issue notice to the issuing authority to that effect. If the Commission disapproves, it shall issue a decision in writing advising said issuing authority of the reasons for its decision and the issuing authority shall conform with said decision.

207-5.07: Notice Requirements

(1) Notice of Request for Amendment.

(a) Publication Requirements. The issuing authority shall cause notice of any request for amendment of a final license to be published in a newspaper of general circulation in the city or town to be affected by any amendment. Publication shall be made at least once in each of the third and fourth weeks preceding the proposed effective date of any amendment(s). If there is no newspaper in such city or town, notice shall be given by posting appropriate notice in a conspicuous place in the city or town hall for a period not less than thirty (30) days preceding the proposed effective date of any amendment(s).

Within an area served by an operating cable system and having cablecasting facilities, the licensee shall cablecast a concise summary of any proposed amendment(s) sufficient to identify their subject matter at least once daily on each of eight (8) days, four (4) of which shall be within twenty-three (23) and thirty (30) days preceding the proposed effective date of any amendment(s). Such notice shall be cablecast at times most likely to reach the maximum viewing audience. The log of such cablecasts shall be incorporated in the record of any hearing and in the public report prescribed by 207 CMR 5.05 (2).

Notice requirements herein may be supplemented by any other means, including causing such notice, or a concise summary thereof, to be broadcast by means of radio or television facilities, at such times, and with such frequency as the issuing authority deems appropriate to serve the public interest.

(b) Content Requirements. Notice of any request for amendment of a final license shall include:

1. A concise summary of each amendment sufficient to identify its subject matter;
2. Notice of the right of the public to petition for a hearing pursuant to 207 CMR 5.04 (1)(c), and;
3. Notice that the report prescribed by 207 CMR 5.03 (2) is available for public inspection and reproduction at a reasonable fee.

(2) Notice Requirements for Hearings. Any public hearing held pursuant to this regulation shall require the publishing of notice for the same, sufficient to identify its time, place and purpose, in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication being not less than fourteen (14) days before the day of any such hearing(s), or, if there is no such newspaper in such city or town, then by posting such notices in a conspicuous place in the city or town hall for a period not less than fourteen (14) days before the day of such hearing(s).

Within an area served by an operating cable system and having cablecasting facilities, the licensee shall cablecast each prescribed notice over its facilities at least once daily on each of four (4) days, two of which shall be within seven (7) and fourteen (14) days preceding the hearing date. Such notice shall be cablecast at times most likely to reach the maximum viewing audience. The log of such cablecasts shall be incorporated in the record of any hearing and in the public report prescribed by 207 CMR 5.05 (2).

Notice requirements established herein may be supplemented by any other means, including causing such notice, or a concise summary or description thereof, to be broadcast by means of radio or television facilities, at such times, and with such frequency as the issuing authority deems appropriate to serve the public interest.

Notwithstanding the above provisions, no hearing requested or initiated pursuant to 207 CMR 5.04 (1) shall be held before the expiration of thirty (30) days following any notice of a request for amendment pursuant to 207 CMR 5.07 (1).

(3) Additional Notice Requirements. In an instance where any proposed amendment affects changes in existing areas to be served, the issuing authority shall, in addition to the general notice requirements herein, notify contiguous issuing authorities and licensees, if any, that such amendment is contemplated, not later than the publication date established pursuant to 207 CMR 5.07 (1).

REGULATORY AUTHORITY

207 CMR 5.00: M.G.L. c. 166A, ss. 4, 16.

207 CMR 6.00: RATE REGULATION

Section

(6.01 through 6.10: Reserved)

6.11: Effective Date

6.12: Applicability

6.13: Definitions

(6.14 through 6.20: Reserved)

6.21: Standards for Identification of Cable Systems Subject to Effective Competition

6.22: Presumption of No Effective Competition

6.23: Change in Status of Cable Operators

(6.24 through 6.30: Reserved)

6.31: Commission Regulation

6.32: Notification of Basic Service Tier Availability

6.33: Initiation of Review of Basic Service Tier and Equipment Rates

6.34: Notification of Proposed Basic Service Tier Rate Increases

6.35: Commission Review of Basic Service Tier Rates and Equipment Costs

6.36: Statements of Clarification by Issuing Authorities

6.37: Hearing and Notice Requirements

6.38: Procedural Matters

6.39: Written Decision

6.40: Proprietary Information

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system) any
sired by the
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the cable

AGREEMENT BETWEEN MEDIAONE
AND
CAMBRIDGE COMMUNITY TELEVISION

This agreement is entered into this 27 day of August, 1997 between MediaOne and Cambridge Community Television (hereafter, "CCTV").

Term:

This agreement applies only until the end of the current franchising period (December 29, 2000) and will not bind either party nor prejudice the rights of either party with respect to the next licensing period.

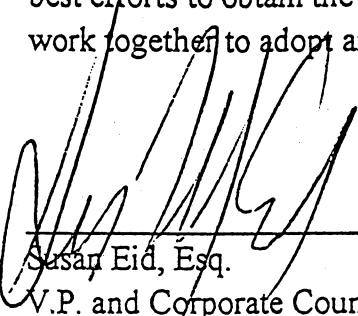
Agreement Provisions:

1. CCTV agrees to carry the full-time programming of BET on one of its channels effective September 17, 1997. CCTV shall at all times retain control of all of its other channels
2. MediaOne will pay all license fees for BET.
3. MediaOne will locate three of CCTV's channels, designated by CCTV, on Channels #9 and #10. MediaOne represents that it plans to place CCTV's third access channel on channel #22 as part of its revisions to the current Cambridge line-up. MediaOne will use its best efforts to retain CCTV on channel 22.
4. MediaOne's CTV3 will work in good faith and in conjunction with CCTV to develop and implement a marketing plan to promote CCTV programming on channels controlled by MediaOne including:
 - a) 300 cross channel promotions over a four week period. These spots would be 30 seconds in length. These spots would be shown on such cable channels as CNN, ESPN, USA, TNT, Lifetime, etc. CCTV would produce each spot and retain control over its content. The spots would be cablecast at various times of the day and night, when viewers are likely to see programming, including prime time.
 - b) Two separate bill insertion messages to all Cambridge subscribers of MediaOne for cross promotional purposes for CCTV. MediaOne will print and insert two separate bill inserts based on camera-ready copy provided by CCTV. MediaOne will coordinate with CCTV as to the timing for the insert distribution.
5. MediaOne will provide free ExpressOne Service, including Internet access for up to nine CCTV computers, three dedicated IP addresses, and DNS for CCTV hosts. This will include the necessary equipment, installation and maintenance costs. This service will be available to CCTV as soon as it is made available to any other subscriber that is serviced by the same fiber optic node which will serve

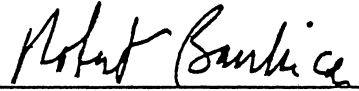
the area of 675 Massachusetts Avenue in Cambridge, MA. If the service is not provided to CCTV by December 31, 1997, MediaOne will pay the cost incurred by CCTV to obtain ISDN-based Internet access service elsewhere up to a cap of \$450 per month until such time that MediaOne provides said Internet access.

6. MediaOne will make a cash payment to CCTV in the amount of seventy-four thousand dollars (\$74,000) on the start date of BET programming on CCTV's channel or 45 days from the signing of this agreement, whichever is earliest.
7. MediaOne does not intend to reclaim further access channels as evidenced in the attached letter.

In the event that the City Manager of Cambridge, as issuing authority, determines that this agreement requires any license amendment, MediaOne will implement amendment procedures to effectuate the terms herein. Both MediaOne and CCTV agree to exercise best efforts to obtain the license amendment, if necessary. MediaOne and CCTV will work together to adopt and effectuate the terms herein.



Susan Eid, Esq.
V.P. and Corporate Counsel
MediaOne



Robert Boulrice,
Chairman
CCTV



This is Broadband. This is the way.

RECEIVED BY
OFFICE OF CITY CLERK
97 OCT 28 AM 8:00
CAMBRIDGE MA.

October 27, 1997

Margaret Drury, Clerk
City of Cambridge
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Ms. Drury:

I have enclosed a draft of all the materials necessary to amend the Cambridge License. The proposed amendment is based upon the agreement between Cambridge Community Television (hereinafter "CCTV") and MediaOne.

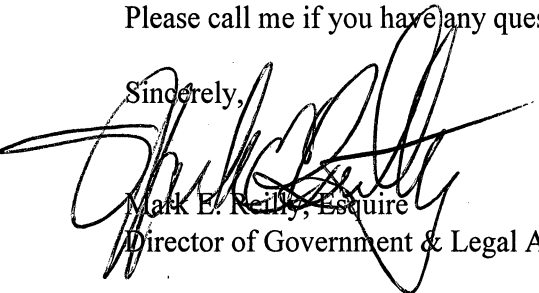
Since these documents are being delivered via same day courier, October 27, 1997 is the submission date for purposes of beginning the notice period. Assuming that no petition for a public hearing is received, the amendment will become effective on Thursday, November 27, 1997.

The enclosed materials include:

- 1) Public Notice. This notice should be published in a local newspaper and cablecast on our system. We will coordinate the cablecasting of the notice.
- (2) Report on the Request for Amendment. This report shall be filed with the City Clerk on October 27, 1997 and maintained there for public inspection during the 30 day period.
- (3) 207 CMR 5.00. State regulations for the amendment of the license.

Please call me if you have any questions.

Sincerely,


Mark E. Reilly, Esquire
Director of Government & Legal Affairs

cc: Robert Healy, City Manager
Nancy Glowa, Esquire
Susan Fleischmann, CCTV

6 Campanelli Drive

Andover, MA 01810

tel / 508-683-5500

fax / 508-683-6631

human resource
fax / 508-686-2906

legal
fax / 508-683-7057

marketing
fax / 508-683-8379

#1
Communications and Reports from City Officers

Cal 22
5-818

A communicaiton was received from D. Margaret Drury, City clerk, transmitting a letter from Media One, regarding notice of request for amendment to the Cambridge License.

In City Council November 3, 1997

Charter Right was
exercised by
Councillor Galluccio
November 17, 1997
Tabled on motion of
Councillor Sullivan

December 22, 1997

PLACED ON FILE

pursuant to
Order #1