

AN ORDINANCE      100569

**MODIFYING THE GRANDE COMMUNICATIONS CABLE  
FRANCHISE AGREEMENT, WHICH WAS PASSED BY  
ORDINANCE NO. 91616 AND BECAME EFFECTIVE ON  
JULY 18, 2000, IN ORDER TO EXTEND THE REOPENER  
OF THE FRANCHISE TO DECEMBER 31, 2005.**

\*      \*      \*      \*      \*

**WHEREAS**, this reopener extension modifies the Cable Franchise Agreement (Franchise) between the City and Grande Communications, Inc. (Grande) that was authorized pursuant to City Ordinance No. 91616, and became effective on July 18, 2000; and

**WHEREAS**, pursuant to Section 4 b. (i) and (ii) of the Franchise, the original reopener term was for four (4) years; however, it was extended to March 31, 2005 pursuant to Ordinance No. 99420, which was passed on June 24, 2004; and

**WHEREAS**, the parties have agreed to further extend the reopener term to December 31, 2005; and

**WHEREAS**, so long as Grantee pays any applicable penalties in accordance with Section 27a.i) of the Franchise Agreement, it is not the City's intent to retain all or part of the remaining prepayment balance specified in Section 17a-1 of the Franchise Agreement as liquidated damages for Grantee's failure to comply with any provision of Section 8(b) or 8(c) of the Franchise Agreement beyond the penalties set forth in Sec. 27a.i); and

**WHEREAS**, this extension is not intended to be interpreted as a franchise renewal as that term is generally understood pursuant to the federal Cable Act, 47 U.S.C. §546, or the City's Charter, and is further not intended to modify any other provision of the Franchise other than the term, and neither party waives any rights that it may have had prior to the adoption of this Extension;  
**NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The Amendment to Extend the Reopener Term of the Franchise between the City and Grande to December 31, 2005 is hereby approved. A copy of the Extension Amendment is attached hereto, in substantially final form, and incorporated herein for all purposes as Attachment I. A fully executed version of this amendment will be attached hereto and incorporated herein upon full execution by both parties.

**SECTION 2.** In no event shall this Extension be construed as a waiver of the parties' rights, duties or obligations under the Franchise. Except as expressly modified herein, all terms and provisions of the Franchise shall remain in full force and effect, enforceable in accordance with their terms. Franchise renewal proceedings under the Cable Act have commenced and are ongoing. Each party reserves its rights under that law.

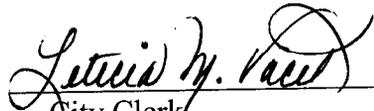
KAM  
03/24/05  
Item No. 21

**SECTION 3.** This Ordinance shall take effect immediately upon passage by eight (8) affirmative votes.

**PASSED and APPROVED** this 24th day of March, 2005.

  
M A Y O R

EDWARD D. GARZA

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
for City Attorney