

RESOLUTION NO. 2757

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING A CABLE SYSTEM LICENSE RENEWAL BETWEEN THE TOWN OF PAYSON AND NPG CABLE, L.L.C., dba SUDDENLINK.**

WHEREAS, on April 22, 2004, the Town approved a Cable System License with NPG Cable, Inc. (see Resolution 1933) for a period of 10 years effective from May 11, 2004 through May 10, 2014 ("the License"); and

WHEREAS, on August 18, 2011, the Town approved an assignment of License from NPG Cable, Inc. to NPG Cable, L.L.C., dba Suddenlink (see Resolution 2623); and

WHEREAS, paragraph 17 of the License allows for a renewal of the License if a request is made at least 180 days prior to the expiration of the License; and

WHEREAS, on November 4, 2013, the Town received a renewal request from Dan Spoelman of Suddenlink; and

WHEREAS, A.R.S. §9-507 sets forth the notice and hearing requirements for municipal cable licenses; and

WHEREAS, in accordance with such requirements, on March 4, 2014 and March 11, 2014, a notice was placed in the Payson Roundup newspaper indicating that the Town Council would hold a Public Hearing on March 20, 2014 to consider Suddenlink's request to renew the License for an additional 10 year term; and

WHEREAS, on March 20, 2014, the Town Council held a Public Hearing to consider Suddenlink's renewal request,

**NOW, THEREFORE, THE MAYOR AND COUNCIL DO RESOLVE AS FOLLOWS:**

Section 1. The Cable System License Renewal Between the Town of Payson and NPG Cable, L.L.C., dba Suddenlink, attached as Exhibit A, is approved in substantially the form attached.

Section 2. Kenny J. Evans, Mayor of the Town of Payson, is authorized to execute said Renewal in substantially the form attached.

MAR 20 2014 D.I. A

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this 20th day of March, 2014, by the following vote:

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSTENTIONS \_\_\_\_\_ ABSENT \_\_\_\_\_

\_\_\_\_\_  
Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Silvia Smith, Town Clerk

  
\_\_\_\_\_  
Timothy M. Wright, Town Attorney

**Exhibit A**  
**To**  
**Resolution 2757**

**CABLE SYSTEM LICENSE RENEWAL  
BETWEEN THE TOWN OF PAYSON  
AND NPG CABLE, L.L.C., dba SUDDENLINK**

This Cable System License Renewal is entered into by the Town of Payson, a municipal corporation of the State of Arizona (the "Town"), and NPG Cable, LLC, dba Suddenlink, a Delaware Limited Liability Company registered to do business in Arizona ("Suddenlink") (Collectively the "Parties").

**RECITALS**

1. On May 11, 2004, NPG Cable, Inc. and the Town of Payson entered into a Cable License Agreement ("the Agreement") that expires on May 10, 2014.
2. On August 8, 2011, the Town Council approved Resolution 2623, consenting to the assignment of the Agreement from NPG Cable, Inc., to NPG Cable, LLC, dba Suddenlink.
3. Paragraph 17 of the Agreement allows a renewal of the Agreement if a request is made at least 180 days prior to the expiration of the Agreement.
4. On November 4, 2013, the Town received a renewal request from Dan Spoelman, Vice President of Operations for Suddenlink.
5. A.R.S. §9-507 sets forth the notice and hearing requirements for municipal cable licenses.
6. In accordance with such requirements, on March 4, 2014 and March 11, 2014, a notice was placed in the Payson Roundup newspaper indicating that the Town Council would hold a Public Hearing on March 20, 2014 to consider Suddenlink's request to renew its Cable System License Agreement for an additional 10 year term.
7. On March 20, 2014, the Town Council held a Public Hearing to consider Suddenlink's renewal request.

**RENEWAL**

Based upon the foregoing, the Parties desire to renew the Agreement according to the following terms:

- A. The Cable System License Agreement Between the Town of Payson and NPG Cable, LLC, dba Suddenlink is hereby renewed and shall expire on May 10, 2024.
- B. The exclusion of 'digital programming' from Paragraph 8 (Public Service Drops) is deleted.

C. Except as amended in Paragraphs A and B above, all other terms of the Agreement shall remain in full force and effect.

NPG CABLE, LLC, dba Suddenlink:

TOWN OF PAYSON:

By \_\_\_\_\_  
Ralph Kelly, Manager           dated  
or  
Craig Rosenthal, Manager  
or  
James Fox, Manager

By \_\_\_\_\_  
Kenny J. Evans, Mayor           dated

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Timothy M. Wright, Town Attorney

ATTEST:

\_\_\_\_\_  
Silvia Smith, Town Clerk