

Lorraine

SACRAMENTO METROPOLITAN



Cable Television Commission

RECEIVED
CITY CLERKS OFFICE
CITY OF SACRAMENTO
NOV 9 10 01 AM '83

file

SUITE 2500, 700 'H' ST., SACRAMENTO, CA 95814 • (916) 440-6661

ROBERT E. SMITH
EXECUTIVE DIRECTOR

November 8, 1983

For Agenda of:
November 22, 1983

To: Sacramento Metropolitan Cable Television Commission
From: Bob Smith, Executive Director
Sacramento metropolitan Cable Television Commission
Subject: CHANGE OF MEETING DATES

With the Board of Supervisors' decision to change its meeting dates from Tuesday/Thursday to Tuesday/Wednesday, it is necessary to adopt a new meeting date for the Commission.

The current schedule for the Board Chambers indicates that the first Thursday afternoon of the month is available.

Therefore, it is recommended that beginning in January 1984, the Cable Commission meetings be held on the first Thursday at 2:30 p.m. in the Board Chambers. (Note: The 2:30 p.m. time is recommended because that is what the Commission had previously adopted. However, this could be changed at your discretion.)

At this time, no meeting has been scheduled for December, pending the outcome of the franchise evaluation and offering process. Any such required December meeting date(s) should be set at the Cable Commission meeting of November 22nd.

Bob Smith

BOB SMITH, Executive Director
Sacramento Metropolitan Cable
Television Commission

RES:ab

Lorraine

SACRAMENTO METROPOLITAN



Cable Cable Television Commission

RECEIVED
CITY CLERKS OFFICE
CITY OF SACRAMENTO

Nov 1 4 00 PM '83

SUITE 2500, 700 'H' ST., SACRAMENTO, CA 95814 • (916) 440-6661

ROBERT E. SMITH
EXECUTIVE DIRECTOR

November 1, 1983

TO: Board of Supervisors
City Council
Cable Commission

FROM: BOB SMITH, Executive Director
Sacramento Metropolitan Cable Television Commission

SUBJECT: MEETING REMINDER

The next cable television workshop is scheduled for Thursday, November 10th at 1:30 p.m. in the Board Chambers. This is a continuation of the October 26th meeting and will primarily be a discussion of system design issues; however, other items may be discussed.

Meeting Schedule

Thursday	- November 10	1:30 p.m. - 5:00 p.m.	Workshop
Monday	- November 14	9:00 a.m. - 2:00 p.m.	Preliminary Report Discussion
Wednesday	- November 16	2:30 p.m. - 5:00 p.m.	Public Hearing and Vesting
Tuesday	- November 22	2:30 p.m. - 5:00 p.m.	Tentative Selection

BOB SMITH, Executive Director
Sacramento Metropolitan Cable
Television Commission

RES:ab

cc: Cable companies

SACRAMENTO METROPOLITAN

Lorraine



Cable
CTC Television
Commission

SUITE 2500, 700 'H' ST., SACRAMENTO, CA 95814 • (916) 440-6661

BILL BRYAN
SUPERVISOR, 4TH DISTRICT
CHAIRMAN

November 3, 1983

Gayle L. Greer, Vice President
Franchise Development
American Television & Communications Corp.
160 Inverness Drive West
Englewood, Colorado 80112

Dear Ms. Greer:

During the October 26, 1983 meeting of the Board of Supervisors, City Council and Cable Commission, Supervisor Bill Bryan indicated an interest in viewing other systems of each of the applicants. Other elected officials have also indicated some interest in traveling for on-site inspections. They may not desire to review systems of every applicant since some were visited in the last round of bidding.

I am writing to indicate that you ought to contact the Supervisors and City Councilpersons as well as Orvell Fletcher of the City of Galt to determine whether they have any interest in visiting other systems. In addition, in all instances travel expenses are to be borne by the Commission rather than your firm.

Therefore, your cooperation with this matter will be appreciated.

Sincerely,

Bob Smith

BOB SMITH, Executive Director
Sacramento Metropolitan Cable
Television Commission

RES:ab

cc: Board of Supervisors
City Council
Orvell Fletcher

SACRAMENTO METROPOLITAN

Soriano



Cable
Cable Television
Commission

SUITE 2500, 700 'H' ST., SACRAMENTO, CA 95814 • (916) 440-6661

BILL BRYAN
SUPERVISOR, 4TH DISTRICT
CHAIRMAN

November 4, 1983

John Schumann
Executive Director
Sacramento Transit Development Agency
926 J Street, Suite 611
Sacramento, California 95814

Dear John:

Thanks for your letter of October 7th listing all the dates your legislative body meets and requesting the resolution of potential conflicts with the Sacramento Metropolitan Cable Television Commission. Sorry I was unable to respond sooner.

The only conflict with the dates listed in your letter is that of November 16, 1983. I will try to start the meeting at 1:30 p.m. as you requested; however, it is not possible for me to adjust this meeting date. The November 16th hearing was not one initiated by staff, but rather identified and approved by my governing body for consideration of public testimony of our Preliminary Report. At that time, I am recommending consideration of "leased access vesting" as well as "minimum terms and conditions for non-profit organization grants." Those specified hearings require at least a ten-day notice under the Ordinance in order for the legislative body to legally adopt these technical requirements.

I will be recommending that my Commission meet on Thursdays, thus eliminating any future conflict with your organization. I know that our conflicts have been trying to both of us and hopefully they will be resolved at the next Cable Commission meeting.

I appreciate your consideration.

Yours very truly,

A handwritten signature in cursive script that reads "Bob Smith".

BOB SMITH, Executive Director
Sacramento Metropolitan Cable
Television Commission

RES:ab

cc: Board of Supervisors
City Council
Orvell Fletcher

SACRAMENTO METROPOLITAN



SUITE 2500, 700 'H' ST., SACRAMENTO, CA 95814 • (916) 440-6661

RECEIVED
CITY CLERKS OFFICE
CITY OF SACRAMENTO

SEP 26 2 16 PM '83

Lorraine
File

ROBERT E. SMITH
EXECUTIVE DIRECTOR

September 23, 1983

To: Sacramento Metropolitan Cable Television Commission
From: Bob Smith, Executive Director
Subject: CABLE TV BID INFORMATION

All the elected officials have been provided with summary information extracted from the Cable TV Applications received. In addition, five complete sets of the Applications have been delivered to City Hall for use by the City Council, and depending upon individual preference, copies have either been delivered directly to, or are available in our office for the Board of Supervisors.

If you would like a complete set of Applications delivered to you and don't already have one, please let our office know immediately.

Staff recommends that you begin your reading of the Applications with the proposed Franchise Resolution (contract) as it represents the actual commitments of each applicant. Then, the references contained in the Resolution to portions of the Application, can be used to provide additional detail.

Upon completion of our initial review in about two weeks, staff will provide you with a preliminary tabular summary of all the Applications to assist you in your early considerations.

Finally, staff and our consultants are available to answer any of your questions or to assist in researching any particular points in which you may be interested.

Bob Smith
BOB SMITH, Executive Director
Sacramento Metropolitan Cable
Television Commission

RES:ab

Lorraine
File

SACRAMENTO METROPOLITAN



Cable Cable Television Commission

RECEIVED
CITY CLERK'S OFFICE
CITY OF SACRAMENTO

SEP 23 12 48 PM '83

SUITE 2500, 700 'H' ST., SACRAMENTO, CA 95814 • (916) 440-6661

ROBERT E. SMITH
EXECUTIVE DIRECTOR

September 22, 1983

To: Board of Supervisors
City Council

From: Bob Smith, Executive Director

Subject: INFORMATION REGARDING CABLE TV FRANCHISE APPLICANTS

Attached for quick reference is a listing of the Cable TV franchise applicants with names, addresses and phone numbers of their representatives.

A handwritten signature in cursive that reads "Bob".

BOB SMITH, Executive Director
Sacramento Metropolitan Cable
Television Commission

RES:ab

Attachment

APPLICANTS FOR CABLE TV FRANCHISE FOR SACRAMENTO

September 20, 1983

1. ACCESS (A Community Cable Entertainment/Services System) of Sacramento, Inc., Parent Company--Sun Cable Services, Inc., wholly owned subsidiary of:
 - Kaufman & Broad, Inc.

William A. Schainker
Kaufman & Broad
Sun Cable Services, Inc.
10801 National Boulevard
Los Angeles, California 90064
213/475-6711 x 581 or 272-9914

Attorneys in Sacramento:
Kronick, Moskovitz, Tiedemann & Girard
Frank A. Iwama or Thomas W. Eres, Attorneys at Law
555 Capitol Mall, Suite 900
Sacramento, California 95814
444-8920

2. American Cablevision of Sacramento - a wholly owned subsidiary of:
 - American Television & Communications Corp.

Gayle L. Greer, Vice President
Franchise Development
American Television & Communications Corp.
160 Inverness Drive West
Englewood, Colorado 80112
303/799-1200

Greg Bicket
1029 J Street, Suite 500
Sacramento, California 95814
441-3355

3. Cablevision of Sacramento - a general partnership consisting of:
 - Cablevision Systems Sacramento Corporation - Corporate General Partner
 - Scripps-Howard Broadcasting Company - Prime General Partner
 - River City Cablevision, Inc., - Special General Partner
 - Charles F. Dolan - Managing General Partner

Sheila Mahony, Vice President
Cablevision
One Media Crossways
Woodbury, New York 11797
516/364-8450

Raymond T. Butler
7700 Collegetown Drive
Sacramento, California 95826
929-1234

4. Pacific West Cable Company

Joseph Benvenuti
Pacific West Cable Group
8008 Sacramento Street
Fair Oaks, California 95628
967-4723

Attorneys are:
Farrow, Schildhause, Wilson & Rains
Senator Office Building
1121 L Street, Suite 808
Sacramento, California 95814
447-2000

5. United Tele-Communications of Sacramento (UTS) - a joint venture of:

- United Cable Television of Sacramento, Inc.
- Sacramento Tele-Communications, Inc.
- Sacto Cable Engineering
- Greater Sacramento County Cable Corporation
- Thomas E. Ross

William R. Cullen, President
United Cable Television of Sacramento, Inc.
9332 Tech Center, Suite 500
Sacramento, California 95826
361-1600

cc: Dan W. Shields, Secretary
United Cable Television Corporation
4700 South Syracuse Parkway
Denver, Colorado 80237
303/779-5999.

LAW OFFICES OF
FARROW, SCHILDHAUSE, WILSON & RAINS

INCLUDING A PROFESSIONAL CORPORATION

SENATOR OFFICE BUILDING
1121 "L" STREET, SUITE 808
SACRAMENTO, CALIFORNIA 95814
(916) 447-2000

OAKLAND OFFICE
P. O. BOX 2290
OAKLAND, CALIFORNIA 94621
(415) 839-4500

HAROLD R. FARROW
HON. LIONEL J. WILSON
MEGAN TOOTELL
THOMAS A. SEATON
LYNNE M. ARMSTRONG
H. WAYNE GOODROE
RICHARD D. HARMON
MICHAEL J. HENDERSON
ELIZABETH M. JOHNSON
E. NICHOLAS SELBY

ROBERT E. REESER
OF COUNSEL

SACRAMENTO OFFICE

SEN. OMER L. RAINS
ROBERT M. BRAMSON

WASHINGTON, D.C. OFFICE

1101 SEVENTEENTH ST., N.W.
WASHINGTON, D.C. 20036
(202) 822-8300

SOL SCHILDHAUSE
D.C. & N.Y. BAR ONLY

ALAN R. PLUTZIK

September 20, 1983

PLEASE REPLY TO
SACRAMENTO OFFICE

Sacramento Metropolitan Cable
Television Commission
700 H Street, Room 2450
Sacramento, California 95814

Re: Application for Franchise To Operate Cable
Television Company

Gentlemen:

Pacific West Cable Company hereby applies for the issuance to it of any and all necessary permits, licenses and franchises for the operation of a cable television system within the Cities of Sacramento, Galt, and Folsom, and within unincorporated areas of the County of Sacramento. This firm is fully authorized to represent Pacific West Cable Company in that respect.

Pacific West has previously requested Pacific Telephone and Telegraph Co. (PTT) to enter into pole attachment agreements with it. However, PTT has insisted that Pacific West first obtain a "cable television franchise", and encroachment permits from various governmental entities. Pacific West thereafter applied for encroachment permits from both the City of Sacramento and the County of Sacramento. Both jurisdictions stated that Pacific West would have to obtain a "franchise" before being issued any such permits. Their respective positions are that the appropriate method of seeking such "franchises" is to submit a response to that certain document entitled "Cable Television System Request For Proposal" dated July 19, 1983. In response to said document, Pacific West submits the following information and comments.

1. With reference to the requirement of a certified check made payable to the Sacramento Metropolitan Cable Television Commission in the amount of \$45,000.00 as a "non-refundable filing fee", Pacific West believes that requirement to be unlawfully discriminatory. No other First Amendment speaker (and, in all likelihood, no other business)

Sacramento Metropolitan Cable
Television Commission
September 20, 1983
Page 2

is subjected to such an unreasonable prior restraint on its right to do business. This "fee" is unconstitutional and Pacific West declines to pay it.

2. With respect to the document entitled "Draft Resolution Offering Franchise For Cable Television System", Pacific West notes that many detailed requirements are contained therein. Pacific West is also aware of the additional requirements contained in the ordinances enacted by the Sacramento County Board of Supervisors as No. SCC 488 (11/24/81), by the Sacramento City Council as No. 81-103 (11/23/81), by the Folsom City Council as No. 467 (12/8/81) and by the Galt City Council as No. 81-18 (12/8/81). Pacific West will respect and obey each and every requirement contained in the above ordinances and/or in the "Draft Resolution" for which there is a proper and lawful police power basis. Pacific West does, however, specifically reserve the right with respect to any such requirements to seek legal review and judicial adjudications concerning the existence or non-existence of proper authority resting in the relevant jurisdiction's police power.

Pacific West notes, moreover, that both the "Draft Resolution" and the ordinances appear more akin to contracts than to regulatory enactments. Pacific West believes that many of the provisions in those documents are unsupportable as police power regulations, and believes that those documents treated as a whole would be held null and void by a court of law.

3. With respect to the information requested in Forms A, B, C, D, and E attached to the Request For Proposal (RFP), Pacific West Cable Company is a California general partnership. The general partners are Joseph Benvenuti, 2101 Evergreen, Sacramento, California 95815, and D. Bruce Fite, 9745 Mira Del Rio Drive, Sacramento, California 95827. In addition, contingent interests in the partnership are held by Rodney A. Hansen, 8008 Sacramento Street, Fair Oaks, California 95628, and by Farrow, Schildhause, Wilson & Rains, 1121 "L" Street, Suite 808, Sacramento, California 95814. Pacific West's business address is 9852 Business Park Drive, Suite A, Sacramento, California, 95827. None of these persons has ever been convicted of or held liable for any of the crimes or civil violations listed in Form C. Nor have any of these persons had any license or franchise revoked, suspended or denied renewal

Sacramento Metropolitan Cable
Television Commission
September 20, 1983
Page 3

(until Pacific West applied for permits from the City and County as described above). The three individuals are all United States citizens. Farrow, Schildhause, Wilson & Rains, a law partnership which includes a professional corporation, also consists entirely of United States citizens.

Pacific West does not believe that the ownership of other media interests (including other cable television systems) is relevant to a consideration of its application, and this information is, therefore, not provided. It would be arbitrary and unlawful to deny an applicant the right to engage in a First Amendment activity because of the applicant's ownership of --or lack of ownership of-- media interests in other locations. Pacific West does represent, however, that neither it nor any of its principals has any present interest in media disseminating information in Sacramento County.

Pacific West guarantees that none of its principals, or the partnership itself, is, or intends in the future to be, in violation of lawful Federal Communications Commission regulations relating to this or any other subject.

4. With respect to the information requested in Form F attached to the RFP, Pacific West refers to, and incorporates herein, the attached letter signed by Joseph Benvenuti. The County and/or the Cities are free to ascertain for themselves that Pacific West has the financial ability to construct a cable system encompassing all of Sacramento County. The sort of detailed information requested by Form F is an unlawful prior restraint upon a First Amendment speaker.

5. With respect to the information requested in Form G attached to the RFP, Pacific West believes that its predictions about the future profitability of its business are proprietary data which are irrelevant to an assessment of its application. Pacific West desires to construct a cable television system for its own use, not for the use of the County or the Cities. The profitability of a venture is of no concern to a governmental authority reviewing an application for a permit to engage in First Amendment activity. Pacific West has the right to engage in First Amendment speech even if it loses money while doing so.

6. With respect to the information requested in Form H attached to the RFP, Pacific West believes most of this

Sacramento Metropolitan Cable
Television Commission
September 20, 1983
Page 4

information to be proprietary in nature, and inappropriate for prior review by the government.

Insofar as the jurisdictions are seeking assurances that construction will be undertaken safely, cleanly, and in an orderly fashion, Pacific West reiterates that it is willing to obey and abide by any and all lawful regulations enacted by the jurisdictions with respect to these issues (or any others). Pacific West will, for example, certainly provide adequate insurance to protect all persons from damage resulting from construction activities, as required by lawful ordinance. Furthermore, Pacific West guarantees that all construction will be conducted in strict compliance with the detailed requirements of the California Public Utilities Commission.

With respect to a "construction schedule", Pacific West does plan to operate its business throughout the major portion of Sacramento County (including all areas designated by the RFP as the "franchise area"). Pacific West guarantees that construction will be completed within 51 months of the issuance of local authorization. Pacific West will also comply with any and all reasonable and lawful requirements as to advance notice of time and place of actual construction.

7. With respect to the information requested in Forms I, J, K, and L, Pacific West believes this information to be proprietary in nature and completely irrelevant to consideration of an application for a permit to engage in First Amendment dissemination. It is obviously inappropriate for government to place itself in the position of assessing the "desirability" of certain speech vis-a-vis other speech, or of certain methods of dissemination vis-a-vis other methods. Similarly, the level of Pacific West's prices and/or charitable contributions are completely irrelevant to a proper assessment of its application for a permit to engage in First Amendment activity.

Pacific West intends to construct a modern state-of-the-art cable system for use by its customers/subscribers, but it insists upon retaining editorial and management control over the business. In this way, Pacific West will have the flexibility to respond to the needs and desires of the public. Pacific West again emphasizes that it plans to construct a cable system for its own use and for the use and benefit of its customers, not for the benefit of local governments.

Sacramento Metropolitan Cable
Television Commission
September 20, 1983
Page 5

8. With respect to the information requested in Form M attached to the RFP, Pacific West believes such information to be proprietary in nature, except as to the fact of compliance with the lawful provisions of the ordinances. As noted hereinbefore, Pacific West will comply with all such lawful provisions.

It should be added, however, that Pacific West intends to vigorously pursue the employment of minorities. The company is committed to the furtherance of equality for everyone in our society.

9. With respect to the information requested in Form N, subsection N.1, Pacific West believes that it has provided all information necessary and appropriate for review of its application.


10. With respect to the information requested in Form N, subsection N.2, Pacific West believes any such plans relating to "anticipated future developments" are proprietary in nature and completely irrelevant to a proper review of its application. It, therefore, declines to engage in any such "discussions" in this application.

11. With respect to the information requested in Form N, subsection N.3, Pacific West is engaging in negotiations with the Sacramento Municipal Utility District (SMUD) in connection with several different matters. The content of those negotiations is personal to the parties and not a proper subject upon which to assess this application.

Pacific West Cable Company looks forward to the prompt issuance of non-exclusive franchises for the operation of its cable television business.

Very truly yours,

PACIFIC WEST CABLE CO.



By: SEN. OMER L. RAINS

SOR/rmw
Enclosure

Pacific
West CABLE GROUP

September 20, 1983

Mr. Robert E. Smith, Executive Director
Sacramento Metropolitan Cable Television Commission
700 H Street, Room 2450
Sacramento, CA 95814

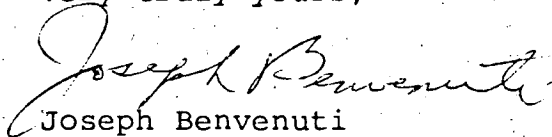
Dear Mr. Smith:

Pacific West Cable Group is a partnership, and the general partners are D. Bruce Fite and Joseph Benvenuti.

This letter is to advise you that Mr. Fite and I are ready, willing and able to provide whatever capital is necessary to construct and to operate a cable television system throughout the City and County of Sacramento.

Insofar as financial capability is concerned, the primary bank with which we do business is Security Pacific National Bank. However, we also do business with, among other financial institutions, Wells Fargo Bank, Bank of America and Union Bank. Should you wish to check with these institutions, we are confident they will verify that we have the financial capability to construct and operate such a system.

Very truly yours,


Joseph Benvenuti

File

APPLICANTS FOR CABLE TV FRANCHISE FOR SACRAMENTO

September 20, 1983.

1. Access of Sacramento - Parent Company, Sun Cable Services, Inc.,
wholly owned subsidiaries of Kaufman & Broad, Inc.

2. American Cablevision of Sacramento - a wholly owned subsidiary of:
--- American Television & Communications Corp.

3. Cablevision of Sacramento - a general partnership consisting of:
--- Cablevision Systems Sacramento Corporation - Corporate General
Partner
--- Scripps-Howard Broadcasting Company - Prime General Partner
--- River City Cablevision, Inc., - Special General Partne
--- Charles F. Dolan - Managing General Partner

4. Pacific West Cable Company

5. United Tele-Communications of Sacramento (UTS) - a joint venture
of:
--- United Cable Television of Sacramento, Inc.
--- Sacramento Tele-Communications, Inc.
--- Sacto Cable Engineering
--- Greater Sacramento County Cable Corporation
--- Thomas E. Ross