



## Legislation Text

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**File #:** RES 15-499, **Version:** 1

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Approving an Indefeasible Right of Use and Master Service Agreements with Comcast.

WHEREAS, Comcast and the City were among the parties to the Saint Paul Cable Franchise adopted by C.F. No. 98-234, and thereafter amended by agreement of the parties (the "1998 Franchise") which agreement, among other things, required Comcast to provide certain institutional network facilities; and

WHEREAS, as part of resolution of issues among the parties, the parties have agreed to the terms of a new Franchise, which has the effect of modifying and extending the 1998 Franchise (the "Modified Franchise"); and

WHEREAS, the intent of this Indefeasible Right of Use ("IRU") Agreement is to continue to provide the City an indefeasible right to use certain existing fibers, equipment and facilities provided by Comcast under the 1998 Franchise, and to provide the City an indefeasible right to use certain fibers, facilities and equipment that will be provided pursuant to IRU Agreement;

WHEREAS, the Parties have further agreed that the City will also purchase certain services from Comcast, in accordance with the attached Metro-E Master Services Agreement and in connection with the provision of those services, Comcast will use the fibers, equipment and facilities described above;

WHEREAS, the Parties have further agreed that a breach of the IRU Agreement may be treated as a breach of the Modified Franchise; and

WHEREAS, the Parties agree that the IRU Agreement is not intended to be executory, and could not be rejected in the event of bankruptcy, and is instead is a fully performed transfer of an indefeasible right of use;

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Saint Paul approves the attached Indefeasible Right of Use Agreement, Master Services Agreement, sales order and accompanying amendments, appendices, and addendums.