

# Attachment A

## UNIFORM VIDEO SERVICE LICENSE AGREEMENT

City Contract No. [X]

This Uniform Video Service License Agreement (“License”) is issued by the City of Phoenix, an Arizona municipal corporation (“City” or “Licensor”), to -----, a----- (“Licensee”), and is effective as of \_\_\_\_\_.

WHEREAS, Licensee has filed a completed application and affidavit under Title 9, Chapter 13, Arizona Revised Statutes (“Licensing Statute”) and Chapter 5 of the Phoenix City Code (“Cable Code”), for Licensor to issue a Uniform Video Service License to Licensee; and

WHEREAS, Licensee is a Video Service Provider authorized under the laws of the State of Arizona to provide Video Services.

NOW THEREFORE, in consideration of the foregoing recitals, which are incorporated herein, and the mutual covenants set forth herein, the Parties agree as follows

### 1. Definitions.

Capitalized terms will have the meanings given to them in the Licensing Statute, including Arizona Revised Statutes (“A.R.S.”) Section 9 – 1401, and Phoenix City Code Section 5-3 unless such terms are defined otherwise herein.

### 2. Licensee Information and other Required Information.

Licensee’s Application and Affidavit for Uniform Video Service License, which is attached to this License as **Exhibit A**, is incorporated herein by this reference.

### 3. Grant of License.

3.1 Under the Licensing Statute, Licensor hereby issues to Licensee, and Licensee hereby accepts from Licensor, a nonexclusive Uniform Video Service License. The License grants the Licensee the authority to:

3.1.1 Provide Video Service in all Service Areas designated in the License application; and

3.1.2. Construct and operate a video service network in the all Highways in each Service Area in compliance with all applicable federal, state, and local law.

3.2 Nothing in this License extinguishes or otherwise interferes with property rights established independently of this License.

#### **4. Licensee Compliance with Law.**

Licensee shall comply with and be subject to:

4.1 All valid and enforceable federal and state laws.

4.2 All generally applicable, nondiscriminatory Local Laws, including highway use, mapping, insurance, performance bonds, security fund, indemnification, letter of credit or similar requirements that apply to the use and occupation of any highway and that conform to the Licensing Statute.

4.3 All public, education and government programming requirements of the Licensing Statute.

4.4 All customer service rules of the Federal Communications Commission under 47 Code of Federal Regulations Section 76.309(c) applicable to Cable Operators.

4.5 All consumer privacy requirements of 47 United States Code Section 551 applicable to Cable Operators.

#### **5. License Fee.**

Licensee is required to pay the License Fees required under the Licensing Statute and all other lawful fees, taxes and charges imposed by Licensor. The rate of the License Fee shall be [five (5)] percent.

#### **6. Term and Termination.**

The term of this License will be ten (10) years from the Effective Date (“Term”), unless terminated sooner as provided in this License. To extend the Term, Licensee will file, at least one month before the end of the Term, a notice to extend the Term for a specified period not to exceed ten (10) years.

#### **7. Compliance with Law.**

Licensor and Licensee agree that they are subject to and must comply with the Licensing Statute.

The Parties have executed this License effective as of the first date above.

CITY OF PHOENIX, a municipal corporation  
Ed Zuercher, City Manager

By: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Acting City Attorney

ACCEPTED: [Entity Name], a [State] [Entity Type]

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

EXHIBIT A  
[Application and Affidavit for Uniform Video Service License]



## City of Phoenix

### APPLICATION AND AFFIDAVIT FOR UNIFORM VIDEO SERVICE LICENSE

(Pursuant to Title 9, chapter 13, Arizona Revised Statutes)

#### I. Applicant:

Date:		
Applicant's Name:		
Principal Place of Business:		
Phone:	Address:	
City/Town:	State:	Zip:
Type of Entity:	Jurisdiction of Formation:	Email:

#### II. Applicant's principal executive officers or general partners:

Name:	Title:
Address:	

Name:	Title:
Address:	

Name:	Title:
Address:	

Name:	Title:
Address:	

#### III. Person(s) authorized to represent Applicant before Local Government:

Name:	Title:	
Address:		
Phone:	Fax:	Email:

Name:	Title:	
Address:		
Phone:	Fax:	Email:

#### IV. Check one pursuant to Arizona Revised Statutes Section 9-1411(C)(4):

- ☐ Applicant is an Incumbent Cable Operator as provided in Arizona Revised Statutes, Section 9-1401(13).
- ☐ Applicant is not an Incumbent Cable Operator. The date on which the Applicant expects to provide Video Services in the Service Area identified below under Section 9-1411(C)(5) is:

Date:

**V. For All Applications:**

- A. Applicant will timely file with the Federal Communications Commission all forms required by that agency before Applicant offers Video Service in the Service Area, including the forms required by 47 Code of Federal Regulations Section 76.1801.
- B. The term of the uniform video service license shall be (not to exceed ten years):
- |       |
|-------|
| Years |
|-------|
- C. Applicant agrees to pay all lawful fees and charges imposed by Local Government as provided in Arizona Revised Statutes, Section 9-1414(B)(4).
- D. Applicant agrees to notify Local Government in writing of changes to the above information within thirty days after the change occurs as provided in Arizona Revised Statutes, Section 9-1414(B)(2).
- E. Provide an exact description of the Service Area as set forth in Arizona Revised Statutes, Section 9-1411(C)(5), as identified by a geographic information system digital boundary meeting or exceeding national map accuracy standards.

Select one:

- ☐ The Service Area consists of all the territory within the Boundaries of Local Government.
- ☐ The Service Area consists of all the territory within the area described on attached

***Applicant Verification***

I certify that the information contained in this application for a video service license in the City of Phoenix is true and correct. I further affirm that I am authorized by \_\_\_\_\_ [NAME OF APPLICANT] to file this application on behalf of applicant and to bind the applicant with respect to the representations made in Section V, Paragraphs A through D of this application. A copy of the authorization is attached to this application.

Name and Title (printed):

Signature:

Date:

***Local Government Receipt***

The foregoing Application and Affidavit for Uniform Video Service License was received by Local Government this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ ; at \_\_\_\_\_.

**City of Phoenix, an Arizona municipal corporation ("Local Government")**

By

\_\_\_\_\_

City, State, Zip

Print Name

Phone/Fax

Date

Email

Address

Date

**Exhibit A**

**Service Area**

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[Attach additional pages as necessary]