

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 09/26/05		Item Number: <u>A-1</u>	
AGENDA ITEM: Receipt & Discussion of Consultant's Report Summarizing the Safety Inspection of Culver City's Cable Television System			
Contact Person/Dept.: Jonathan Kramer, Kramer.Firm Inc.		Phone Number: (310) 473-9900	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: Master Notification List 9/21/05; Comcast of Los Angeles, Inc.			
Department Approval: Carol Schwab, City Attorney 9/22/05		CAO Approval:	
City Controller Approval: N/A			
<u>RECOMMENDATIONS:</u> That the City Council receive and discuss the consultant's report regarding the safety inspection of the City's Cable Television system, as operated by Comcast of Los Angeles, Inc. (Comcast). Council should request that Comcast promptly deliver to the City a comprehensive action plan to inspect its entire cable plant within the City to detect and repair all safety code violations, and to implement that plan. The Council should also direct staff to evaluate Comcast's corrective action plan and report back to the City Council. Staff should also be directed to take any and all actions necessary to enforce the terms of the City's Franchise Agreement with Comcast and/or its successors-in-interest, as well as the Franchise Ordinance. <u>BACKGROUND:</u> At the direction of the City Council, the City retained Kramer.Firm, Inc. (KF) to inspect Comcast's Culver City cable system. KF has inspected hundreds of cable systems in the United States over the last 21 years. KF's inspection focused on whether Comcast's plant meets the mandatory State of California and City safety codes. The applicable safety codes are designed to protect the public from injury and property damage. Compliance with the applicable safety codes is a requirement of the City's cable television franchise with Comcast. Thus, violations of the safety codes are also violations of the City's cable television franchise. Comcast's staff accompanied KF during KF's field inspection.			

City of Culver City, California
City Council Agenda Item Report

DISCUSSION:

The KF inspection disclosed that Comcast's cable system materially fails to meet the required safety codes throughout the City. Sample code violations cited in KF's resultant report (attached) include, without limitation, incomplete pole-to-pole fiber optic cable construction causing interference with other utilities; loose cables interfering with other utilities; non-compliant drop grounding; cable drops not grounded at all; loose cables interfering with building use; poor workmanship; low cables over roadways; and missing down guys (used to protect passersby from coming into contact with pole guying cables). KF estimates that over 5,000 code violations are present in Comcast's Culver City system.

On August 18, 2005, city staff forwarded a copy of KF's report to Comcast and requested that Comcast submit a written plan, within 30 days, to address the violations cited in this report. As of September 16, 2005, Comcast has indicated that it is anticipating responding to this request by September 29, 2005. Given the magnitude of the violations, KF estimates that it will take up to 18 months for Comcast to properly address the existing code violations.

FISCAL ANALYSIS:

The City has expended \$9,950, to date, to have KF inspect the Culver City cable system. If the City is to monitor Comcast's progress during the cure period and to inspect the system at the completion of the cure period, additional funding will be required. The amount of additional funding, and the source(s) of funding will be identified in conjunction with the assessment of Comcast's corrective action plan. Once the relevant facts are ascertained, staff will provide a supplemental financial analysis to the City Council.

ATTACHMENTS:

- Report - "System Plant Safety Inspection of Comcast Cable in the City of Culver City"

MOTION:

That the City Council:

- 1) Request and direct Comcast deliver to the City a comprehensive action plan to inspect its entire cable plant within the City to detect and repair all safety code violations, and to implement that plan.

City of Culver City, California
City Council Agenda Item Report

- 2) Direct staff to evaluate Comcast's corrective action plan and report back to the City Council and take any and all actions necessary to enforce the terms of the City's Franchise Agreement with Comcast and/or any of its successors-in-interest, as well as the Franchise Ordinance.