

ORDINANCE NO. 7 -03

AN ORDINANCE amending Ordinance No. 109-01 to correct an error.

WHEREAS, TCI Cablevision of Washington, Inc. (“TCIWA”) recently renewed its franchise to make use of Mason County (the “County”) streets and rights-of-way for the purposes of construction, operation, maintenance upgrade and reconstruction of a Cable Communication System in the County, granted by Ordinance No. 109-01 (the “Franchise”), on October 2, 2001; and

WHEREAS, a scrivener's error occurred in Section F2 of the Franchise, titled Length of Franchise, establishing an erroneous effective and termination date; and

WHEREAS, the error in Section F2 of the Franchise conflicts with the effective date established in Section F18 of the Franchise titled Effective Date; and

WHEREAS, TCIWA and the County agree that the effective date established in Section F18 is correct; and

WHEREAS, TCIWA and the County agree that the scrivener's error occurred and should be corrected; and

WHEREAS, it is in the public interest to do so; and

WHEREAS, neither party waives any right which it enjoys under law as a result of agreeing to this correction.


NOW, THEREFORE, THE MASON COUNTY COMMISSION DOES ORDAIN that Section F2 of the Franchise shall be amended as follows:

The term of this Franchise shall be for a period of four (4) years commencing upon October 7, 2001 and terminating at midnight October 6, 2005. Provided, however, that if the Operator has increased the cable television system channel capacity to no less than seventy-five (75) channels using fiber technology within the initial four (4) year term, the franchise shall automatically, subject to the provisions of Section M46: Revocation for Cause of the Master Cable Television ordinance, be extended for an additional four (4) years. Notwithstanding the above, nothing shall restrict the franchisee from seeking renewal under section 47 USC 546, or as amended. Moreover, if this franchise is not extended for such additional four (4) year period, the franchisee shall be deemed to have complied with the renewal notification under such section without impairment of such rights granted therein. At the end of such eight (8) year period the County shall examine any additional feature that other Operators in the County may have incorporated into their systems. If the commissioners find that such features are desirable in other areas of the

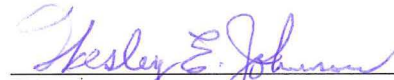
County covered by the Operator, taking into due consideration the cost to the subscriber and the applicability of such features and/or services, the Operator will be granted an additional four years to incorporate such designated features in the Operator's system. Failure to install these features, once promised, shall be deemed as a failure to fulfill the conditions of the franchise extension. Provided, however, that the Operator shall be under no obligation to make such a promise and any failure to do so shall not be considered a violation of the terms of this agreement.

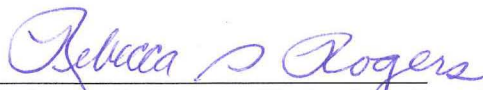
APPROVED this 21st day of January, 2003.

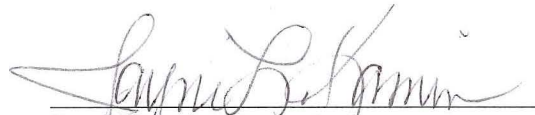
BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON


Herb Baze, Chairperson

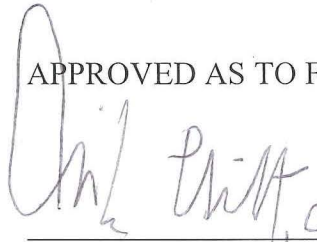
ATTEST:


Wesley E. Johnson, Commissioner


Rebecca S. Rogers, Clerk of the Board


Jayni Kamin, Commissioner

APPROVED AS TO FORM:


Michael E. Clift
Chief Deputy Prosecutor