

ENROLLED ORIGINAL

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To approve, on an emergency basis, the transfer of control of the open video system franchisee, Starpower Communications, L.L.C., and its District of Columbia cable television system, from Yankee Cable Partners, L.L.C. to Radiate Holdings, L.P.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the “Approval of the Transfer of Control of Open Video System Franchisee Starpower Communications, L.L.C. and Open Video System from Yankee Cable Partners, L.L.C. to Radiate Holdings, L.P. Emergency Act of 2017”.

Sec. 2. (a) The Council approves the transfer from Starpower Communications, L.L.C. (“Franchisee”) and its open video system serving the District from Yankee Cable Partners, L.L.C. to Radiate Holdings, L.P., a company controlled by the private equity investment firm TPG Advisors through its ownership of Radiate Holdings, GP, LLC, in accordance with the Cable Television Reform Amendment Act of 2002, effective October 9, 2002 (D.C. Law 14-193; D.C. Official Code § 34-1255.01 *et seq.*), and the franchise agreement between the Franchisee and the District dated June 28, 2005.

(b) The Council’s approval of this transfer is subject to the following conditions:

(1) That the District and the Franchisee, RCN Telecom Services, L.L.C., and Radiate Holdings, GP, LLC, on behalf of itself and Radiate Holdings, L.P., enter into a transfer agreement substantially in the form of the document titled “Transfer Agreement” that was submitted by the Mayor to the Council on April 28, 2017 (“Transfer Agreement”);

(2) That Radiate Holdings GP, LLC, provide a signed guarantee of performance substantially in the form of Exhibit 1 to the Transfer Agreement; and

(3) That the transfer conform to all terms and conditions described in the Transfer Agreement, in the Transfer Petition filed with the Office of Cable Television, Film, Music and Entertainment on September 7, 2016, as supplemented by responses to all subsequent information requests, and in the Warranty Letter from TPG Advisors.

(c) If any of the conditions specified in subsection (b) of this section are not satisfied, the Council’s approval of the transfer is null and void.

(d) The Mayor is authorized to execute the Transfer Agreement on behalf of the District.

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Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override that veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia