

MARIN TELECOMMUNICATIONS AGENCY

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MEMORANDUM

DATE: May 13, 2009

TO: MTA Board of Directors

FROM: Barbara Thornton, Executive Officer

SUBJECT: AGENDA ITEM **H-3**: MTA APPROVAL OF THE PEG ACCESS FACILITY IMPROVEMENTS AND ENHANCEMENTS PLAN

Recommended Action: Approve the Plan for CMCM Renovations. Direct the MTA Executive Officer to submit the request to Comcast for the allocated Comcast Renovation Funds of \$500,000 based upon MTA's approval of such plans.

Background: The MTA entered into a Franchise Agreement with Comcast in June 2008. Section 6.2 of the Agreement provided that Comcast would make \$2.5 million in PEG Access Capital Payments to the MTA for the Media Center. The MTA has received \$2.0 million thus far from Comcast as per the Agreement. The additional \$500,000 is to be paid by Comcast to the MTA per Section 6.2 (d) which states "Grantee shall make an additional payment in the amount of up to \$500,000 for PEG Access facility improvements or enhancements within 30 days after the plans for such facility improvement or enhancements are approved by Grantor and written notice of such approval is provided to Grantee. These monies may be used for design, engineering and other preconstruction costs in addition to actual construction costs."

The CMCM has submitted their PEG Access Facility Improvements and Enhancements Plan which is attached. The MTA should consider and approve them so that the MTA may request the final \$500,000 from Comcast for the Media Center as detailed in the Franchise Agreement.

The MTA will transfer the \$500,000 when received from Comcast to the CMCM.