



# Monterey County

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## Board Report

Legistar File Number: A 16-407

January 10, 2017

**Introduced:** 12/15/2016

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** BoS Agreement

Approve and authorize the Interim Director of Information Technology to execute Amendment No. 3 to the Agreement between Best, Best & Krieger LLP and the County of Monterey, adding \$35,000 to the existing contract amount of \$100,000, for legal services related to the Charter Communications/Time Warner Cable merger and for additional legal services requiring telecommunications industry expertise.

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve and authorize the Interim Director of Information Technology to execute Amendment No. 3 to the Agreement between Best, Best & Krieger LLP and the County of Monterey, adding \$35,000 to the existing contract amount of \$100,000, for legal services related to the Charter Communications/Time Warner Cable merger and for additional legal services requiring telecommunications industry expertise.

### SUMMARY:

This Amendment will add additional monies to the existing agreement to pay for legal services provided by Best, Best & Krieger LLC (BBK) to the County during the California Public Utility Commission's (CPUC) hearing regarding the Charter Communications/Time Warner Cable merger. This Amendment will add monies in the event the County would be benefitted by accessing BBK's telecommunications industry expertise in connection with on-going audits of the Public Educational and Government (PEG) fees and franchise fees paid to the County by cable companies providing service to Monterey County residents. The increase in monies provided by this Amendment will also enable the County to utilize BBK's telecommunications industry expertise in developing a new Agreement with Comcast Cable for existing institutional network fiber.

### DISCUSSION:

This agreement with BBK was originally executed in 2012 in the amount of \$50,000 for the purpose of providing specialized legal services to the County with respect to the Comcast Franchise Audit, the expiring Comcast Agreement, and a new Agreement with Comcast for the existing Institutional Network (INET) fiber within the County of Monterey. Also included were legal services related to PEG fees paid by various providers including AT&T, Charter and Comcast.

The BKK agreement was later amended (Amendment No. 1) to add \$35,000 for legal services related to the County's participation in the California Public Utility Commission's review of the Charter Communications/Time Warner Cable merger. A subsequent amendment (Amendment No. 2) added \$15,000 to retain an expert and submit expert witness testimony in the CPUC proceedings. As a result of these efforts, Charter Communications agreed to a significant

upgrade of its services to underserved areas of the County. The bill for legal services exceeded \$35,000 by \$ 9,919.50; thus, the Board is asked to approve Amendment No 3, which adds \$10,000 to cover payment for these services.

The County would benefit by continued access to BBK's telecommunications industry expertise. The Information Technology Department recommends that the Board approve Amendment No. 3, which adds \$25,000 to the BBK agreement. This will enable the County to use BBK's legal services in connection with future audits of franchise fees paid by cable providers to Monterey County residents, the audits of PEG fees paid by cable companies, and the development of a new Comcast agreement governing existing network fiber. This Amendment will result in a total amount not to exceed \$135,000.00 for this Agreement.

OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed Amendment No. 3 as to form.

FINANCING:

The funds for this Agreement come from PEG payments to the County and as a result will have no negative effect on the General Fund.

Prepared by:

Elizabeth Croke, Management Analyst III, 755-5108

Approved by:

Eric Chatham, Interim Director of Information Technology, 759-6920

Attachments:

Agreement with Best, Best & Krieger

Amendment No. 1 to Agreement with Best, Best & Krieger

Amendment No. 2 to Agreement with Best, Best & Krieger

Amendment No 3 to the Agreement with Best, Best and Krieger

Attachments are on file with the Clerk of the Board