



REC'D NOV 07 2017

Nova Dubovik <ndubovik@utah.gov>

AMENDED APPEAL of Mayor Peterson's Records Access Denial-Utah State Records Committee

1 message

Brady Eames <

Tue, Nov 7, 2017 at 4:33 PM

Reply-To: Brady Eames

To: "ndubovik@utah.gov" <ndubovik@utah.gov>

Cc: Craig Petersen <craig.petersen@loganutah.org>, Teresa Harris <teresa.harris@loganutah.org>, Kymber Housley <kymber.housley@loganutah.org>, "craig.carlston@loganutah.org" <craig.carlston@loganutah.org>, "geneneedhamlogancity@gmail.com" <geneneedhamlogancity@gmail.com>, "herm@hao-law.com" <herm@hao-law.com>, Rosemary Cundiff <rcundiff@utah.gov>

Dansie <sdansie@utahsbr.edu>

"tovfer@utah.gov" <tpyfer@utah.gov>, Scott

Dear Nova, I discovered errors in my original Appeal and therefore submit to you:
AMENDED APPEAL OF RECORD ACCESS DENIAL
Authorities: Utah Code UC 63G-2-201(1), 63G-204(8) and 63G-2-403
Date: Tuesday-November 7, 2017

To: Utah State Records Committee within the Utah Department of Administrative Services

Attn: Nova Dubovik

346 S. Rio Grande
Salt Lake City, UT 84101-1106

From: Appellant-Brady Eames

Mailing address:

Email address:

Daytime telephone number:

Method of transmission: from to

to ndubovik@utah.gov

RELEVANT FACTS

(A) On November 18, 2002, it was announced by the Comcast Corporation (Comcast) that its "transaction with AT&T Broadband is complete bringing together cable assets serving more than 21.4 million subscribers in 41 states" and that "under the terms" of such "transaction" "AT&T has spun off AT&T Broadband and combined it with Comcast".
(See <http://corporate.comcast.com/news-information/news-feed/comcast-completes-att-broadband-transaction>)

(B) On Wednesday-October 4, 2017, I submitted by email to the Logan City Recorder named Teresa Harris (Recorder Harris) at teresa.harris@loganutah.org a GRAMA Request (attached) to access and freely inspect and take copies of the following records (Records):

- (1) Any and all cable television franchise agreements between Logan City and any entity other than Comcast, and
- (2) Any and all FCC Forms 394 associated with any transfer of cable television franchise since December 30, 1984.

(C) On Wednesday-October 4, 2017, Recorder Harris made a determination with respect to my Request by providing me non-responsive records. Recorder Harris did not provide me access to the Records and did not assert that the Records were never created or were lost, given away or destroyed. (attachments)

(D) Under UC 63G-2-204(8), Recorder Harris established a considered denial by not providing me access to the Records.

(E) On Tuesday-October 24, 2017 and under UC 63G-2-401(1)(a)(ii), I appealed Recorder Harris' denial to the Mayor of Logan City named Craig Peterson (Mayor Peterson). (attached)

(F) On Wednesday-October 25, 2017, Mayor Peterson made a determination with respect to my Appeal but did not provide me access to the Records and did not assert that the Records were never created or were lost, given away or destroyed. (attachment)

(G) On Friday-October 27, 2017, Mayor Peterson made another determination with respect to my Appeal by providing me non-responsive records. Mayor Peterson still did not provide me access to the Records and still did not assert that the Records were never created or were lost, given away or destroyed (attachments)

(H) Under UC 63G-2-204(8), Mayor Peterson established a considered denial by not providing me access to the Records.

(I) Under UC 63G-2-403, I have a right to appeal Mayor Peterson's denial to the Utah State Records Committee within the Utah Department of Administrative Services.

REASONS FOR APPEAL

(J) Resolution 98-09 adopted by the Council of the Logan City Municipal Corporation (Council) on February 4, 1998 proves there existed a cable television agreement between the Logan City Municipal Corporation (Logan City) and Sonic Cable Television of Utah.

(K) The following document proves there existed a cable television agreement between Logan City and

(1) Letter to Mayor Doug Thompson from the Vice President-Government Relations of Charter Communications Properties, Inc.

(L) The following documents prove there existed a cable television agreement between Logan City and AT&T Broadband:

(1) Letter of December 18, 2000 from Scott Dansie-AT&T Broadband Local Government Relations Director to Mark Sorenson-Logan City Attorney,

(2) Council Resolution 2001-09 of February 7, 2001,

(3) Minutes of the Meeting of the Council conducted on July 18, 2001,

(4) Minutes of the Meeting of the Council conducted on August 15, 2001,

(5) "Informal Proposal" of Franchise Agreement that is dated May 13, 2003 and is from Scott Dansie-Comcast Government Affairs.

(6) "Informal Proposal" of Franchise Agreement that is dated May 13, 2003 and is from Scott Dansie-Comcast Director of Franchising.

(M) Since August 23, 1995, the submission of a completed Federal Communication Commission (FCC) Form 394 to the local franchise authority (LFA)/Logan City has been mandated by FCC administrative rule 95-21 (60 FR 37835 of July 24, 1995) codified as 47 CFR § 76.502 with respect to the selling, assignment or transfer of a cable television franchise within Logan City.

(N) Resolution 98-09 adopted by the Council on February 4, 1998 proves a FCC Form 394 was submitted to the LFA/Logan City with respect to the transfer of the cable television franchise from Sonic Cable Television of Utah to Charter Communications Properties, LLC.

(O) Resolution 98-81 adopted by the Council on October 7, 1998 proves a FCC Form 394 was submitted to the LFA/Logan City with respect to the transfer of the cable television franchise from Charter Communications Properties, LLC to Paul G. Allen.

(P) Resolution 99-110 adopted by the Council on November 3, 1999 proves a FCC Form 394 was submitted to the LFA/Logan City with respect to the transfer of the cable television franchise from Charter Communications Properties, LLC to InterMedia Partners Southeast that became wholly owned by entities that are affiliates of AT&T Broadband & Internet Services..

(Q) Under Pub. L. 102-385 § 617 as amended by Pub. L. 104-104 § 301(i) and codified as 47 USC § 537 and FCC administrative rule 95-21 (60 FR 37835 of July 24, 1995) codified as 47 CFR § 76.502, AT&T Broadband and/or Comcast were/was legally accountable for the submission of a completed FCC Form 394 to the LFA/Logan City with respect to the transfer of the cable television franchise from AT&T Broadband to Comcast.

(R) It's important for me to know that each and every cable television franchise agreement between the LFA/Logan City and any entity has been maintained by the LFA/Logan City as is accessible to me so that I know the rights and obligations of the Council and such entity with respect to cable television services within Logan City.

(S) It's important for me to know that each and every FCC Form 394 has been maintained by the LFA/Logan City and is accessible to me so that I know that the Council is providing increased consumer protection and promoting increased competition with respect to cable television services within Logan City in accordance with Pub. L. 102-385 § 617 as amended by Pub. L. 104-104 § 301(i) and codified as 47 USC § 537 and with FCC administrative rule 95-21 (60 FR 37835 of July 24, 1995) codified as 47 CFR § 76.502.

(T) It's just as important for me to know that the transfer of the cable television franchise from AT&T Broadband to Comcast via the FCC Form 394 was expressly consented to by the Council as mandated under LMC 13.04.030.

(U) I believe that the Records are public records as defined under UC 63G-2-103(22).

(V) I believe that Recorder Harris is keeping the Records secret from me.

(W) I believe that Mayor Peterson is keeping the Records secret from me.

RELIEF SOUGHT

(X) Declare that Recorder Harris has kept the Records secret in violation of UC 63G-2-201(1).

(Y) Declare that Mayor Peterson has unlawfully kept the Records secret in violation of UC 63G-2-201(1).

(Z) In accordance with UC 63G-2-201(1), order Mayor Peterson to immediately provide me access to the Records for my inspection and taking copies thereof.

Respectfully submitted, BRADY EAMES