

APPENDIX A

A. System Specifications

The Cable System shall be at minimum, designed to be an active two-way, fully digital, hybrid fiber-coaxial-wireless cable system, capable of subscriber interaction as required for selection or use of Cable Service.

The Cable System shall have a minimum bandwidth capacity of 860 MHz on all active components, and at least 1 GHz for all passive components. The System backbone connections shall utilize fiber optic links (headend to hubs, hubs to hubs, and hubs to nodes). The System shall be designed and engineered with redundant paths between the headend and all hubs.

The Cable System shall meet or exceed all applicable technical standards set forth in 47 C.F.R. Part 76 and any other applicable FCC rules and regulations, all industry standards, manufacturers performance specifications, and any other future applicable technical performance standards. The District may amend or adopt any such standards subject to applicable federal law.

- (1) The Cable System, including Subscriber drops, shall comply with applicable building, safety and electric codes, and shall substantially conform in all material respects to applicable sections of the following standards and regulations:

- (A) Occupational Safety and Health Act of 1970;

- (B) The most current edition of the National Electrical Safety Code and National Electrical Code; or if different, the edition adopted by Montgomery County;

- (C) Obstruction Marking and Lighting, AC 70/7460 i.e., Federal Aviation Administration;

- (D) Construction, Marking and Lighting of Antenna Structures, Federal Communications Commission Rules Part 17;

- (E) The Society of Cable Television Engineers (“SCTE”) Recommended Practices for Optical Fiber Construction and Testing;

(F) The SCTE's Recommended Practices for Coaxial Cable Construction and Testing;

(G) Company's Construction Procedures Manual;

(H) District of Columbia Code;

(I) Applicable local building codes; and

(J) Other applicable federal, state, County or local laws and regulations that may apply to the operation, construction, maintenance, or repair of a Cable System, including, without limitation, local zoning, permitting and construction codes and laws and accepted industry practices.

(2) In the event of a conflict among codes, the most stringent code shall apply (except insofar as those codes, if followed, would result in a system that could not meet requirements of federal, state, County or local law, or is expressly preempted by other such provisions).

(3) The System shall be capable of operating over an outdoor temperature range of -20 degrees F to +120 degrees F and over variation in supply voltages from 105 to 130 volts AC without catastrophic failure or irreversible performance changes. The System shall meet all applicable specifications over an outdoor temperature range of 0 degrees F to 100 degrees F and over variation in supply voltages from 105 to 130 volts AC.

B. Cable System Tests and Inspections:

(1) The Company shall perform all tests necessary to demonstrate compliance with the requirements of the Franchise, and to ensure that the Cable System is operating as required. Tests shall be conducted to evaluate the extent to which the Cable System complies with all applicable technical standards established by the FCC. In the event of any amendment to the FCC's technical performance standards or testing requirements, the Company agrees to come into compliance with those standards and requirements, within the time period specified by the FCC.

(2) The Company shall conduct tests referred to in Section B(1) on the Cable System on a schedule that complies with applicable FCC rules currently in effect or in effect in the future, but if no testing requirements exist in FCC rules, tests shall be performed at least twice per calendar year, at intervals not to exceed seven (7) months. In consultation with the District, the Cable System monitor test points shall be established in accordance with good engineering practices, and tests shall be conducted in accordance with industry best practices and any applicable FCC rules to ensure compliance with all applicable technical standards throughout all parts of the Cable System.

(3) Tests shall be supervised by the Company's senior engineer or designee, who shall sign all records of tests provided to the District.

(4) Should the Company upgrade or rebuild the Cable System, the District shall have the right to witness and review any tests performed on newly constructed, upgraded or rebuilt segments of the Cable System to ensure compliance with applicable FCC rules. The Company shall provide the District with at least two (2) business days' notice of, and opportunity to observe, any such tests performed on the Cable System. The District shall have the right to witness and review such tests, except in cases of emergencies. The District shall further have the right to have independent consultants employed by the District witness and review such tests. The parties will cooperate through use of non-disclosure agreements and other means to protect Company's proprietary and confidential information from public disclosure, to the extent permitted by law. Repeated and unexcused failures to comply with notice provisions shall constitute a material breach and subject Company to liquidated damages.

(5) The Company shall provide the District, upon written request, with copies of written reports on all regular tests performed pursuant to Section B(1) within forty-five (45) days of completing such tests.

(6) If any test indicates that any part or component of the Cable System fails to meet applicable requirements, the Company, without requirement of additional notice or request from the District, shall take corrective action, retest the locations and advise the District of the action taken and results achieved, and supply the District with a copy of the results within thirty days from the date corrective action was completed.