

ORDINANCE NO. 2014-04

**ORDINANCE OF THE BOROUGH OF CLARKS SUMMIT AUTHORIZING
EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE
BOROUGH AND
COMCAST OF COLORADO/PENNSYLVANIA/WEST VIRGINIA, LLC**

WHEREAS, pursuant to the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996, the regulations of the Federal Communications Commission and Pennsylvania law, the Borough of Clarks Summit (hereinafter the "Borough") is authorized to grant franchises to construct, operate and maintain a cable system utilizing public rights-of-way and properties within the Borough's jurisdiction; and

WHEREAS, Comcast of Colorado/Pennsylvania/West Virginia, LLC ("Comcast") currently holds a cable franchise from the Borough originally granted to Chelsea Communications, LLC d/b/a Adelphia Cable Communications; and

WHEREAS, Comcast has requested that the Borough renew Comcast's franchise to maintain, construct, operate, and upgrade its Cable System over, under and along the aforesaid rights-of-way for use by the Borough's residents; and

WHEREAS, the aforesaid rights-of-way used by Comcast are public properties acquired and maintained by the Borough and held in trust on behalf of citizens of the Borough and the right to use said rights-of-way is a valuable property right; and

WHEREAS, the Borough desires to protect and manage the aforesaid rights-of-way, require high standards of customer service, ensure future technical improvements to maintain a technologically-advanced cable system, establish certain reporting requirements, obtain certain complimentary services, receive franchise fees for Comcast's use of the Borough's rights-of-way as provided by federal law, establish certain reporting requirements and provide for the current and future cable-related needs of its residents; and

WHEREAS, the Borough held a public hearing on the subject of cable franchise renewal, including reviewing the cable operator's past performance and identifying the Borough's future cable-related community needs; and

WHEREAS, the Borough has determined that this Agreement and the process for consideration of this Agreement complies with all applicable federal, state and local laws and regulations; and

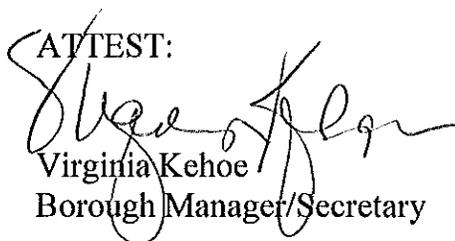
WHEREAS, the Borough, after affording the public notice and opportunity for comment, has determined that the public interest would be served by renewing Comcast's franchise according to the terms and conditions contained in the cable franchise agreement negotiated between the Borough and Comcast; and

WHEREAS, the Borough has determined that Comcast has the financial, legal and technical ability to provide cable services to subscribers located in the Borough;

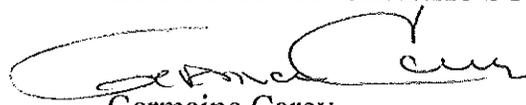
NOW THEREFORE, BE IT ORDAINED that the Borough Council does hereby approve the cable franchise agreement negotiated with Comcast, including all of the terms and conditions contained therein, and does hereby authorize the execution of such agreement.

ENACTED AND ORDAINED this 5th day of November, 2014.

ATTEST:


Virginia Kehoe
Borough Manager/Secretary

BOROUGH OF CLARKS SUMMIT


Germaine Carey
President, Borough Council