

ORDINANCE NO. 2016.01

**ORDINANCE OF THE TOWNSHIP OF NORTH MIDDLETON AUTHORIZING
EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE
TOWNSHIP AND
COMCAST OF PENNSYLVANIA/MARYLAND, 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 Township of North Middleton (hereinafter the “Township”) is authorized to grant franchises to construct, operate and maintain a cable system utilizing public rights-of-way and properties within the Township’s jurisdiction; and

WHEREAS, Comcast of Pennsylvania/Maryland, LLC (“Comcast”) currently holds a cable franchise from the Township originally granted to Comcast of the South, Inc.; and

WHEREAS, Comcast has requested that the Township 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 Township’s residents; and

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

WHEREAS, the Township 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 Township’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 Township held a public hearing on April 28, 2016 on the subject of cable franchise renewal, including reviewing the cable operator’s past performance and identifying the Township’s future cable-related community needs; and

WHEREAS, the Township has determined that this Agreement and the process for consideration of this Agreement complies with all applicable federal, state and local laws and regulations; a copy of which is attached and labeled as Exhibit A; and

WHEREAS, the Township, 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 Township and Comcast; and

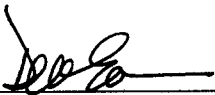
WHEREAS, the Township has determined that Comcast has the financial, legal and technical ability to provide cable services to subscribers located in the Township;

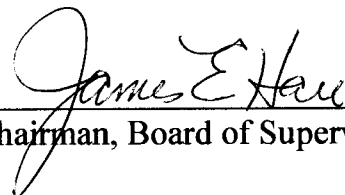
NOW THEREFORE, BE IT ORDAINED that the Township Board of Supervisors does hereby approve the cable franchise agreement negotiated with Comcast, including all of the terms and conditions contained therein, and does hereby authorize the execution of such agreement.

ENACTED AND ORDAINED this 1 day of December, 2016.

ATTEST:

TOWNSHIP OF NORTH MIDDLETON





Chairman, Board of Supervisors

PUBLIC NOTICE

Notice is hereby given that on December 1, 2016 at 6:15 p.m. in the North Middleton Township Municipal Building located at 2051 Spring Road, Carlisle, PA 17013, the Board of Supervisors of the Township of North Middleton will hold a public meeting to consider enacting the following:

ORDINANCE 2016.01 OF NORTH MIDDLETON TOWNSHIP AUTHORIZING EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE TOWNSHIP AND COMCAST OF PENNSYLVANIA/MARYLAND, LLC

A copy of the full text of the ordinance may be examined at the address set forth above, during normal business hours from 7:30 a.m. to 4:00 p.m., Monday through Friday.

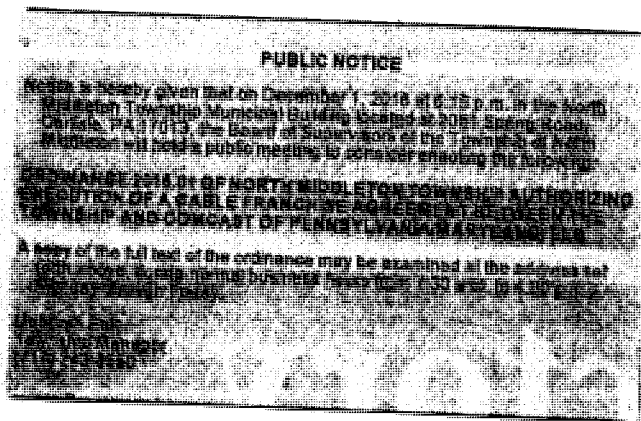
Deborah Ealer
Township Manager
(717) 243-8550

PROOF OF PUBLICATION

State of Pennsylvania, County of Cumberland

Kimberly Kamowski, Marketing Director, of The Sentinel, of the County and State aforesaid, being duly sworn, deposes and says that THE SENTINEL, a newspaper of general circulation in the Borough of Carlisle, County and State aforesaid, was established December 13th, 1881, since which date THE SENTINEL has been regularly issued in said County, and that the printed notice or publication attached hereto is exactly the same as was printed and published in the regular editions and issues of THE SENTINEL on the following day(s):
November 7, 2016.

COPY OF NOTICE OF PUBLICATION



Affiant further deposes that he/she is not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statement as to time, place and character of publication are true.

[Handwritten signature]

Sworn to and subscribed before me this

7th day of November 2016

Bethany M. Holtry
Notary Public

My commission expires:

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Bethany M. Holtry, Notary Public
Carlisle Boro, Cumberland County
My Commission Expires Sept. 26, 2019
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES