

**ORDINANCE NO. 05-05**

**ORDINANCE OF SOUTH MIDDLETON TOWNSHIP AUTHORIZING  
EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE  
TOWNSHIP AND COMCAST OF PENNSYLVANIA/MARYLAND, INC.**

**WHEREAS**, pursuant to the Communications Act of 1934, as amended by the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992, the Telecommunications Act of 1996, and any amendments thereto, the regulations of the Federal Communications Commission, and Pennsylvania law, South Middleton Township is authorized to grant or renew 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, Inc. ("Grantee") currently holds a franchise from the Township by virtue of an Agreement executed on or about May 26, 1994, and that said franchise was set to expire on May 25, 2003, except that the parties are currently operating under a mutually agreeable extension; and

**WHEREAS**, Grantee has requested a renewal of its franchise to maintain, construct, and operate 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 to be used by Grantee are valuable public properties acquired and maintained by the Township at significant expense to the Township's taxpayers and the right to use said rights-of-way is a valuable property right without which Grantee would be required to invest substantial capital and property acquisition costs; and

**WHEREAS**, the Township desires to protect the aforesaid rights-of-way, ensure future technical improvements to maintain a technologically advanced cable system, require high standards of customer services, obtain complimentary services for public buildings, reserve the right to receive financial compensation for Grantee's use of the Township's rights-of-way, and provide for the current and future cable needs of its residents; and

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

**WHEREAS**, the Township, after affording the public notice and opportunity for comment, has determined that the public interest would be served by renewing Grantee's franchise according to the terms and conditions contained in the cable franchise agreement referred to herein.

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

**ENACTED AND ORDAINED** this 31<sup>st</sup> day of March, 2005.

**ATTEST:**

Sandra A. Quickel  
Sandra A. Quickel, Secretary

**SOUTH MIDDLETON TOWNSHIP**

Thomas E. Faley  
Thomas E. Faley, Chairman

Bryan A. Gembusia  
Bryan A. Gembusia, Vice Chairman

James N. Baker  
James N. Baker

Phyllis W. Givler  
Phyllis W. Givler

Ronald L. Reeder  
Ronald L. Reeder