

ORDINANCE NO. 153

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

WHEREAS, pursuant to the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992, the Telecommunications Act of 1996, the regulations of the Federal Communications Commission, and Pennsylvania law, the Township of Tilden 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 the South, Inc. and Comcast of New Mexico/Pennsylvania, Inc. ("Comcast") currently hold a cable franchise from the Township by virtue of a cable franchise ordinance, Ordinance No. 76, dated January 2, 1990, as amended; and

WHEREAS, Comcast has requested a renewal of its 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 at significant expense to the Township's taxpayers 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, obtain complimentary services for its public buildings, receive financial compensation 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, as part of the Northern Berks Cable Consortium, held a public hearing on June 12, 2003 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 Comcast 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 Comcast's franchise according to the terms and conditions contained in the cable franchise agreement referred to herein.

NOW THEREFORE, BE IT ORDAINED that the Board of Supervisors of the Township of Tilden does hereby approve and adopt 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.

BE IT FURTHER ORDAINED that Ordinance No. 76, dated January 2, 1990, as amended, is hereby repealed, because it is inconsistent with the terms and conditions contained in the cable franchise agreement and with current federal law. Said repeal shall take effect upon the effective date of the cable franchise agreement.

ENACTED AND ORDAINED this 6 day of November, 2004.

ATTEST:

TILDEN TOWNSHIP

Cheryl A. Haus

Russell H. Cleary
Chairman, Board of Supervisors
Troy R. Hatt