

ORDINANCE NO. 215 - 2014

ORDINANCE OF THE TOWNSHIP OF TILDEN AUTHORIZING
EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN
THE TOWNSHIP AND COMCAST OF NEW
MEXICO/PENNSYLVANIA, 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 Tilden (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 New Mexico/Pennsylvania, LLC ("Comcast") currently holds a cable franchise from the Township originally granted to Comcast of New Mexico/Pennsylvania, Inc. and Comcast of the South, Inc. (noting that the legal entity references here are accurate); 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 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 the Cable Franchise Agreement, a copy of which is attached hereto

as Exhibit A and incorporated by reference thereto, complies with all applicable federal, state and local laws and regulations; 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

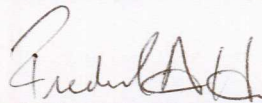
WHEREAS, the Township has determined that Comcast has the financial, legal and technical ability to provide cable services to subscribers located in the Township;

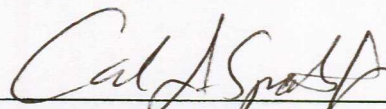
NOW THEREFORE, BE IT ORDAINED that the Township Board of Supervisors does hereby approve the cable franchise agreement negotiated with Comcast, including all of the terms and conditions contained therein, and does hereby authorize the execution of such agreement.

ENACTED AND ORDAINED this 13th day of March, 2014.

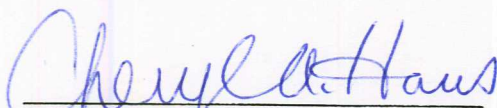
TOWNSHIP OF TILDEN
Berks County, Pennsylvania


Gene Schappell, Chairman


Frederick Herman, Vice Chairman


Carl Spatz, Jr., Supervisor

Attest:


Cheryl A. Haus, Secretary

[SEAL]



MUNICIPAL CERTIFICATION

I, Cheryl A. Haus, Secretary of TILDEN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, do hereby certify that the foregoing Ordinance No. 215-2014 was advertised in the *Reading Eagle*, a daily newspaper of general circulation in Tilden Township, on Thursday, March 6, 2014 and was duly enacted and approved as set forth at a regular meeting of the Board of Supervisors held on March 13, 2014.

TILDEN TOWNSHIP
Berks County, Pennsylvania

By: Cheryl A. Haus
Cheryl A. Haus, Secretary

{SEAL}

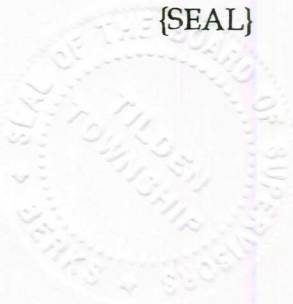


Exhibit A

Cable Franchise Agreement