

ORDINANCE NO. 151-2014

AN ORDINANCE OF THE TOWNSHIP OF CENTRE, BERKS COUNTY, PENNSYLVANIA, AUTHORIZING EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE TOWNSHIP OF CENTRE AND COMCAST OF NEW MEXICO/PENNSYLVANIA, LLC AND COMCAST OF THE SOUTH, INC.

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 Centre, Berks County, Pennsylvania (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 and Comcast of the South, Inc. (collectively "Comcast") currently hold a cable franchise from the Township originally granted to Comcast of New Mexico/Pennsylvania, Inc. and Comcast of the South, Inc. (noting that minimal difference in legal entity names is correct); 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-ways 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 this agreement complies with all applicable federal, state and local

laws and regulations; and


WHEREAS, the Township, after affording 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 ENACTED by the Board of Supervisors of the Township of Centre, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same that the Cable Franchise Agreement negotiated with Comcast, including all of the terms and conditions contained therein, is hereby approved, and the execution of such an agreement is hereby authorized.


DULY ENACTED AND ORDAINED this 14th day of April, 2014.

TOWNSHIP OF CENTRE

By: 
Supervisor

By: 
Supervisor

By: 
Supervisor

Attest:  (SEAL)
Secretary