

**TOWN OF McCANDLESS
TENTATIVE ORDINANCE NO. 1457**

ORDINANCE OF THE TOWN OF MCCANDLESS AUTHORIZING EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE TOWN AND CONSOLIDATED COMMUNICATIONS ENTERPRISES, 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 and any future amendments thereto (hereinafter collectively referred to as the "Cable Act"), the regulations of the Federal Communications Commission (hereinafter referred to as the "FCC") and Pennsylvania law, the Town is authorized to grant and renew franchises to construct, operate and maintain a Cable System utilizing public rights-of-way and properties within the Town's jurisdiction; and

WHEREAS, Consolidated currently holds a cable franchise from the Town by virtue of a cable franchise agreement executed in 2008, originally granting a cable franchise to North Pittsburgh Telephone Company; and

WHEREAS, Consolidated has requested that the Town renew Consolidated's franchise to maintain, construct, operate, and upgrade its cable system over, under and along the aforesaid rights-of-ways for use by the Town's residents; and

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

WHEREAS, the Town desires to protect and manage the aforesaid rights-of-way, establish standards of customer service, maintain a technologically advanced cable system, receive franchise fees for Consolidated's use of the Town's rights-of-ways as provided by federal law, obtain the use of an educational and governmental channel, establish certain reporting requirements, obtain certain complimentary services and provide for the current and future cable-related needs of its residents; and

WHEREAS, the Town held a public hearing on the subject of cable franchise renewal, including reviewing the cable operator's past performance and identifying the Town's future cable-related community needs; and

WHEREAS, the Town has determined that Consolidated has the financial, legal and technical ability to provide cable service to subscribers located in the Town; and

WHEREAS, the Town, after affording the public notice and opportunity for comment, has determined that the public interest would be served by renewing a franchise with Consolidated according to the terms and conditions contained in the Cable Franchise Agreement ("Agreement") and that the process for consideration of these documents complies with all applicable federal, state and local laws and regulations.

NOW THEREFORE, BE IT ORDAINED THAT:

SECTION 1: Grant of Franchise

Town Council does hereby approve the Agreement negotiated with Consolidated, including all of the terms and conditions contained therein, and does hereby authorize the execution of such Agreement. A copy of the Agreement is attached hereto as Exhibit A.

SECTION 2: Repealer

All ordinances inconsistent with the attached Cable Franchise Agreement by and between the Town of McCandless and Consolidated Communications Enterprises, Inc. are hereby repealed.

SECTION 3: Severability

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not render this Ordinance invalid.

ORDAINED AND ENACTED into law this 25th day of *April 2016*, to become effective ten (10) days after proper advertisement hereof.

ATTEST:

TOWN COUNCIL
TOWN OF McCANDLESS



Secretary



President