

**ORDINANCE 2013-3****ORDINANCE OF WRIGHTSVILLE BOROUGH AUTHORIZING EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE BOROUGH AND COMCAST OF SOUTHEAST 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 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 Borough is authorized to grant and renew franchises to construct, operate and maintain a Cable System utilizing public rights-of-way and properties within the Borough's jurisdiction; and

**WHEREAS**, Comcast currently holds a cable franchise from the Borough by virtue of a Cable Franchise Ordinance, Ordinance No. 2005-5, enacted on June 13, 2005, originally granting a cable franchise to Comcast of Southeast Pennsylvania, Inc; and

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

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

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

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

**WHEREAS**, the Borough, after affording the public notice and opportunity for comment, has determined that the public interest would be served by renewing a franchise with Comcast according to the terms and conditions contained in the Cable Franchise Agreement ("Agreement") and the one-page side 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**

The Borough Council does hereby approve the Agreement and one-page side agreement negotiated with Comcast, including all of the terms and conditions contained therein, and does hereby authorize the execution of such Agreement and side agreement. A copy of the Agreement and side agreement is attached hereto as Exhibit A.

**SECTION 2: Repealer**

Ordinance No. 2005-5 of the Wrightsville Borough Code of Ordinances is hereby repealed, as it is inconsistent with the attached Cable Franchise Agreement by and between Wrightsville Borough and Comcast of Southeast Pennsylvania, LLC.

**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.

**SECTION 4: Effective Date**

This Ordinance shall become effective as provided by law.

[SIGNATURE PAGE TO FOLLOW]

ENACTED AND ORDAINED this 7 day of OCTOBER, 2013.

ATTEST:

BOROUGH OF WRIGHTSVILLE

Melissa Wiles

Janelle Shannon  
President, Borough Council  
[Signature]  
MAYOR