

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 4 - 2018

INTRODUCED BY THE ADMINISTRATION

FEBRUARY 7, 2018

AN ORDINANCE

**ORDINANCE OF THE CITY OF ALLENTOWN AUTHORIZING EXECUTION
OF A CABLE FRANCHISE AGREEMENT BETWEEN THE CITY AND
SERVICE ELECTRIC CABLE TV, 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 City of Allentown (hereinafter the “City”) is authorized to grant franchises to construct, operate and maintain a cable system utilizing public rights-of-way and properties within the City’s jurisdiction; and

WHEREAS, Service Electric Cable TV, Inc. (“Service Electric”) currently holds a cable franchise from the City originally granted to Service Electric or a predecessor entity; and

WHEREAS, Service Electric has requested that the City renew Service Electric’s franchise to maintain, construct, operate, and upgrade its Cable System over, under and along the aforesaid rights-of-way for use by the City’s residents; and

WHEREAS, the aforesaid rights-of-way used by Service Electric are public properties acquired and maintained by the City and held in trust on behalf of citizens of the City and the right to use said rights-of-way is a valuable property right; and

WHEREAS, the City desires to protect and manage the aforesaid rights-of-way, establish standards of Subscriber service, maintain a technologically advanced Cable System, receive Franchise Fees for Service Electric’s use of the City’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, provide legal protections for the City, and meet the current and future cable-related needs of its residents; and

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

WHEREAS, the City 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 City, after affording the public notice and opportunity for comment, has determined that the public interest would be served by renewing Service Electric's franchise according to the terms and conditions contained in the cable franchise agreement negotiated between the City and Service Electric; and

WHEREAS, the City has determined that Service Electric has the financial, legal and technical ability to provide cable services to subscribers located in the City;

NOW THEREFORE, BE IT ENACTED AND ORDAINED that the City Council does hereby approve the cable franchise agreement negotiated with Service Electric, including all of the terms and conditions contained therein, and does hereby authorize the execution of such agreement.

ORDAINED this ____ day of _____, 2018.

ATTEST:

CITY OF ALLENTOWN

President, City Council