

**WEST MANHEIM TOWNSHIP
YORK COUNTY PENNSYLVANIA**

ORDINANCE NO. #2017-04

**ORDINANCE OF WEST MANHEIM TOWNSHIP AUTHORIZING
EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE
TOWNSHIP AND COMCAST OF SOUTHEAST PENNSYLVANIA, LLC AND
COMCAST OF COLORADO/PENNSYLVANIA/WEST VIRGINIA, 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 West Manheim (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 Southeast Pennsylvania, LLC and Comcast of Colorado/Pennsylvania/West Virginia, LLC (“Comcast”) currently holds a cable franchise from the Township originally granted to Susquehanna Communications and Adelphia Cable; 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 this Agreement 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 19th day of December, 2017.

WEST MANHEIM TOWNSHIP
BOARD OF SUPERVISORS

Attest: Merilee E. Clapper
Secretary

Harold L. Hartlaub
Harold L. Hartlaub, Chairman

Jeremy Ault
Jeremy Ault, Vice Chairman

Brian A. Blettner
Brian Blettner, Member

Duane Shaulis
Duane Shaulis, Member

Date Enacted

James Staaf
James Staaf, Member