

ORDINANCE 2020-07

ORDINANCE OF THE TOWNSHIP OF LOWER ALLEN, CUMBERLAND COUNTY, PENNSYLVANIA, AUTHORIZING EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE TOWNSHIP AND COMCAST OF SOUTHEAST PENNSYLVANIA, 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 Lower Allen (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 (“Comcast”) currently holds a cable franchise from the Township by virtue of a cable franchise agreement dated October 11, 2010; and

WHEREAS, Comcast has requested that the Township renew Comcast’s franchise to maintain, construct and operate its Cable System over, under, and along the aforesaid public rights-of-way; and

WHEREAS, the aforesaid public rights-of-way used by Comcast are public properties acquired and maintained by the Township on behalf of the 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, establish standards of subscriber service, maintain a technologically advanced cable system, receive franchise fees for Comcast’s use of the Township’s public rights-of-way as provided by federal law, obtain the use of an educational and governmental channel, establish certain reporting requirements, obtain certain services, provide legal protections for the Township, and meet 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 herein.

NOW THEREFORE, BE IT ORDAINED that the Township Board of Commissioners 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 9th day of November 2020.

ATTEST:

TOWNSHIP OF LOWER ALLEN

Township Secretary

President, Board of Commissioners