

**MIDDLESEX TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. 3 - 2021

**AN ORDINANCE OF MIDDLESEX TOWNSHIP AUTHORIZING THE
EXECUTION OF A CABLE FRANCHISE RENEWAL AGREEMENT
BETWEEN THE TOWNSHIP AND VERIZON PENNSYLVANIA LLC**

WHEREAS, pursuant to Title VI of the Communications Act (see 47 U.S.C. § 601 et seq.), 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, Middlesex Township in Cumberland County 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, Verizon Pennsylvania LLC is a franchisee (the "Franchisee") as well as a "cable operator" and Middlesex Township is a "local franchising authority" in accordance with Title VI of the Communications Act (see 47 U.S.C. § 521 *et seq.*) and Middlesex Township is authorized to grant one or more non-exclusive cable franchises to operate a Cable System within the Township pursuant to Title VI of the Communications Act; and

WHEREAS, Middlesex Township granted to Verizon Pennsylvania LLC, effective as of December 10, 2008, a non-exclusive initial franchise to install, maintain, extend and operate a Cable System in the Township for a term of ten (10) years (the "Initial Franchise"); and

WHEREAS, the Franchisee has operated a Cable System in accordance with the Initial Franchise as of the December 10, 2008 on its existing Telecommunications Facilities consisting of a Fiber to the Premises Telecommunications Network in the Township which also transmits non-cable services pursuant to authority granted by applicable state law and Title II of the Communications Act, and which are not subject to Title VI of the Communications Act or this Agreement; and

WHEREAS, the Franchisee has requested that the Township renew the Franchisee's franchise to provide Cable Services to residents of the Township; and

WHEREAS, pursuant to and in accordance with applicable federal and state law, the Township undertook a process to determine whether it should renew the Initial Franchise and the terms for such a renewal; and

WHEREAS, the Township has examined the past performance of the Franchisee and has identified the Township's future cable-related needs and interests; and

WHEREAS, following good faith negotiations between the Township and Franchisee, the Township and the Franchisee have agreed on the terms for a Franchise Renewal Agreement under which the Franchisee shall continue to operate its Cable System in the Township; and

WHEREAS, the Township has determined that the Franchise Renewal Agreement and the process for consideration of the agreement complies with all applicable federal, state and local laws and regulations.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Middlesex Township Board of Supervisors as follows:

SECTION 1. Grant of Franchise; Execution of the Cable Franchise Renewal Agreement.

The Township hereby grants Verizon Pennsylvania LLC a non-exclusive cable franchise subject to and in accordance with the terms and conditions of the Cable Franchise Renewal Agreement, a copy of which Agreement is attached hereto and made a part hereof as Exhibit A.

SECTION 2. Other Franchises Unaffected.

Nothing in this Ordinance, including the Agreement, shall alter the terms of any other franchise(s) previously granted by the Township. Such other franchise(s) shall remain in effect according to their particular terms and conditions.

SECTION 3. Execution.

The Chairman of the Board of Supervisors, and in his absence, the Vice-Chairman of the Board of Supervisors, is authorized and directed to execute the Cable Franchise Renewal Agreement.

SECTION 4. 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 5. Enactment.

ENACTED AND ORDAINED this 24th day of September, 2021.

ATTEST:

Eileen M. Gault
Township Secretary

MIDDLESEX TOWNSHIP BOARD OF
SUPERVISORS

[Signature]
(Vice) Chairman, Board of Township Supervisors

(Township Seal)

EXHIBIT A

Verizon Franchise Renewal Agreement

SEE FRANCHISE AGREEMENT ON FILE