

BOROUGH OF SOUTHMONT

ORDINANCE NO. 323

AN ORDINANCE

AMENDING ORDINANCE NO. 280, ENTITLED: "ORDINANCE NO. 280 GRANTING A FRANCHISE TO JOHNSTOWN CABLE T. V., TELEPROMPTER CABLE SYSTEMS, INC., AND TELEPROMPTER CORPORATION, ITS PARENT COMPANY, THEIR SUCCESSORS AND ASSIGNS, TO MAINTAIN A COMMUNITY TELEVISION SYSTEM IN THE BOROUGH OF SOUTHMONT, SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF FRANCHISE, PROVIDING FOR REGULATION AND USE OF THE COMMUNITY TELEVISION SYSTEM, AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF," BY AMENDING ARTICLES 2, 3, 7 AND 8 OF SAID ORDINANCE.

BE IT ENACTED AND IT IS HEREBY ORDAINED by the Council of the Borough of Southmont, that Ordinance No. 280, the short title of which is "Cable TV Community Television Company Franchise Ordinance," be amended as follows:

SECTION 1. ARTICLE 2, DEFINITION, Section 2.04 be amended to read as follows:

Section 2.04 "Companies" are the grantees of rights under this Franchise, i.e., Cablevision of Greater Johnstown and American Television and Communications Corporation.

Section 2.08 be amended by inserting subsections (e) and (f) as follows:

Section 2.08 "Basic CATV Service" means the total of all of the following:

(e) the Upgraded CATV Service when made available to any subscriber;

(f) from the effective date hereof until provision of the Upgraded CATV Service, the Entertainment and Sports Programming Network (ESPN) shall replace WPXI, Channel 11, Pittsburgh, Pennsylvania, as part of Basic CATV Service, and WPXI shall be returned to Basic CATV Service as part of the Upgraded CATV Service;

Section 2.14 be added as follows:

Section 2.14 "Upgraded CATV Service" shall mean the service provided by the rebuilt cable television system as specified in Section 7.03 hereof.

SECTION 2. ARTICLE 3, GRANT OF AUTHORITY, Section 3.02 be amended to read as follows:

Section 3.02 The franchise and rights herein granted shall take effect and be in force from and after the effective date hereof and shall continue in force and effect for the remaining term of Ordinance No. 280 and for a period of 10 years thereafter, i.e., until and including December 15, 1995. The franchise may be renewed for an additional 10 year period following a full public proceeding affording due process, in which proceeding the Companies' performance and the adequacy of this franchise ordinance will be reviewed.

SECTION 3. ARTICLE 7, SERVICE STANDARDS, be amended by adding Section 7.03 as follows:

Section 7.03 Within two years of the effective date hereof, the Companies will rebuild the existing cable television system so as to be technically capable of providing 35 channels of service, at least 22 of which will be programmed for Basic CATV Service.

Borough of Southmont
Ordinance No.
Continued:

SECTION 4. ARTICLE 8, RATES, be amended by adding Section 8.04 as follows:

Section 8.04 From the effective date hereof the monthly service charge for customers of the Basic CATV Service shall not be in excess of \$7.00, until such time as the Upgraded CATV Service is offered to Subscribers as the Basic CATV Service at which time the rate for such Basic CATV Service shall not be in excess of \$8.00. Senior citizens shall receive a discount of \$1.20 from the monthly service charge for Basic CATV Service. Any subsequent rate changes shall be in accordance with Section 8.01 hereof.

SECTION 5. All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed.

SECTION 6. This ordinance shall become effective from and after final passage, and upon filing of notification of the transfer of the Cable Television System to Cablevision of Greater Johnstown, a division of American Television and Communications Corporation.

ORDAINED AND ENACTED this 21st day of March, 1983,

by the following vote:

Yeas: 6

Nays:

Absent: 1

BOROUGH OF SOUTHMONT

By *B. L. Witt*
President

ATTEST:

[Signature]
Secretary

Approved this 21st day of March, 1983.

Robert B. Morgan
Mayor