

**BOROUGH OF SOUTHMONT,
CAMBRIA COUNTY**

ORDINANCE NO. 524

**ORDINANCE OF THE BOROUGH OF SOUTHMONT AUTHORIZING
EXECUTION OF A CABLE FRANCHISE AGREEMENT
BETWEEN THE BOROUGH OF SOUTHMONT AND
ATLANTIC BROADBAND(PENN), 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 Borough of Southmont (hereinafter the "Borough") is authorized to grant franchises to construct, operate and maintain a cable system utilizing public rights-of-way and properties within the Borough's jurisdiction; and

WHEREAS, Atlantic Broadband (Penn), LLC ("Atlantic BB") currently holds a cable franchise from the Borough; and

WHEREAS, Atlantic BB has requested that the Borough renew Atlantic BB's franchise to maintain, construct, operate, and upgrade its Cable System over, under and along the aforesaid rights-of-way for use by the Borough's residents; and

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

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

WHEREAS, the Borough has determined that Atlantic BB has the financial, legal and technical ability to provide cable services to subscribers located in the Borough; and

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

NOW THEREFORE, BE IT ORDAINED that the Borough Council does hereby approve the cable franchise agreement negotiated with Atlantic BB, including all of the terms and conditions contained therein, and does hereby authorize the execution of such agreement.

Ordained and Enacted this 9th day of December, 2019, by Council of the Borough of Southmont.

Attest:

SOUTHMONT BOROUGH

Amanda Taylor
Secretary

Richard L. Rodgers
Council President

Approved this 9th day of December, 2019.

Mark C. York
Mayor