

BOROUGH OF CARLISLE

ORDINANCE NO. 2244

**AN ORDINANCE OF THE BOROUGH OF CARLISLE AUTHORIZING
THE EXECUTION OF A CABLE FRANCHISE AGREEMENT
BETWEEN THE BOROUGH AND COMCAST OF
PENNSYLVANIA/MARYLAND, 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, the Borough of Carlisle 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 Borough's jurisdiction; and

WHEREAS, Comcast of Pennsylvania/Maryland, LLC ("Comcast") currently holds a cable franchise from the Borough of Carlisle, through a previously approved agreement, which agreement, as previously extended, is scheduled to expire May 12, 2016; and

WHEREAS, Comcast has requested a renewal of its franchise to maintain, construct, operate and upgrade its cable system over, under and along the rights-of-way for use by residents and other users of the Comcast cable system in the Borough of Carlisle; and

WHEREAS, the Borough has determined Comcast to be financially, technically and legally qualified to operate the cable system to provide cable services; and

WHEREAS, the Borough has determined that the public interest would be served by granting a franchise to Comcast according to the terms and conditions contained in the Cable Franchise Agreement (the "Agreement") negotiated with representatives of Comcast.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council
of the Borough of Carlisle as follows:

SECTION 1. Grant of Franchise; Execution of Franchise Agreement. The Borough hereby grants Comcast a non-exclusive cable franchise subject to and in accordance with the terms and conditions of the Agreement, which Agreement is hereby authorized to be executed by the proper public officials of the Borough. A copy of the 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 Borough. Such other franchise(s) shall remain in effect according to their particular terms and conditions.

SECTION 3. 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 4. Enactment. ENACTED AND ORDAINED this 12th day of May, 2016, to be effective immediately.

ATTEST:

BOROUGH OF CARLISLE

Signature on file in Borough Manager's Office

Joyce E. Stone, Secretary

Signature on file in Borough Manager's Office

Timothy A. Scott, Mayor

(Borough Seal)