

**TOWNSHIP OF MOUNT PLEASANT
ORDINANCE NO. _____**

**ORDINANCE OF THE TOWNSHIP OF MOUNT PLEASANT
AUTHORIZING EXECUTION OF A CABLE FRANCHISE AGREEMENT
BETWEEN THE TOWNSHIP AND ADVANCE TELEPHONE SYSTEMS,
INC. D/B/A HTC COMMUNICATIONS.**

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 Mount Pleasant (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, Advance Telephone Systems, Inc. d/b/a HTC Communications (“HTC”) currently holds a cable franchise dated April 25, 2001, originally granting a cable franchise to HTC Communications; and

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

WHEREAS, the aforesaid rights-of-way used by HTC are public properties acquired and maintained by the Township and held in trust on behalf of 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, 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 HTC’s use of the Township’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 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 HTC has the financial, legal and technical ability to provide cable services to subscribers located in the Township; and

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

NOW, THEREFORE, BE IT ORDAINED that the Township Board of Supervisors does hereby approve the cable franchise agreement negotiated with HTC, including all of the terms and conditions contained therein, and does hereby authorize the execution of such Agreement. (A true and correct copy of the proposed Agreement(s) authorized hereby, including the Internet Side Agreement, is attached as Exhibit "A" hereof.)

ORDAINED AND ENACTED into law this _____ day of _____, 2016.

ATTEST:

THE TOWNSHIP OF MT. PLEASANT

Erin Sakalik,
Township Manager-Secretary

Gary R. Farner, Chairman

(seal)

Brian D. Temple, Vice-Chairman

Donald Reed, Supervisor

Approved as to form by:

Thomas P. McDermott, Solicitor

EXHIBIT “A”