

**ORDINANCE NO. 358**

**ORDINANCE OF FREEPORT BOROUGH AUTHORIZING THE EXECUTION  
OF A CABLE FRANCHISE AGREEMENT BETWEEN THE BOROUGH AND  
CONSOLIDATED COMMUNICATIONS, INC.**

**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, Freeport Borough in Armstrong 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**, Consolidated is in the process of installing a Fiber Optic Telecommunications Network ("FTTx Network") in the Borough for the transmission of non-cable services pursuant to authority granted by the Commonwealth of Pennsylvania; and

**WHEREAS**, the FTTx Network will occupy the public rights-of-way within the Borough, and Consolidated desires to use portions of the FTTx Network once installed to provide cable services in the Borough; and

**WHEREAS**, the Borough desires to protect and manage the public rights-of-way, require high standards of customer service, receive financial compensation for Consolidated's use of the public rights-of-way as provided by federal law, obtain complimentary services for its public buildings, obtain educational and governmental channels, establish certain reporting requirements, and provide for the future cable-related needs of its residents; and

**WHEREAS**, the Borough has determined Consolidated 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 Consolidated according to the terms and conditions contained in the Cable Franchise Agreement (the "Agreement") negotiated with representatives of Consolidated.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED** by the Freeport Borough Town Council as follows:

**SECTION 1. Grant of Franchise; Execution of Franchise Agreement.**

The Borough hereby grants Consolidated a non-exclusive cable franchise subject to and in accordance with the terms and conditions of the Agreement. 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 previously granted by the Borough, each of which shall remain in effect according to their particular terms and conditions.


**SECTION 3. Severability.**

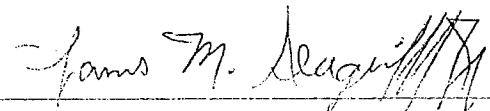
If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not render this Ordinance invalid.

**ENACTED AND ORDAINED** this 7 day of July, 2008.

ATTEST:

FREEPORT BOROUGH TOWN COUNCIL

  
\_\_\_\_\_  
Title Borough Secretary  
Grace Ravotti

  
\_\_\_\_\_  
President  
James M. Seagriff Jr.