

## RESOLUTION NO. 19

### RESOLUTION OF THE CITY OF NANTICOKE AUTHORIZING EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE CITY AND COMCAST OF COLORADO/PENNSYLVANIA/WEST VIRGINIA, 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 City of Nanticoke (hereinafter the “City”) is authorized to grant franchises to construct, operate and maintain a cable system utilizing public rights-of-way and properties within the City’s jurisdiction; and

**WHEREAS**, Comcast of Colorado/Pennsylvania/West Virginia, LLC (“Comcast”) currently holds a cable franchise from the City by virtue of a cable franchise agreement which expires on May 19, 2023; and

**WHEREAS**, Comcast has requested that the City renew Comcast’s franchise to maintain, construct and operate its Cable System over, under, and along the aforesaid public rights-of-way; and

**WHEREAS**, the aforesaid public rights-of-way used by Comcast are public properties acquired and maintained by the City on behalf of the citizens of the City, and the right to use said rights-of-way is a valuable property right; and

**WHEREAS**, the City desires to protect and manage the aforesaid rights-of-way, establish standards of subscriber service, maintain a technologically advanced cable system, receive franchise fees for Comcast’s use of the City’s public rights-of-way as provided by federal law, obtain the use of an educational and governmental channel, establish certain reporting requirements, obtain certain services, provide legal protections for the City, and meet the current and future cable-related needs of its residents; and

**WHEREAS**, the City has determined that this franchise agreement (the “Agreement”) and the process for consideration of this Agreement complies with all applicable federal, state and local laws and regulations; and

**WHEREAS**, the City has determined that the public interest would be served by renewing Comcast’s franchise according to the terms and conditions contained herein;

**NOW THEREFORE, BE IT RESOLVED** that the City Council does hereby approve the cable franchise agreement negotiated with Comcast, including all of the terms

and conditions contained therein, and does hereby authorize the execution of such agreement.

**RESOLVED** this 2nd day of November, 2022.

ATTEST:

CITY OF NANTICOKE

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Jennifer W. Polito, City Clerk

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William Brown, President of Council