

**LOWER ALLEN TOWNSHIP
CUMBERLAND COUNTY**

ORDINANCE NO. 2008-05

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF LOWER ALLEN TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA AUTHORIZING THE EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE TOWNSHIP AND VERIZON PENNSYLVANIA, 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, Lower Allen Township 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 Township's jurisdiction; and

WHEREAS, Verizon of Pennsylvania, Inc. ("Verizon") is upgrading its existing telecommunications system under Title II of the Communications Act (*see* 47 U.S.C. § 201 et seq.) and has applied for a non-exclusive cable franchise from the Township to operate a cable system under Title VI of the Communications Act (*see* 47 U.S.C. § 521 et seq.); and

WHEREAS, Verizon is in the process of installing a Fiber to the Premise Telecommunications Network ("FTTP Network") in the Township for the transmission of non-cable services pursuant to authority granted by the Commonwealth of Pennsylvania; and

WHEREAS, the FTTP Network will occupy the public rights-of-way within the Township, and Verizon desires to use portions of the FTTP Network once installed to provide cable services in the Township; and

WHEREAS, the Township desires to protect and manage the public rights-of-way, require high standards of customer service, receive financial compensation for Verizon'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 Township has determined Verizon to be financially, technically and legally qualified to operate the cable system to provide cable services; and

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

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Lower Allen Township Board of Commissioners as follows:

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

The Township hereby grants Verizon 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(s) previously granted by the Township. Such other franchise(s) shall remain in effect according to their particular terms and conditions.

SECTION 3. Authority of the Capital Region Council of Governments.

Pursuant to 53 Pa.C.S. § 2305, the Township hereby authorizes the Capital Region Council of Governments to undertake those responsibilities that it is specifically permitted to undertake pursuant to the Agreement.

SECTION 4. 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 5. Enactment.

ENACTED AND ORDAINED this ____ day of _____, 2008.

ATTEST:

LOWER ALLEN TOWNSHIP BOARD OF
COMMISSIONERS

John Titzel, President

Exhibit A
Verizon Franchise Agreement