

JACKSON TOWNSHIP
CAMBRIA COUNTY
PENNSYLVANIA

ORDINANCE NO. 68

AN ORDINANCE

AMENDING ORDINANCE NO. 45, ENTITLED: "AN ORDINANCE GRANTING A FRANCHISE TO JOHNSTOWN CABLE T.V., TELEPROMPTER CABLE SERVICES, INC., AND TELEPROMPTER CORPORATION, ITS PARENT COMPANY, ITS SUCCESSORS AND ASSIGNS, TO MAINTAIN A COMMUNITY TELEVISION SYSTEM IN THE TOWNSHIP OF JACKSON, SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF FRANCHISE, PROVIDING FOR THE TOWNSHIP OF JACKSON REGULATIONS AND USE OF THE COMMUNITY TELEVISION SYSTEM, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS, AND PROVIDING FOR A LINE EXTENSION FORMULA," BY AMENDING ARTICLES 2, 3, 7, AND 8 OF SAID ORDINANCE.

BE IT ENACTED AND IT IS HEREBY ORDAINED by the Board of Supervisors of the Township of Jackson, that Ordinance No. 45, the short title of which is "Cable TV Community Television Company Franchise Ordinance," be amended as follows:

SECTION 1. ARTICLE 2, DEFINITION, Section 2.04 be amended to read as follows:

Section 2.04 "Companies" are the grantees of rights under this Franchise, i.e., Cablevision of Greater Johnstown and American Television and Communications Corporation.

Section 2.08 be amended by inserting subsections (e) and (f) as follows:

Section 2.08 "Regular CATV Service" means the total of all the following:

(e) The Upgraded CATV Service when made available to any subscriber;

(f) from the effective date hereof until provision of the upgraded CATV Service, the Entertainment and Sports Programming Network (ESPN) shall replace WPXI, Channel 11, Pittsburgh, Pennsylvania, as part of Regular CATV Service, and WPXI shall be returned to Regular CATV Service as part of the Upgraded CATV Service;

Section 2.14 be added as follows:

Section 2.14 "Upgraded CATV Service" shall mean the service provided by the rebuild cable television system as specified in Section 7.03 hereof.

SECTION 2. ARTICLE 3, GRANT OF AUTHORITY, Section 3.02 be amended to read as follows:

Section 3.02 The franchise and rights herein granted shall take effect and be in force from and after the effective date hereof and shall continue in force and effect for the remaining term of Ordinance No. 45 and for a period of 10 years thereafter, i.e., until and including July 31, 1999. The franchise may be renewed for an additional 10 year period following a full public proceeding affording due process, in which proceeding the Companies' performance and the adequacy of this franchise ordinance will be reviewed.

SECTION 3. ARTICLE 7, SERVICE STANDARDS, be amended by adding Section 7.03 as follows:

Section 7.03 By June 28, 1985, the Companies will rebuild the existing cable television system so as to be technically capable of providing 35 channels of service, at least 22 of which will be programmed for Regular CATV Service.

SECTION 4. ARTICLE 8, RATES, be amended by adding Section 8.04 as follows:

Section 8.04 As of August 1, 1983, the monthly service charge for customers of the Regular CATV Service shall not be in excess of \$7.00, until such time as the Upgraded CATV Service is offered to Subscribers as the Regular CATV Service at which time the rate for such Regular CATV Service shall not be in excess of \$8.00. Senior citizens shall receive a discount of \$1.20 from the monthly service charge for Regular CATV Service. Any subsequent changes of legally regulated rates shall be in accordance with Section 8.01 hereof.

SECTION 5. ARTICLE 9, FRANCHISE FEES, be amended by deleting the following clause in the last sentence in Section 9.01 which states "...but in no event to exceed a maximum of 5% of total revenues." and in substitution therefor "...., and any request for an increase in franchise fees in excess of five (5) percent shall be subject to negotiation and mutually agreed to by the Companies and the Township.

SECTION 6. All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed.

SECTION 7. This ordinance shall become effective from and after final passage, and upon filing of notification of the transfer of the Cable Television System to American Television and Communications Corporation, doing business as Cablevision of Greater Johnstown.

ORDAINED AND ENACTED this 16th day of April, 1984,

by the following vote:

Yeas: - 3

Nays: 0

Absent: 0

TOWNSHIP OF JACKSON

By

Dowey Crayle

ATTEST:

Gail Hume
Secretary

Approved this 16th day of April, 1984.