

City of Philadelphia



(Bill No. 080879)

AN ORDINANCE

Authorizing the Department of Public Property to enter into a franchise agreement with Verizon Pennsylvania, Inc., pursuant to which Verizon shall have the right to operate and maintain a cable television service within the City of Philadelphia through its cable television system in and along the public rights-of-way and streets of the City, under certain terms and conditions.

WHEREAS, Verizon Pennsylvania, Inc. (“Verizon”) desires to provide Cable Service, as defined in the federal Communications Act of 1934, as amended (“Communications Act”), to customers in the City and seeks authorization from the City to own, operate and maintain a Cable System, as defined in the Communications Act, in and along the public rights-of-way and streets of the City for the purpose of providing such Cable Service within the City; and

WHEREAS, the Communications Act provides that the City may require that Verizon obtain a cable franchise from the City as a condition of its operating such a Cable System and furnishing such Cable Service over the system in the City; and

WHEREAS, Chapter 11-700 of The Philadelphia Code requires that Verizon obtain a cable franchise from the City before operating a Cable System or providing Cable Service in the City, and further provides that the Council of the City of Philadelphia must approve any such franchise by ordinance before it is granted; and

WHEREAS, Council, by advertising and holding public hearings on this Ordinance has afforded the public adequate notice and an opportunity to comment on the proposed Verizon cable franchise; now, therefore,

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. The Department of Public Property is hereby authorized to enter into a franchise agreement pursuant to which Verizon Pennsylvania, Inc. shall have the right to own, operate and maintain a Cable System (as defined in the Communications Act of 1934) in and along the public rights-of-way and streets of the City and to operate and maintain a Cable Service (as defined in the Communications Act) over such Cable System within the City, subject to Section 2 of this Ordinance.

SECTION 2. The franchise agreement authorized by Section 1 of this Ordinance shall be in substantially the form attached hereto as Exhibit "A," with such changes as the City Solicitor deems necessary or appropriate to protect the interest of the City.

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SECTION 3. The Economic Opportunity Plan as required by Chapter 17-1600 of The Philadelphia Code is attached hereto as Exhibit “B,” and shall be subject to such changes as the City Solicitor deems necessary or appropriate to protect the interests of the City.

SECTION 4. The Chief Clerk of Council shall keep all exhibits to this Ordinance on file and make them available to the public for inspection and copying during regular office hours.

[Note: Exhibits to this Bill are on file in the Office of the Chief Clerk.]

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on February 5, 2009. The Bill was Signed by the Mayor on February 25, 2009.



Patricia Rafferty
Chief Clerk of the City Council