

## Legislation Text

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**File #:** 150809, **Version:** 1

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Authorizing the City's Managing Director or his designee to enter into a cable television franchise renewal agreement with Comcast of Philadelphia, LLC and Comcast of Philadelphia II, LLC, renewing the cable television franchises granted by the City to Comcast for Franchise Areas I, II, III and IV, under certain terms and conditions.

WHEREAS, Comcast holds franchises authorizing it to own, operate and maintain a Cable System, as defined in the Communications Act of 1934 (the "Communications Act" or "Act"), as amended, in and along the public rights-of-way and streets of the City for the purpose of providing Cable Service, as defined in the Act, in each of Franchise Areas I, II, III and IV; and

WHEREAS, The Act provides that the City may require that Comcast 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 Comcast hold 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 or its renewal by ordinance;

WHEREAS, Comcast has applied for and the City wishes to grant renewal of the cable franchises Comcast holds in Franchise Areas I, II, III and IV; 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 renewal of Comcast cable franchises; now, therefore

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. The City's Managing Director or his designee is hereby authorized to enter into a franchise renewal agreement pursuant to which the cable television franchises held by Comcast of Philadelphia, LLC and Comcast of Philadelphia II, LLC ("Comcast"), are renewed, granting Comcast the right 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, in each of Franchise Areas I, II, III and IV, and to operate and maintain a Cable Service (as defined in the Act) over such Cable System, subject to Section 2 of this Ordinance.

SECTION 2. The franchise renewal agreement authorized by Section 1 of this Ordinance shall contain substantially the terms set forth in Exhibit "A" hereto, with such changes as the City Solicitor deems necessary or appropriate to protect the interest of the City; provided, that the City's Managing Director or his designee is authorized to negotiate and agree with Comcast, in his discretion, terms requiring Comcast to furnish to the City an Institutional Network, as defined in the Communications Act, or its equivalent, and, subject to the City Solicitor's approval, to incorporate such terms in the franchise renewal agreement authorized by Section 1.

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.]