

O2023-03

AN ORDINANCE AMENDING MUNICIPAL CONSENT TO COMCAST TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, NEW JERSEY.

BE IT ORDAINED BY TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG, that the following amendments be made

SECTION 2. DEFINITIONS

- i. “Primary Service Area” or “PSA” consists of the area of the Municipality where the Company shall provide service at standard and non-standard installation rates, as set forth in the map annexed to the Company’s Application for Municipal Consent and as agreed to by the parties.

SECTION 7. EXTENSION OF SERVICE

The Company shall be required to proffer service to any residence along any public right-of-way in the Primary Service Area, as set forth in the Company’s Application. Any extension of plant beyond the Primary Service Area shall be governed by the Company’s Line Extension Policy, as set forth in the Company’s Application, with a HPM (“homes-per-mile”) of 35 dwellings per linear mile from the nearest active trunk or feeder line.

SECTION 14. COMMITMENTS BY THE COMPANY

- a. Subject to applicable law, the Company will provide courtesy cable television service on one (1) outlet, to the municipal building, fire department facility, first aid squad, library, community or senior center and public works facility, provided each facility is within 200 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Town. Monthly service charges shall be waived on all additional outlets except for equipment.
- b. Subject to applicable law, the Company will provide courtesy cable television service on one (1) outlet, to each public and private school in the municipality, provided each facility is within 200 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting service. Monthly service charges shall be waived on all additional outlets except for equipment.
- c. The Communications Act of 1934, as amended (47 U.S.C. §543(b)(4)), allows the Company to itemize and/or identify the amount on the monthly bill assessed to satisfy any requirements imposed on the Company by the cable franchise to support public, educational, and governmental channels, or the use of such channels or any other services required under the franchise. The Company reserves its external cost, pass-through rights to the extent permitted by law.

SECTION 15. PUBLIC, EDUCATIONAL AND GOVERNMENTAL ACCESS

a. The Company shall make available a system-wide public access channel maintained by the Company. Qualified individuals and organizations may utilize public access for the purpose of cablecasting non-commercial access programming in conformance with the Company's published public access rules.

b. The Company shall provide a system-wide leased access channel maintained by the Company for the purpose of cablecasting commercial leased access programming in conformance with the Company's guideline and applicable state and federal statutes and regulations.

c. The Company shall not exercise editorial control over any educational or governmental use PEG Access channels, except Company may refuse to transmit any educational or governmental access program or portion of an educational or governmental access program that contains obscenity, indecency, or nudity.

d. The Company shall take any steps that are necessary to ensure that the signals originated on the access channels are carried without material degradation, and with a signal whose quality is equal to that of the other standard channels that the Company transmits.

SECTION 23. CONSTRUCTION TIMETABLE

The Company shall be required to complete any proposed construction within the service area described in the application. The timetable as presented in the application incorporated herein has been determined to be reasonable by the municipality.

ATTEST:

TOWN OF PHILLIPSBURG

MATTHEW C. HALL
Acting Municipal Clerk

TODD M. TERSIGNI
Mayor

DATED: