Legislation Details (With Text)

File #:	2021-2161 **Version:** 1		
Type:	Resolution	**Status:**	Passed Finally
File created:	11/5/2021	**In control:**	Committee on Innovation, Performance and Asset Management
On agenda:	11/8/2021	**Final action:**	12/14/2021
Enactment date:	12/14/2021	**Enactment #:**	858
Effective date:	12/17/2021		
Title:	Resolution authorizing the City of Pittsburgh to enter into a cable franchise agreement and certain subsidiary agreements for other services arising from the cable franchise agreement with Comcast Cable Communications Management, LLC. (Public Hearing held 12-6-21)		
Sponsors:			
Indexes:	AGREEMENTS		
Code sections:			
Attachments:	1. 2021-2161 Cover Letter-Comcast letter Nov 2021 - signed, 2. Summary 2021-2161		

Date	Ver.	Action By	Action	Result
12/17/2021	1	Mayor	Signed by the Mayor	
12/14/2021	1	City Council	Passed Finally	Pass
12/8/2021	1	Standing Committees	Affirmatively Recommended	Pass
12/6/2021	1	Committee on Hearings	Public Hearing Held	
11/17/2021	1	Standing Committees	Held for Cablecast Public Hearing	Pass
11/8/2021	1	City Council	Read and referred	

Resolution authorizing the City of Pittsburgh to enter into a cable franchise agreement and certain subsidiary agreements for other services arising from the cable franchise agreement with Comcast Cable Communications Management, LLC.
(Public Hearing held 12-6-21)

WHEREAS, pursuant to Title VI of the Communications Act, including the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992, the Telecommunications Act of 1996, the regulations of the Federal Communications Commission and Pennsylvania law, the City of Pittsburgh ("City") is authorized to grant and renew franchises to construct, operate and maintain a cable system utilizing public rights-of-way and properties within the City's jurisdiction; and

WHEREAS, Comcast Cable Communications Management, LLC ("Comcast") currently holds a cable franchise from the City by virtue of a cable franchise agreement originally granting a franchise to Comcast of California/Pennsylvania/Utah/Washington, Inc., and such franchise agreement has expired; and

WHEREAS, Comcast has requested that the City renew its franchise to maintain, construct, operate and upgrade its cable system over, under, and along the aforesaid public rights-of-way for use by the City's residents; and

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WHEREAS, the aforesaid public rights-of-way used by Comcast are public properties held in trust on behalf of the citizens of the City and the right to use said rights-of-way is a valuable property right; and

WHEREAS, the City desires to protect and manage the aforesaid rights-of-way, establish standards of customer service, oversee a technologically advanced cable system, maintain an institutional network, receive franchise fees for Comcast's use of the City's rights-of-way as provided by federal law, retain the use of public, educational and governmental (PEG) channels, establish certain reporting requirements, provide legal protections for the City, and meet the current and future cable-related needs of its residents; and

WHEREAS, the City has determined that a renewal of Comcast's franchise and the process for consideration of this renewal complies with applicable federal, state and local laws and regulations; and

WHEREAS, the City, after affording the public notice and opportunity for comment, has determined that the public interest would be served by renewing Comcast's franchise according to the terms and conditions contained in a Cable Franchise Agreement and subsidiary agreements for other services arising from the Cable Franchise Agreement, negotiated with representatives of Comcast.

Be it resolved by the Council of the City of Pittsburgh as follows:

Section 1. The City of Pittsburgh hereby grants Comcast a renewal of its non-exclusive cable franchise subject to and in accordance with the terms and conditions of a Cable Franchise Agreement and subsidiary agreements for other services arising from the Cable Franchise Agreement.

Section 2. The Mayor and the Director of the Department of Innovation and Performance are authorized to enter into a Cable Franchise Agreement ("Agreement") for a ten year term and various subsidiary agreements for other services arising from the Cable Franchise Agreement with Comcast, where amounts received as further provided therein, (including a one-time PEG Grant of $475,000, an annual PEG Grant of 75 cents per subscriber per month, and a franchise fee of 5% of gross revenue from cable services in the City), are to be deposited into the following Code Accounts: 1030281500.43101.00 for PEG funds and 107000.43101.00 for franchise funds. Any amounts expended by City under these agreements shall either be deducted from funds to be received, appropriated from the relevant operating budget account, or subject to separate legislation of the Council of the City of Pittsburgh.

Section 3. Nothing in this Resolution, including the Agreement, shall alter the terms of any other franchise previously granted by the City, which shall remain in effect according to its particular terms and conditions.

Section 4. If any section, subsection, sentence, clause, phrase or word of this Resolution 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 Resolution invalid.

Section 5. This Resolution's renewal of Comcast's non-exclusive cable franchise shall take effect and be in force upon final execution of a Cable Franchise Agreement and subsidiary agreements for other services arising from the Cable Franchise Agreement in form approved by the City Solicitor.

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