



Legislation Details (With Text)

**File #:** 2010-0565      **Version:** 1

**Type:** Resolution      **Status:** Passed Finally

**File created:** 6/1/2010      **In control:** Committee on Performance and Asset Management

**On agenda:**      **Final action:** 6/22/2010

**Enactment date:** 6/22/2010      **Enactment #:** 431

**Effective date:** 6/28/2010

**Title:** Resolution authorizing the City of Pittsburgh to enter into a cable franchise agreement with Comcast of California/Pennsylvania/Utah/Washington, Inc.

**Sponsors:**

**Indexes:** AGREEMENTS

**Code sections:**

**Attachments:** 1. 2010-0565.doc

Date	Ver.	Action By	Action	Result
6/29/2010	1	Mayor	Signed by the Mayor	
6/22/2010	1	City Council	Passed Finally	Pass
6/16/2010	1	Standing Committee	AFFIRMATIVELY RECOMMENDED	Pass
6/14/2010	1	Committee on Hearings	Public Hearing Held	
6/9/2010	1	Standing Committee		
6/1/2010	1	City Council	Read and referred	

Resolution authorizing the City of Pittsburgh to enter into a cable franchise agreement with Comcast of California/Pennsylvania/Utah/Washington, Inc.

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 of California/Pennsylvania/Utah/Washington, Inc. ("Comcast") currently holds a cable franchise from the City by virtue of a cable franchise agreement originally granting a franchise to TCI of Pennsylvania, Inc., doing business as AT&T Cable Services, Inc., and such franchise agreement has expired; and

WHEREAS, Comcast has requested that the City renew Comcast's 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

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 public rights-of-way, require high standards of customer service, maintain the City's institutional network, receive franchise fees for Comcast's use of the rights-of-way as provided by federal law, preserve the City's public, educational, and governmental channels, establish certain reporting requirements, and provide for the current and future cable-related needs of its residents; and

WHEREAS, the City has determined Comcast to be financially, technically and legally qualified to operate the cable system to provide cable services; 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 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 is authorized to enter into a Cable Franchise Agreement ("Agreement") with Comcast.

**Section 2.** The City hereby grants Comcast a non-exclusive cable franchise subject to and in accordance with the terms and conditions of the Agreement. A copy of the Agreement is attached hereto and made a part hereof as Exhibit A.

**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.** Any acts consistent with and prior to the effective date of this Resolution are hereby ratified and confirmed.

**Section 6.** This Resolution shall take effect and be in force upon approval of a cable franchise agreement in form approved by the City Solicitor.