

ORDINANCE NO. 2005-8

ORDINANCE CONFIRMING RENEWAL AND EXTENSION OF A CABLE TELEVISION FRANCHISE AGREEMENT TO CONSTRUCT AND OPERATE A CABLE TELEVISION SYSTEM

WHEREAS, the Town of Ft. Branch ("Town") granted a franchise for a cable television system to Gibson Cable Television, Inc, pursuant to a Franchise Agreement dated March 3, 1980, as amended and further extended by Ordinance No. 1995-1 dated February 1, 1995, ("Franchise"), to construct and operate a cable television system within the Town; and

WHEREAS, Insight Communications Midwest, LLC ("Insight") is the current franchise holder; and

WHEREAS, the Franchise expired on March 3, 2005; and

WHEREAS, the Town has elected to allow the Franchise to continue in full force and effect until a long term agreement can be reached; and

WHEREAS, the Cable Television Consumer Protection and Competition Act of 1992, as codified at 47 U.S.C.§521, et seq. (the "Act"), contains the procedures to be followed for the renewal of cable franchises throughout the United States; and

WHEREAS, Insight and/or its predecessor(s) had, prior to March 5, 2005, and in accordance with 47 U.S.C.§546, submitted a request to the Town for an extension of the Franchise based on the capital commitments Insight and/or its predecessors have made in the Town; and

WHEREAS, Insight met all of its responsibilities pursuant to 47 U.S.C.§546 related to the renewal of the Franchise and is in full compliance with the terms of the Act; and

WHEREAS, this Ordinance memorializes the Town's compliance with its obligations under 47 U.S.C.§546; and

WHEREAS, the Town finds that the continued development of broadband communications has the potential of having great benefit and impact upon the citizens of the Town; and further finds that the public convenience, safety, and general welfare can best be served by exercising the regulatory powers vested in the Town by applicable federal and state law.

NOW THEREFORE, BE IT RESOLVED, by the Board of Trustees for the Town of Ft. Branch, Indiana as follows:

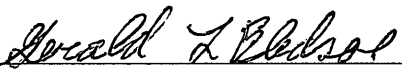
1. The term of the Franchise is hereby renewed, amended, and thereby extended by fifteen (15) years to expire on March 5, 2020 ("Expiration Date").

2. Section 8. Insurance. The last sentence in this section shall be deleted and replaced with the following: "Certificates evidencing insurance coverage as set forth herein, shall be provided to the Town."

3. All other terms, conditions, provisions, and requirements of the Franchise shall remain in full force and effect until the Expiration Date.

4. This Ordinance Amendment shall be effective upon its passage.

THE FOREGOING AGREEMENT was duly passed at a meeting of the Board of Trustees for the Town of Ft. Branch, Indiana, held on the 18 day of MAY, 2005.



Board President
Town of Ft. Branch, Indiana



Board of Trustees
Town of Ft. Branch, Indiana

ATTEST:


Clerk-Treasurer