

RESOLUTION NO. 1038

**RESOLUTION OF AVALON BOROUGH AUTHORIZING THE
EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE
BOROUGH AND VERIZON PENNSYLVANIA, INC.**

WHEREAS, pursuant to Title VI of the Communications Act (see 47 U.S.C. § 601 *et seq.*), the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996, the regulations of the Federal Communications Commission and Pennsylvania law, Avalon Borough in Allegheny County is authorized to grant franchises to construct, operate and maintain a cable system utilizing public rights-of-way and properties within the Borough's jurisdiction; and

WHEREAS, Verizon of Pennsylvania, Inc. ("Verizon") is upgrading its existing telecommunications system under Title II of the Communications Act (see 47 U.S.C. §201 *et seq.*) and has applied for a non-exclusive cable franchise from the Borough to operate a cable system under Title VI of the Communications Act (see 47 U.S.C. §521 *et seq.*); and

WHEREAS, Verizon is in the process of installing a Fiber to the Premise Telecommunications Network ("FTTP Network") in the Borough for the transmission of non-cable services pursuant to authority granted by the Commonwealth of Pennsylvania; and

WHEREAS, the FTTP Network will occupy the public rights-of-way within the Borough, and Verizon desires to use portions of the FTTP Network once installed to provide cable services in the Borough; and

WHEREAS, the Borough desires to protect and manage the public rights-of-way, require high standards of customer service, receive financial compensation for Verizon's use of the public rights-of-way as provided by federal law, obtain complimentary services from its public buildings, obtain educational and governmental channels, establish certain reporting requirements, and provide for the future cable-related needs of its residents; and

WHEREAS, the Borough has determined Verizon to be financially, technically and legally qualified to operate the cable system to provide cable services; and

WHEREAS, the Borough has determined that the public interest would be served by granting a franchise to Verizon according to the terms and conditions

contained in the Cable Franchise Agreement (the "Agreement") negotiated with representatives of Verizon.

NOW THEREFORE, BE IT RESOLVED by the Avalon Borough Council as follows:

SECTION 1. Grant of Franchise; Execution of Franchise Agreement.

The Borough hereby grants Verizon 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 2. Other Franchises Unaffected.

Nothing in this Resolution, including the Agreement, shall alter the terms of any other franchise previously granted by the Borough, each of which shall remain in effect according to their particular terms and conditions.

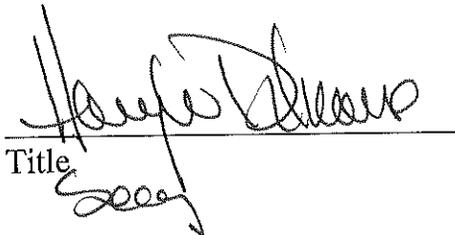
SECTION 3. Severability.

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.

RESOLVED this 20 day of Nov., 2007.

ATTEST:

AVALON BOROUGH COUNCIL



Title



President

Verizon Franchise Agreement

Exhibit A