

BILL # 89-11

ORDINANCE NO. 89-10

A ORDINANCE TRANSFERRING
A NON-EXCLUSIVE FRANCHISE
FROM WESTMARC CABLE HOLDING, INC.
TO TCI OF GREENSBURG

WHEREAS, WESTMARC CABLE HOLDING, INC., a Delaware corporation, formerly known as Marcus Communications, Inc. ("WestMarc"), owns and operates a cable television system in CITY OF JEANNETTE, Pennsylvania, pursuant to a non-exclusive franchise granted by Ordinance Number 66-18, enacted on June 28, 1966, and Franchise Agreement dated July 18, 1966, as amended by Ordinances Numbered 71-22, 76-9, 85-3, and 86-6, dated December 30, 1971, October 20, 1976, July 3, 1985, and July 16, 1986, respectively; and

WHEREAS, WestMarc has requested that, pursuant to the terms of the Cable Communications Policy Act of 1984, CITY OF JEANNETTE approve the transfer of its non-exclusive franchise to TCI of Greensburg, a general partnership formed under the laws of the State of Colorado between WestMarc and TCI of Pennsylvania, Inc., a Pennsylvania corporation; and

WHEREAS, after due consideration, analysis, and deliberation, CITY OF JEANNETTE has found the financial condition and technical qualifications of TCI of Greensburg sufficient and reasonable to meet the future cable-related needs and interests of CITY OF JEANNETTE and its residents; and

WHEREAS, WestMarc is in substantial compliance with the material provisions of the franchise and the franchise is valid and in full force and effect as of the date of this Ordinance; and

WHEREAS, CITY OF JEANNETTE desires to approve the transfer of such non-exclusive franchise.

NOW, THEREFORE, BE IT ORDAINED BY CITY OF JEANNETTE that:

1. CITY OF JEANNETTE acknowledges that WestMarc is in substantial compliance with the material provisions of the franchise and the franchise is valid and in full force and effect as of the date of this Ordinance.

2. Transfer from WestMarc to TCI of Greensburg of the non-exclusive franchise granted by Ordinance Number 66-18, enacted on June 28, 1966, and Franchise Agreement dated July 18, 1966, as amended by Ordinances Numbered 71-22, 76-9, 85-3, and 86-6, dated

December 30, 1971, October 20, 1976, July 3, 1985, and July 16, 1986, respectively, is hereby approved.

3. The terms and conditions of such non-exclusive franchise shall not be amended or altered, except that (a) upon notice to the CITY OF JEANNETTE, TCI of Greensburg shall be permitted to transfer such non-exclusive franchise to any of its affiliates at any time without any further action on the part of CITY OF JEANNETTE; and (b) all provisions of the non-exclusive franchise shall be subject to the Cable Communications Policy Act of 1984.

4. This approval shall be effective upon, and only effective concurrent with, the filing of an acceptance of the franchise by TCI of Greensburg within 30 days after the date of closing of the transaction transferring and assigning such cable television system from WestMarc to TCI of Greensburg, and an agreement to abide by all of the provisions of the cable television franchise, subject to federal and state law.

THIS ORDINANCE adopted this 20TH day of SEPTEMBER, 1989.

CITY OF JEANNETTE

(SEAL)

ATTEST:

By: NA
President of Council

By: Paul S. Seakey
Clerk

By: Glen W. Flork
Mayor

CERTIFICATION

I, the undersigned, being the duly appointed, qualified, and acting Clerk of the CITY OF JEANNETTE, County of Westmoreland, State of Pennsylvania, hereby certify that the foregoing Ordinance No. 89-10 is a true, correct, and accurate copy of Ordinance No. 89-10, duly and lawfully passed and adopted by the City Council on the 20TH day of SEPTEMBER, 1989.

Paul S. Seakey
Clerk

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