



Legislation Details (With Text)

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File created: 7/14/2023 **In control:** Committee on Innovation, Performance, Asset Management, and Technology

On agenda: 7/18/2023 **Final action:** 8/1/2023

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Effective date: 8/3/2023

Title: Resolution authorizing the City of Pittsburgh to enter into a cable franchise agreement with Verizon Pennsylvania LLC ("Verizon") at no cost to the City.
(Briefing held 7/24/23)
(Public Hearing held 7/26/23)

Sponsors:

Indexes: AGREEMENTS

Code sections:

Attachments: 1. 2023-1768 Cover Letter-Verizon franchise legislation letter - signed, 2. Summary 2023-1768

Date	Ver.	Action By	Action	Result
8/3/2023	1	Mayor	Signed by the Mayor	
8/1/2023	1	City Council	Passed Finally	Pass
7/26/2023	1	Committee on Hearings	Public Hearing Held	
7/26/2023	1	Standing Committees	Affirmatively Recommended	Pass
7/24/2023	1	Briefing	Briefing Held	
7/18/2023	1	City Council	Read and referred	

Resolution authorizing the City of Pittsburgh to enter into a cable franchise agreement with Verizon Pennsylvania LLC ("Verizon") at no cost to the City.

(Briefing held 7/24/23)

(Public Hearing held 7/26/23)

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, Verizon currently holds a cable franchise from the City by virtue of a cable franchise agreement originally granting a franchise to Verizon Pennsylvania Inc, and such franchise agreement has expired; and

WHEREAS, Verizon 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

WHEREAS, the aforesaid public rights-of-way used by Verizon 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 Verizon'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 Verizon'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 Verizon'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 Verizon.

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

Section 1. The City of Pittsburgh hereby grants Verizon a renewal of its non-exclusive cable franchise subject to and in accordance with the terms and conditions of a 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 five year term, where amounts received as further provided therein, (including a one-time PEG Grant of \$295,000, 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: 1030288000.43101.00 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 Verizon's non-exclusive cable franchise shall take effect and be in force upon final execution of a Cable Franchise Agreement in form approved by the City Solicitor.