

RESOLUTION NO. 4 OF 2021

A RESOLUTION OF MOUNT POCONO BOROUGH, COUNTY OF MONROE COMMONWEALTH OF PENNSYLVANIA, APPROVING THE RENEWAL AND EXTENSION OF THE FRANCHISE TERM FOR BLUE RIDGE CABLE TECHNOLOGIES

It is hereby resolved by the Council of the Borough of Mount Pocono, Monroe County, that the Franchise Term granted to Blue Ridge Cable Technologies, Inc. t/a, d/b/a, Blue Ridge Communications in Ordinance No. 2-1976 adopted June 14, 1976, effective June 19, 1976, as extended until June 19, 2021, is hereby renewed and extended for an additional 10-year term until June 19, 2031 with the following addition:

COMPLIMENTARY SERVICE TO COMMUNITY FACILITY

(a) Within three (3) months of the Effective Date, Blue Ridge shall provide broadband Internet service via cable modem to one (1) municipal building to be designated by the Borough, provided that location is currently serviced with cable at the current level of service.

(b) The building designated to receive the service described is identified in Exhibit A attached hereto.

(c) In the event the Borough increases its Franchise fee to the maximum permitted by law, and in accordance with applicable law, Blue Ridge will charge the fair market value for the account listed on Exhibit A, which fair market value shall match the then-current rate card for the level of service provided. Blue Ridge shall notify the Borough in writing regarding the amount of the monthly service fee for each account based on fair market value. The Borough shall then notify Blue Ridge, within thirty (30) days of receiving the notice from Blue Ridge, whether it wishes the amount due each month to be invoiced for payment or deducted from the next franchise fee payment. The Borough may upgrade the broadband internet access service received at then current rate card prices for the higher level of service. The Borough may also elect in writing not to receive the service, in which case it will not be invoiced and no deduction will be taken from the franchise fee.

(d) In the event the FCC's 2019 Third Report and Order In the Matter of Implementation of Section 621 of the Cable Act is reversed on appeal as to the issue of complimentary broadband internet access services as in-kind contributions in a cable franchise and such result becomes final, Blue Ridge within thirty (30) days of the result becoming final will discontinue the charge and provide such service on a complimentary basis. Any additional levels of broadband internet access service, outlets, or service locations ordered by the Township shall continue to be subject to standard rates.


The remaining terms of the Ordinance shall remain in full force and effect.

Duly adopted this 17th day of May, 2021, by the Borough Council of Mount Pocono Borough, Monroe County, Pennsylvania, in lawful session duly assembled.

ATTEST:

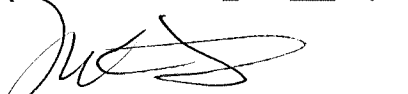
MOUNT POCONO BOROUGH COUNCIL


Joshua Walker, Borough Secretary


Francis R. O'Boyle, President

(SEAL)

APPROVED this 17th day of May 2021.


Michael Penn, Mayor