

**SOUTH HUNTINGDON TOWNSHIP**  
**ORDINANCE NO. 107**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF SOUTH HUNTINGDON TOWNSHIP, WESTMORELAND COUNTY, PENNSYLVANIA, AUTHORIZING THE BOARD OF SUPERVISORS TO ENTER INTO A NONEXCLUSIVE FRANCHISE AGREEMENT WITH COGECO US (PENN), LLC, D/B/A BREEZELINE AND RELATED ENTITIES GRANTING A NONEXCLUSIVE FRANCHISE FOR THE PURPOSE OF CONSTRUCTING, OPERATING, AND MAINTAINING A CABLE SYSTEM WITHIN THE AREA OF THE SOUTH HUNTINGDON TOWNSHIP, WESTMORELAND COUNTY, PENNSYLVANIA**

**WHEREAS**, pursuant to the Cable Communications Policy Act of 1984, 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, South Huntingdon Township (hereinafter the "Township") is authorized to grant franchises to construct, operate and maintain cable systems utilizing public rights of way and properties within the Township's jurisdiction; and,

**WHEREAS**, cable franchise services are currently being provided within South Huntingdon Township by Cogeco US (Penn), LLC, d/b/a Breezeline (hereinafter collectively referred to as "Breezeline"); and,

**WHEREAS**, the existing cable franchise authorizes and requires Breezeline to maintain, construct, operate and upgrade its system over, under and along the public rights-of-way to provide services to Township residents; and,

**WHEREAS**, the aforesaid rights-of-way used by Breezeline are public properties acquired and maintained by the Township at significant expense to Township taxpayers and the right to use said rights-of-way is a valuable property right; and

**WHEREAS**, the Township desires to protect and manage the aforesaid rights-of-way, require high standards of customer service, ensure future technical improvements to maintain a technologically advanced cable system, establish certain reporting requirements, obtain complimentary services, obtain and maintain the use of educational and governmental channels, receive franchise fees for Breezeline's use of the Township rights of way as provided by federal



law, establish certain reporting requirements, and provide for the current and future cable related needs of Township residents; and,

**WHEREAS**, Breezeline has previously submitted to the Township notification required by federal law for the commencement of a franchise renewal process for the existing Cable Franchise Agreement; and,

**WHEREAS**, the Township has determined that Breezeline has the financial, legal and technical ability to provide cable services to subscribers located within the Township.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** and it is hereby ordained and enacted that the Board of Supervisors of South Huntingdon Township does hereby approve a Nonexclusive Cable Franchise Agreement with Breezeline in the form and nature as attached hereto as Exhibit "A," including all of the terms and conditions set forth therein, and does hereby authorize the execution of such Agreement by the appropriate officials of the Township.

**ORDAINED and ENACTED** at a public meeting duly assembled this 21<sup>st</sup> day of November, 2024.

SOUTH HUNTINGDON TOWNSHIP:

By: *Matthew J. Pennington*  
Chairman

ATTEST:

*Janice Huber*  
Secretary  
(Township Seal)