

**ORDINANCE NO. 1292**

AN ORDINANCE OF THE BOROUGH OF DONORA, WASHINGTON COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING THAT BOROUGH ORDINANCE TITLED CONSTRUCTION AND OPERATION OF A CABLE SYSTEM AND IDENTIFIED BY NUMBER AS NO. 1224.

**WHEREAS**, Ordinance No. 1224 granted to Centre Video Corporation a Franchise permitting the construction and operation of a Cable System; and

**WHEREAS**, all franchises and corresponding or related Agreements have been duly and properly assigned to TCI of Pennsylvania, Inc.; and

**WHEREAS**, the Borough has requested specific amendments to allow for an increase in franchise fee payments to equal franchise fees which TCI pays to certain other municipalities served by its Mon Valley System; and

**WHEREAS**, the Borough has further requested an amendment to allow for additional increases in franchise fee payments in the event that Federal law should change to permit such increase; and

**WHEREAS**, the Borough and TCI of Pennsylvania, Inc., agree to certain other routine amendments which seem practical or logical in consideration of the changes presented above.

**NOW, THEREFORE**, BE IT ENACTED AND ORDAINED by the Council of the Borough of Donora, Washington County, Pennsylvania; and it is hereby ordained and enacted by the authority of the same, as follows:

**SECTION I.** The Borough of Donora and TCI of Pennsylvania, Inc., mutually agree to amend Ordinance No. 1224 effective January 1, 1998. Said amendments shall be attached hereto and made a part hereof.

**SECTION II.** All Ordinances and parts of any Ordinance in conflict or inconsistent with the provisions of this amending Ordinance are hereby repealed to the extent of such conflict or inconsistency.

**SECTION III.** The Borough Secretary is directed to forward a copy of this Ordinance and its' incorporated amendments to TCI of Pennsylvania, Inc., by certified mail and within three (3) days of enactment.

ADOPTED this 11<sup>th</sup> day of DECEMBER, 1997.


ATTEST:

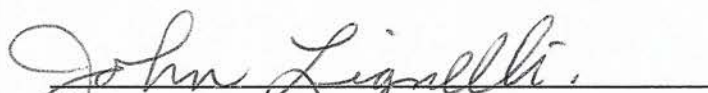
  
Borough Secretary

  
President of Council

EXAMINED AND APPROVED this 22<sup>nd</sup> day of DECEMBER, 1997.

ATTEST:

  
Borough Secretary

  
Mayor

THE BOROUGH OF DONORA

AMENDMENTS TO ORDINANCE NO. 1224

AMEND definition j.-“Gross Revenues” by:

- inserting the word Subscriber into the definition title after the word “Gross”
- adding to the end of said definition: While the just noted exclusions shall continue to apply, the interpretation of this definition shall change as of January 1, 1998. Beginning this date, Gross Revenues shall mean all payments received directly from Subscribers.

AMEND subsection 4.1 - Franchise Fee by:

- replacing “3%” with 5% in line #2
- replacing “ninety (90)” with thirty (30) in line #10
- deleting “In no event shall the franchise fee payments required to be paid by the Grantee exceed 3% of Gross Revenues received by the Grantee in any 12-month period.”

AMEND Section IV by adding a new subsection identified as 4.1 (a) Franchise Fee Escalation. This new subsection reads:

- The Franchising Authority reserves the right to change the Franchise Fee if a change in Federal law permits a franchise fee in excess of five percent (5%). To bring about an increase in this fee percentage, a majority of Borough Council must vote in the affirmative to negotiate amendments to this Agreement. In negotiating, consideration must be given to the effect of any increase on Subscribers, on the competitive environment at that time and on the operations of the Grantee. Notice to the Grantee to begin such negotiation shall be given according to subsection 9.4 herein and delivered no later than January 15<sup>th</sup> of any future year. The Franchising Authority shall arrange negotiations and the Grantee shall cooperate fully in attending negotiating sessions. Final decisions must be made prior to March 1<sup>st</sup> of any year, with the fee percentage change to occur during the June cycle of Subscriber billing. Fee percentage increases shall be limited to one percent (1%) per year and the percentage shall be capped at seven percent (7%) over the Term of this Agreement; provided, however, that these limitations may be discussed during the required negotiations noted above.

AMEND Section IX at subsection 9.4 by:

- deleting current addresses for the Grantee and replacing with the following.

TCI of Pennsylvania, Inc.  
Attn.: General Manager  
300 Corliss Street  
Pittsburgh, PA 15220

TCI of Pennsylvania, Inc  
Attn.: Franchising Department  
Four Parkway Center Suite 310  
Pittsburgh, PA 15220