

ORIGINAL

ORDINANCE NO. 06-04

ORDINANCE CONFIRMING RENEWAL AND EXTENSION OF A CABLE TELEVISION FRANCHISE AGREEMENT TO CONSTRUCT AND OPERATE A CABLE TELEVISION SYSTEM

WHEREAS, the City of Lebanon ("City") granted a franchise for a cable television system to TCI of Indiana, Inc., pursuant to a Franchise Agreement dated January 26, 1998 ("Franchise"), to construct and operate a cable television system within the City; and

WHEREAS, Insight Communications Midwest, LLC ("Insight") is the current franchise holder; and

WHEREAS, the Franchise will expire on March 1, 2006; and

WHEREAS, the Cable Television Consumer Protection and Competition Act of 1992, as codified at 47 U.S.C. §521, et seq. (the "Act"), contains the procedures to be followed for the renewal of cable franchises throughout the United States; and

WHEREAS, Insight and/or its predecessor(s) had, prior to March 1, 2006, and in accordance with 47 U.S.C. §546, submitted a request to the City for an extension of the Franchise based on the capital commitments Insight and/or its predecessors have made in the City; and

WHEREAS, Insight met all of its responsibilities pursuant to 47 U.S.C. §546 related to the renewal of the Franchise and is in full compliance with the terms of the Act; and

WHEREAS, this Ordinance memorializes the City's compliance with its obligations under 47 U.S.C. §546; and

WHEREAS, the City finds that the continued development of broadband communications has the potential of having great benefit and impact upon the citizens of the City; and further finds that the public convenience, safety, and general welfare can best be served by exercising the regulatory powers vested in the City by applicable federal and state law.

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City of Lebanon, Indiana as follows:

1. The term of the Franchise is hereby renewed, amended, and thereby extended by ten (10) years to expire on March 1, 2016 ("Expiration Date").

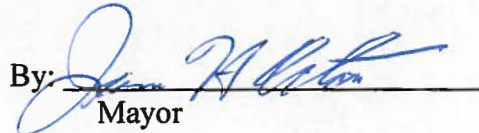
2. Section 4.5 Transfer of Franchise, of the Franchise shall be hereby amended to include that Insight may transfer or assign the Franchise to any person or entity which acquires all or substantially all of the assets of Insight's cable system serving The City of Lebanon; without the prior consent of the City, provided that such successor person or entity agrees to assume in writing all of the rights and obligations to be performed on the part of the franchisee.

3. All other terms, conditions, provisions, and requirements of the Franchise shall remain in full force and effect until the Expiration Date.

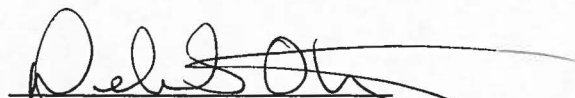
4. This Ordinance Amendment shall be effective upon its passage.

THE FOREGOING AGREEMENT was duly passed at a meeting of the Common Council for the City of Lebanon, Indiana, held on the 27 day of FEB, 2006.

City of Lebanon, Indiana

By: 
Mayor

ATTEST:


Clerk-Treasurer