

## **ORDINANCE 2005-1**

### **An Ordinance of Hopkins County, Kentucky, Confirming Renewal and Extension of a Cable Television Franchise Agreement to Construct and Operate a Cable Television System.**

**WHEREAS**, the County of Hopkins ("County") granted a franchise for a cable television system to TCI Cablevision of Kentucky, Inc., pursuant to Ordinance No. 15-438 dated July 15, 1988, ("Franchise"), to construct and operate a cable television system within the County; and

**WHEREAS**, the Franchise was transferred to Insight communications Midwest, LLC (f/k/a Insight Communications of Indiana, LLC) ("Insight") pursuant to Resolution 1998-21 dated October 1, 1998.

**WHEREAS**, Insight is the current franchise holder; and

**WHEREAS**, the Franchise expired on July 14, 2003; and

**WHEREAS**, the County has elected to allow the Franchise to continue in full force and effect until a long term agreement can be reached; 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 July 14, 2003, and in accordance with 47 U.S.C. § 546, submitted a request to the County for an extension of the Franchise based on the capital commitments Insight and/or its predecessors have made in the County; 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 County's compliance with its obligations under 47 U.S.C. § 546; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Hopkins County Fiscal Court as follows:

1. The term of the Franchise is hereby renewed, amended, and thereby extended by ten (10) years to expire on July 14, 2013 ("Expiration Date").

2. Section 7 of the Franchise is hereby amended to provide that the annual franchise fee which Insight shall remit to the County shall be increased to 5% of the total annual gross revenues received from subscribers for the provision of cable services over the cable system within the County, effective within ninety (90) days of the passage and acceptance of this Ordinance. Gross revenues shall not include any taxes on cable service which are imposed, directly or indirectly, on any subscriber thereof by any governmental unit or agency, and which are collected by Insight on behalf of such governmental unit or agency; and shall further exclude the franchise fee which Insight passes through to subscribers

for payment to the County hereunder.

3. The Franchise is hereby amended to provide that upon providing prior written notice, Insight may sell, transfer or assign the Franchise to any subsequent owner of the Cable System serving the County of Hopkins, Kentucky without any further requirement of obtaining the prior consent or approval of the County to such sale, transfer or assignment.

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

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

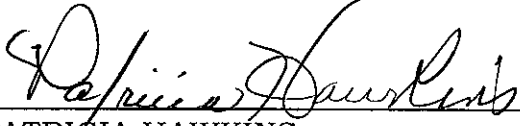
Upon motion made by Magistrate Wilson and seconded by Magistrate Duncan, first reading was held on the 7th day of January, 2005, whereupon the vote was called, and on roll call the vote stood:

Magistrate Karol Welch	<u>YES</u>
Magistrate Coletta Wheeler	<u>YES</u>
Magistrate Tim Riggs	<u>YES</u>
Magistrate Larry Wilson	<u>YES</u>
Magistrate Larry Rogers	<u>YES</u>
Magistrate Mike Duncan	<u>YES</u>
Magistrate Jon Garrett	<u>YES</u>

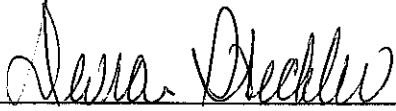
Upon second reading of the following ordinance held on the 20th day of January, 2005, it was moved by Magistrate Garrett and seconded by Magistrate Duncan, that the ordinance be duly adopted, whereupon the vote was called, and on roll call, the vote stood:

Magistrate Karol Welch	<u>YES</u>
Magistrate Coletta Wheeler	<u>YES</u>
Magistrate Tim Riggs	<u>YES</u>
Magistrate Larry Wilson	<u>YES</u>
Magistrate Larry Rogers	<u>YES</u>
Magistrate Mike Duncan	<u>YES</u>
Magistrate Jon Garrett	<u>YES</u>

Whereupon, Hopkins County Judge/Executive Patricia Hawkins declared the ordinance adopted on its second reading, affixing her signature and the date hereto, and declared that the same be recorded.

  
\_\_\_\_\_  
PATRICIA HAWKINS  
HOPKINS COUNTY JUDGE/EXECUTIVE

ATTEST:

  
\_\_\_\_\_  
DEVRA STECKLER  
HOPKINS COUNTY COURT CLERK