

A RESOLUTION TO ISSUE A FRANCHISE FOR THE CONSTRUCTION AND MAINTENANCE OF CABLE TELEVISION SYSTEM WITHIN THE TOWN OF STEVENSVILLE, MONTANA

Pursuant to approval at general election of April 3, 1979, by the voters of the Town of Stevensville, Montana, license is hereby granted to STEVI COMM CATV, its successors and assigns for a period of three (3) years from and after the date of this resolution, the right and authority to establish, construct, operate and maintain a system of television cables and upon establishment of such cable system, the right and authority to operate, maintain and repair the necessary wires and cables and to make use of house and building connections upon the streets and alleys and public places in said Town, and to repair, replace, enlarge and extend the same and carry on the business of renting television cable service within the said Town, subject to the ordinances, rules and regulations of the said Town and subject to the conditions and provisions hereinafter set forth.

Section 1. TERMS OF THE FRANCHISE, AND RENEWALS THEREOF.

- a) The term of this franchise shall be ten (10) years.
- b) The franchise may be renewed for a similar time and terms upon the licensee giving notice to the public of their intent to apply for renewal and giving opportunity for objections to such renewal to be heard by the Town Council and the Council, after investigation of such complaints, determine that the complaints are unwarranted.

Section 2. OVERHEAD AND UNDERGROUND CABLES.

- a) The licensee shall, whenever possible, make attachments to poles already in existence within the Town. Licensee shall have the right to erect and maintain its own poles as necessary for the operation of its system. All such attachments and installations shall comply with all restrictions and requirements of the Town Code.
- b) The licensee shall have the right, authority and power to attach any of its systems facilities to any poles, towers, or other facilities owned by the Town subject to regulations thereof by the Town Council and applicable codes thereof.
- c) The licensee shall have the right to bury its cables within the streets, alleys and public rights-of-way in accordance with the Town Codes.
- d) The licensee shall prepare complete plats and records accurately indicating the location of its facilities located within public ways of the Town and shall file a copy thereof with the Town Clerk, Street Commissioner or Town Engineer.

Section 3. Multi-Channel Service.

- a) LICENSEE shall install a cable system capable of carrying video and audio signals of the highest quality.
- b) Licensee shall furnish service to any applicant not isolated from concentrated dwellings located within the limits of the Town of Stevensville. The licensee shall not be required to make any extensions for the purpose of providing services

when any of the following conditions exists:

1. The service is not desired by at least one customer in the area.
2. Where the extension will require installation of more than 300 feet of cable for each potential customer to be served if an amplifier is not required.
3. Where the poles of the public utilities to such location fail to conform with the requirements of the National Electric Safety Code.

During the existence of any of the conditions set forth above, the licensee may render service to customers under a special contract predicated upon charges mutually agreeable.

- c) The licensee shall provide a television signal that will provide, in a properly operating TV set, a dependable and clear picture, relatively free of poor channel or co-channel interference together with satisfactory sound accompaniment thereto.
- d) The licensee shall provide FM radio signals that will provide clear, static-free reception in a properly working FM radio.
- e) Nothing herein contained shall be construed to mean that the licensee shall be responsible for any interruption of signal or service arising from an act of God, strikes, riots, vandalism, acts of a common enemy, or any other occurrence beyond the control of the licensee.

Whenever it is necessary to shut off or interrupt service for the purpose of making repairs, adjustments or installations, the licensee shall do so at such time as will cause the least inconvenience to its customers and unless such interruption is unforeseen and immediately necessary, it shall provide reasonable notice thereof to its customers.

Section 4. LIABILITY OF THE TOWN OF STEVENSVILLE.

- a) The licensee shall, at all times, save the Town of Stevensville harmless from any damage or loss arising out or by reason of the construction or operation of such cable television system any by reason of any infringement of any patent of any system used in the construction or operation of such system.

Section 5. NON COMPLIANCE BY LICENSEE AND ITS EFFECT.

Failure on the part of the licensee to comply with the provisions of this resolution or to commence operation of the cable television system within three (3) years from the date of this resolution or extension thereof, shall render the franchise null and void.

Effective this 13th day of August 1979.

Richard J. Lipes
MAYOR

ATTEST:

Audrey Ebel
Town Clerk