

AN ORDINANCE AMENDING A FRANCHISE TO OPERATE A COMMUNITY ANTENNA TELEVISION SYSTEM IN THE TOWN OF FRANKFORD, DELAWARE

WHEREAS, Simmons Communications Company, L.P. ("Simmons") presently owns, operates and maintains a community antenna television system in the Town of Frankford, Delaware (the "Town") pursuant to that certain franchise ordinance adopted on October 4, 1986, as amended to the date hereof (the "Franchise");

WHEREAS, the Town wishes to extend the term of the franchise granted to Simmons, increase the franchise fee and amend the franchise as set forth herein;

NOW, THEREFORE, BE IT ORDAINED by the Town of Frankford:

1. The Franchise shall be extended for an additional term of 10 years. Accordingly, the present expiration date of the Franchise, as provided in Section 19, shall be and is hereby extended to October 3, 2001.
2. At the expiration of the extended term of the Franchise, Grantee shall have the option to renew the Franchise for an additional period of 5 years, provided that Grantee shall then be in substantial compliance with the material terms of the Franchise.
3. The Franchise fee to be paid to the Town by Grantee as set forth in Section 12 (presently two percent of basic CATV), shall be increased to five percent of total gross revenues resulting from all CATV services, such increase to be effective at the commencement of the extension term of the Franchise granted herein.

The Town shall have access for the purposes of auditing to the appropriate and applicable books and records of Grantee upon request by the Town.

4. Section 9 of the Franchise is hereby deleted in its entirety.
5. Section 10 is amended to read as follows:

Simmons Communications Company, L.P., shall not discriminate nor give undue preferences or advantages to similarly situated persons in respect to the rates and charges imposed or to be imposed.

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6. Section 11 is hereby amended by adding the following sentence:

The parties agree that in the event that regulation of cable television rates or charges is permitted by Federal legislation during the term of this Franchise then this section shall then become subject to opening, review and adjustment upon thirty (30) days notice of same by either party.

7. As amended hereby the Franchise shall continue in full force and effect.

PASSED, adopted and approved by the Frankford Town Council
this 7th day of November, 1991.

TOWN OF FRANKFORD, DELAWARE

Ralph L. Hollaway
President

ATTEST:

Mary C. Brittingham
Town Clerk

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