

Avon Township
Stearns County, Minnesota

Resolution 07-06-11

**A RESOLUTION GRANTING AN EXTENSION PERMIT TO
CONSTRUCT AND EXTEND A CABLE COMMUNICATIONS SYSTEM
IN THE TOWNSHIP OF AVON**

WHEREAS, Minnesota Statutes § 238.08, subd. 1 states that a municipality shall require a franchise or extension permit of any cable communications system providing service within the municipality; and

WHEREAS, US Cable of Coastal-Texas, L.P.(the "Company") currently operates a cable communications system in the City of Avon, Minnesota ("City") pursuant to a valid franchise; and

WHEREAS, the Company has requested that the Township of Avon ("Township") grant it an Extension Permit to continue providing service from its cable system operating within City to the Township.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP OF AVON,
MINNESOTA:**

Section 1. Grant of Extension Permit. The Township does hereby grant an extension permit (the "Extension Permit") to the Company to construct, operate and maintain a cable communications system within the Township, subject to certain of the terms and conditions, as specified herein, of the Cable Television Franchise Ordinance for the City of Avon, Ordinance No. 99 as amended (the "Avon Franchise").

Section 2. Franchise Fee. Commencing with the effective date of the Extension Permit, as defined in Section 6 herein, Company shall collect and pay to the Township a franchise fee equal to three (3%) of the Company's basic service revenue (as that term is defined in the Avon Franchise) received by the Company in the Township. If the City increases the franchise fee, Company shall collect and pay the increased franchise fee in the Township as well unless the Township elects not to accept the increased franchise fee revenue.

Section 3. Expiration Date. The Extension Permit shall expire at the time as the Avon Franchise. Any change in the expiration date of the Avon Franchise, either by renewal or amendment of the Avon Franchise, shall automatically apply to the Extension Permit, unless the Township of Avon acts to terminate or limit the term of the Extension Permit at the time the expiration date of the Avon Franchise is extended.

Section 4. Compliance with City Franchise. Without imposing any additional or separate obligations specific to the City of Avon, the Company and the Township agree to abide by the terms which are set forth in the Avon Franchise, as the same may from time-to-time be amended or renewed, relate to the following:

- a) system-wide channel capacity
- b) equipment for production, recording and playback of programming;

- c) capability for two-way communications;
- d) standards for system installation, maintenance and operation (Company shall extend cable service to all residences in the Township where there is a density of at least thirty (30) homes per cable mile as measured from Company's existing cable plant);
- e) indemnification of franchisor and liability insurance
- f) abandonment of service;
- g) termination or cancellation of the franchise
- h) removal of equipment.
- i) sale or transfer - any sale or transfer approved or deemed approved by the City shall automatically apply to the Extension Permit.

Nothing in the foregoing shall be construed as requiring the Company to provide to the Township any access channels or equipment in addition to or different from, that which is provided to the City under the terms and conditions of the Avon Franchise.

Section 5. Rates. The subscriber rates shall be the same as those in effect in Avon, as changed from time-to-time pursuant to this Section 5. The procedure for changing subscriber rates shall be subject to applicable federal and state law.

Section 6. Effective Date. This Resolution shall be in force and effect as of the date of its adoption, subject to Company's acceptance as provided for in Section 7 herein.

Section 7. Acceptance. The Company shall have thirty (30) days from adoption of the Extension Permit to accept the terms and conditions of the Extension Permit, unless the time for acceptance is extended by the Township.

Passed and adopted this _____ day of _____, 2011.

ATTEST:

TOWNSHIP OF AVON

By: _____

By: _____

Its: _____

Its: _____

ACCEPTED: This Extension Permit is accepted and we agree to be bound by its terms and conditions.

US CABLE OF COASTAL-TEXAS, L.P.

Dated: _____

By: _____

Its: _____