

ORDINANCE NO. 2001- 09

AN ORDINANCE AMENDING ORDINANCE NO. 2001-01, AN ORDINANCE GRANTING A FRANCHISE TO MICKELSON MEDIA, INC., D/B/A ADELPHIA CABLE COMMUNICATIONS (THE GRANTEE) TO CONSTRUCT, OPERATE, AND MAINTAIN A CABLE SYSTEM IN THE COUNTY OF NASSAU, FLORIDA (THE GRANTOR); SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; PROVIDING FOR REGULATION AND USE OF THE SYSTEM; AMENDING SECTION 6, SERVICE PROVISIONS, PARAGRAPH 6, CAPITAL CONTRIBUTION, AND DELETING PARAGRAPH 7; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Nassau County, Florida, adopted Ordinance No. 2001-01 on January 22, 2001; and

WHEREAS, the Grantee has requested an amendment to said ordinance; and

WHEREAS, the amendment is in the best interest of the citizens of Nassau County, Florida.

NOW, THEREFORE, BE IT ORDAINED this 26th day of February, 2001, that Ordinance No. 2001-01 shall be amended as follows:

1. SECTION 6. SERVICE PROVISIONS

- 1. Programming Decisions. All programming decisions shall be at the sole discretion of Grantee.
- 2. Emergency Alert System. Grantee will comply with the FCC's Emergency Alert System requirements throughout the term of this Franchise.
- 3. Access Channel.
 - 1. The Grantee shall within sixty (60) days request by Grantor, make available for use by the grantor, without charge, one-half (1/2) activated channel for non-commercial governmental and educational programming at Grantor's control. Grantee shall also make available for use by the Grantor, without charge, an additional one-half (1/2) activated channel, resulting in one (1)

A CERTIFIED TRUE COPY
Jody St. Clair, Clerk by *Jody St. Clair*
OFFICE, Clerk to the Board of County Comm.
Nassau County, Florida

full activated channel, for non-commercial governmental and educational programming at Grantor's control. Said additional one-half (1/2) activated channel shall be made available upon six (6) months notice by Grantor. Any PEG access channel required by this Franchise shall be provided as part of the basic cable service in accordance with the provisions regarding rates contained in the Cable Act and FCC Regulations for as long as such provisions of federal law are in effect.

2. The Grantee may use the access channel for any programming during those hours when the channel is not in use by the local educational authorities or local government.
3. No charges may be made for channel time or playback of locally produced live or prerecorded programming on the access channel.
4. Grantee may establish rules pertaining to the administration of the access channel.
5. The Grantor acknowledges, that, under FCC rules, certain external costs including the PEG Access costs described herein, are eligible for "pass through".
6. Grantee shall provide a grant to the Grantor to facilitate the purchase of equipment for the purpose of televising Board of County Commissioners meetings and any appointed Board meetings. Within sixty (60) days following the effective date of this Franchise, the Grantor may request and Grantee agrees to provide Grantor within the following support for PEG access:

Capital Contribution: Grantee will pay the Grantor ~~Eighteen Thousand Five Hundred (\$18,500.00)~~ Twenty Five Thousand Dollars (\$25,000.00) for facilities for PEG Access use. Grantee reserves its right to treat this contribution in accordance with FCC regulations.

- ~~7. At the end of each fiscal year commencing September 30, 2002, Grantor and Grantee shall calculate the amount of actual payment that should have been due based on customer count and the payments will be adjusted accordingly.~~

2. All remaining provisions of Ordinance No. 2001-01 shall remain in full force and effect.

3. EFFECTIVE DATE.

This Ordinance shall be effective upon its being filed in the Office of the Secretary of State.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



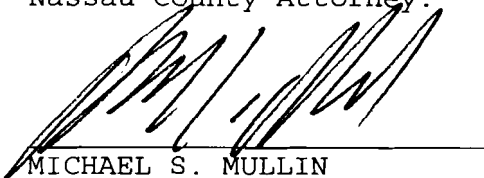
MARIANNE MARSHALL
Its: Chairman

ATTEST:



J. M. "CHIP" OXLEY, JR.
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney:


MICHAEL S. MULLIN

Accepted by Mickelson Media, Inc., d/b/a Adelphia Cable
Communications:

By: Mickelson Media, Inc.

Its: Executive Vice President

Date: 3/20/01