

**CLEAR LAKE TOWNSHIP
SHERBURNE COUNTY, MINNESOTA**

Ordinance No. ORD-2000-001

**AN ORDINANCE GRANTING AN EXTENSION PERMIT TO US CABLE OF
COASTAL-TEXAS, LIMITED PARTNERSHIP AND ITS AFFILIATES TO
CONSTRUCT, EXTEND, OPERATE, AND MAINTAIN A CABLE
COMMUNICATIONS SYSTEM IN THE TOWNSHIP OF CLEAR LAKE,
MINNESOTA**

The Town Board of the Township of Clear Lake, County of Sherburne, State of Minnesota, ordains as follows:

WHEREAS, Minn. Stat. §238.08, subd. 1 provides 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, Limited Partnership, a New Jersey limited partnership and its affiliates (hereinafter collectively called the “Company”), has requested the authorization of the Township of Clear Lake (hereinafter also called the “Town”) to extend service from its cable communications system currently operating under a lawful franchise within the City of St. Joseph, Minnesota, which is the “core service unit” as defined by Minn. Stat. §238.02, subd. 14; and

WHEREAS, the Township of Clear Lake extension area as defined by Minn. Stat. §238.02, subd. 15, is not within the Twin Cities Metropolitan Area as defined in Minn. Stat. §473.121, subd. 2; and

WHEREAS, pursuant to Minn. Stat. §238.17, the request by the Company has been considered in a public proceeding, affording reasonable notice and opportunity to be heard.

NOW, THEREFORE, the Township of Clear Lake does hereby ordains that there is hereby granted to the Company a non-exclusive extension permit to construct, operate, and maintain a cable communications system extension within the Township of Clear Lake, subject to the following terms and conditions:

Section 1. Term of Extension Permit. The extension permit shall expire at the same time as the cable communications franchise currently in effect in the City of St. Joseph (June 15, 2009), the core service unit. Any change in the expiration date of the franchise by way of either renewal or amendment to the franchise, shall automatically apply to the extension permit, unless the Township of Clear Lake acts to terminate or limit the term of the extension permit at or about the time the expiration date of the franchise is extended.

Section 2. Applicable Provisions of Franchise. The Company and the Township of Clear Lake agree to abide by all of the applicable provisions of the core service unit franchise, as the same may from time to time be amended or renewed by the City of St. Joseph which relate to the following:

- a. System-wide channel capacity;
- b. Capability for two-way communications;
- c. Standards for system installations, maintenance, and operation;
- d. Indemnification of franchisor and liability insurance;
- e. Abandonment of service;
- f. Termination or cancellation of the franchise;
- g. Removal of equipment;
- h. Access channels;
- i. Other terms and conditions of said franchise that are applicable.

Section 3. Rates. Prior to offering service to any member of the general public, the Company shall prepare a clear and concise list of all current subscription rates and charges, including all installation and disconnection charges, charges for optional services, and charges or deposits for the use of equipment offered to subscribers for use with the services offered by the Company. A verified copy of this list of rates and charges shall then be filed with the Town Clerk and shall be available for public inspection at the offices of the Town. An amended list of rates and charges shall be prepared and filed with the Town Clerk at any time there is any change or adjustment in the subscription rates and charges.

Section 4. Fees, Charges, and Deposits.

- a. No fee, charge, deposit, or associated term or condition shall be imposed by the Company for any service unless it is filed with the Town Clerk and said filings may be amended from time to time by the Company. The fees, charges, deposits, and associated terms and conditions for basic services shall be set forth in said filings as well as those rates for extra services and for service-related activities and all other services, facilities, equipment, and other matters. All such fees, charges, deposits, and associated terms and conditions shall be nondiscriminatory, provided that this requirement shall not prevent: (i) the use of sales promotion, other special

discounts, waiver of charges, reduced charges, or changes in associated terms and conditions to identifiable classes of subscribers; (ii) the negotiation of bulk rates, discounts, reduced charges, or changes in associated terms and conditions for the provision of services; and (iii) the offering of specialized services at negotiated rates, provided that the Company shall ensure that no residential subscriber is charged any fee, charge, or deposit in excess of those set forth in filings required by this extension permit, as they may be amended from time to time by the Company.

- b. Except as provided in rate filings required by the core service unit franchise, this ordinance, or state or federal law or regulation, the Company shall not impose any fee or charge on any subscriber for: (i) any service call to said subscriber's premises to perform any repair or maintenance work, except any such work necessitated by the negligent or wrongful act of said subscriber, or (ii) the disconnection of services to a subscriber, provided that the Company may impose appropriate charges if, at the time of disconnection, some or all of the Company's equipment is not returned to the Company or the subscriber has not paid all outstanding fees and charges due to the Company.

Section 5. Revised Filings by Company. Within at least thirty (30) days prior to the effective date of any change in any rate, charge, deposit, or associated terms or conditions set forth in filing required by the core service unit franchise, this ordinance, or other applicable state or federal law or regulation, the Company shall: (i) submit the revised filing to the City Clerk together with a description of the proposed change and (ii) provide a written notice of such proposed change to each affected subscriber and other person utilizing the affected service.

Section 6. Severability and Repealer. All ordinances or portions of ordinances in conflict herewith are hereby repealed. Should any section of this ordinance be held by a court of competent jurisdiction to be unconstitutional or void, the remaining provisions shall remain in full force and effect.

Section 7. Hypothecation. The Town hereby consents to the grant by the Company or any affiliate of the Company who may from time to time hold the franchise of a security interest in all of its rights, powers and privileges under the franchise and all of its other assets to such lending institution or institutions as may be designated by the Company or any affiliate of the Company, which lending institution or institutions shall have all of the rights or remedies of a secured party under the applicable Uniform Commercial Code.

Section 8. Severability and Preemption. All ordinances or portions of ordinances in conflict herewith are hereby repealed. Should any section of this ordinance be held by a court of competent jurisdiction to be unconstitutional or void, the remaining provisions shall remain in full force and effect.

Section 9. Effective Date of Ordinance. This ordinance shall be effective from and after its adoption and publication as provided by law.

Enacted by the Township Council of Clear Lake the ____ day of _____, 2000.

By: _____
Chairman of the Board
Jack Gallagher

Attest: _____
Clear Lake Township Clerk
Debra Seeley

Passed by the Clear Lake Township Board this ____ day of _____, 2000.

Published in the newspaper the ____ day of _____, 2000.

HISTORY: According to Ordinance No. ORD-2013-007 adopted September 17, 2013:
Ordinance No. 2 GRANTING AN EXTENSION PERMIT TO US CABLE OF COASTAL-TEXAS, LIMITED PARTNERSHIP AND ITS AFFILIATES TO CONSTRUCT, EXTEND, OPERATE, AND MAINTAIN A CABLE COMMUNICATIONS SYSTEM IN THE TOWNSHIP CLEAR LAKE, MINNESOTA adopted in 2000 shall be designated Ordinance No. ORD-2000-001.

This renumbered ordinance has been reviewed and approved by the Town Board of Clear Lake Township this 17th day of September, 2013.

By: [Signature]
Chairman of the Board
Gary Gray

Attest: [Signature]
Clear Lake Township Clerk
Mary Mathison



Passed by the Clear Lake Township Board this 17th day of September, 2013.

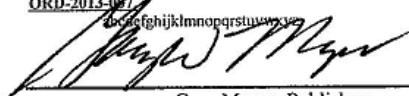
Published in the Sherburne County Citizen the 28th day of September, 2013.

Affidavit of Publication

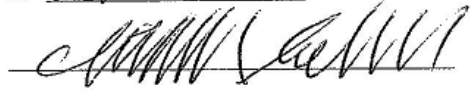
SHERBURNE COUNTY CITIZEN
Becker Minnesota 55308
State of Minnesota
County of Sherburne

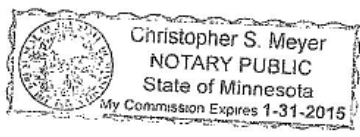
Gary Meyer, being duly sworn on oath says: that he is now and during all the time herein stated has been Gary Meyer, the publisher and printer of the newspaper known as the *Sherburne County Citizen*, and has full knowledge of the facts herein stated. That for more than one year prior to the publication therein of CLEAR LAKE TOWNSHIP NOTICE OF ADOPTED ORDINANCE NO. ORD-2013-007 printed here-to attached, said newspaper was printed and published in the English language from its known office of publication within the County of Sherburne, State of Minnesota, on Saturday of each week in the column and sheet form equivalent in space of 450 running inches of single column 2 inches wide; has been issued from a known office established in said place of publication equipped with skilled workers and the necessary material for preparing and printing the same: The *Sherburne County Citizen* has had in its makeup not less than twenty-five (25) percent of its news column devoted to local news of interest to said communities and purports to serve, the press work of which has been done in its known place of publication, has contained general news, comments and miscellany; has not duplicated any other publication; has not been entirely made up of patents, plate matter and advertisements; has been circulated at and near its said place of publication to the extent of 500 copies regularly distributed without charge to local residents; that herein has been on file with the office of the Minnesota Secretary of State the affidavit of a person having firsthand knowledge of the facts constituting its qualification as a newspaper for publication of legal notices; and that its publishers have complied with all demands of said office for proofs of its said qualification. A copy of each issue has been filed with the State Historical Society, St. Paul, Minnesota. That the printed CLEAR LAKE TOWNSHIP NOTICE OF ADOPTED ORDINANCE NO. ORD-2013-007 hereto attached as a part hereof was cut from the columns of said newspaper, was published therein in the English language once a week for ONE successive weeks; that it was first published on the 28 day of SEPTEMBER 2013 and thereafter on Saturday of each week to and including the 28 day of SEPTEMBER 2013 and that the following is a copy of the lower case alphabet which is acknowledged to have been the size and kind of type used in the publication of said CLEAR LAKE TOWNSHIP NOTICE OF ADOPTED ORDINANCE NO. ORD-2013-007

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Gary Meyer, Publisher

Subscribed and sworn to me this 30 day
of September, 2013





**CLEAR LAKE TOWNSHIP
ORDINANCE NO. ORD-2013-007
COMBINE, RENUMBER AND/OR
REPEAL PREVIOUS ORDINANCES**
On September 17th, 2013, the Clear Lake Town Board adopted Ordinance No. ORD-2013-007 which is an ordinance to combine, renumber, and/or repeal previous ordinances. Copies of this ordinance are available on the website:
<http://www.clearlaketownship.org/ordinances.html> or during any regular Town Board meeting held on the third Tuesday of every month at 7:00 pm.
Mary Mathison
Clear Lake Township Clerk
(Published in the *Sherburne County Citizen*: 09/28/13.)