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RESOLUTION NUMBER: FCRE95 VII

WE, THE BOARD OF COUNTY COMMISSIONERS OF FLOYD COUNTY, INDIANA, HEREBY PASS AN ORDINANCE/RESOLUTION AMENDING AND RENEWING THE CABLE TELEVISION FRANCHISE GRANTED TO SAMMONS OF INDIANA.

Be it ordained and resolved by the Board of County Commissioners of Floyd County, Indiana, as follows to wit:

SECTION I

For the purpose of this Resolution, the following terms and words shall have the meaning given herein.

- A. "Ordinance" is the "Floyd County Cable Franchise" dated September 20, 1980.
- B. "Company" is Sammons of Indiana, grantee of rights under this Resolution and its permitted assigns.
- C. "Board" is the Board of County Commissioners of Floyd County, Indiana.

SECTION II

The Board hereby renews and extends the rights and obligations pursuant to the Ordinance for an additional five (5) year period expiring September 20, 2000. In the event the Company completes the system rebuild described in Section V below, in the time frame specified, the Ordinance shall automatically extend for an additional five (5) year period expiring September 20, 2005.

SECTION III

The extended term, and obligations contained in this Resolution may be assigned to Marcus Cable Associates, L.P. consistent with the consent to transfer granted by the Board of County Commissioners by Resolution dated June 20, 1995.

SECTION IV

The ordinance shall be amended to incorporate the following provisions:

Line Extension. To provide for a reasonable and nondiscriminatory policy governing extensions of cable service within the County, the Company shall, beginning in February 1996, extend service to new subscribers, at the normal installation charge and monthly rate for customers of that classification, under the following terms and conditions:

- (a) where the new subscriber or nearest subscriber of a group of new subscribers is located within five hundred (500) feet of existing trunk cable; and
- (b) where the number of homes to be passed by such new extension of cable plant is equal to or greater than thirty (30) homes per mile.

- (c) In the event the requirements of subsection (a) and (b) are not met, the installation cost per subscriber shall be determined as set forth in **Exhibit A** attached hereto.

SECTION V

The Ordinance shall be amended to incorporate the following provision:

Rebuild. The Company shall rebuild the system to increase the available bandwidth to 550 MHZ. This shall provide additional channel capacity and shall be completed by December 31, 1997. This completion date shall be subject to delays caused by natural disasters, labor disputes or any other delay not reasonably foreseeable by the Company.

SECTION VI

All other provisions of the ordinance shall remain in full force and effect.

RESOLVED AND PASSED by the Board of County Commissioners of Floyd County, Indiana, on this 21<sup>st</sup> day of November, 1995.

FLOYD COUNTY INDIANA

By: William R. Bunkhoff

Title: FLOYD County Commissioner

Date: 11-21-95

ATTEST:

By: Barbara Sillings

Title: Auditor

Date: 11/21/95

AGREED AND ACCEPTED:

MARCUS CABLE ASSOCIATES, L.P.

By: [Signature]

Title: EVP/COO

Date: 11-10-95

## EXHIBIT A

### LINE EXTENSION FORMULA

Sammons will extend its trunk and distribution system to service new subscribers requesting service after the date hereof at the normal installation charge and monthly rate under the following terms and conditions.

- (a) Where the new subscriber or subscribers requesting service are all located within 500 feet from existing trunk cable, and
- (b) Where the number of homes to be passed by such extension is equal to or greater than 30 homes per mile of such extension.

In the event that the requirements set forth in (a) and (b) above are not met, Sammons will extend its cable television system based upon the following cost-sharing formula.

- 1) 
$$\frac{\text{Total Cost to Construct Extension}^*}{\text{Miles of Extension}} = \text{Cost Per Mile of Extension}$$
- 2) 
$$\frac{\text{Total Cost Per Mile of Extension}}{30} = \text{Company's Share Per Home}$$
- 3) 
$$\frac{\text{Total Cost to Construct Extension}}{\text{Subscribers Requesting Service}} = \text{Cost Per Subscriber}$$
- 4) 
$$\text{Cost Per Subscriber minus Company's Share Per Home} = \text{Subscriber's Share}$$

\* Total Cost to Construct Extension is defined as the actual turn-key cost to construct the entire extension, including electronics, pole make-ready charges, labor and the cost of the host drops.