

ORDINANCE NO. 1994-3

AN ORDINANCE TO PROVIDE FOR THE REGULATION OF BASIC SERVICE TIER RATES AND RELATED EQUIPMENT, INSTALLATION AND SERVICE CHARGES OF ANY CABLE TELEVISION SYSTEM OPERATING IN THE TOWN OF FORT BRANCH.

WHEREAS, on October 5, 1992, Congress enacted the Cable Television Consumer Protection and Competition Act of 1992 which, among other things, provided that the basic service tier rates, and the charges for related equipment, installation and services, of a cable television system (hereinafter, "Basic Service Rates and Charges") shall be subject to regulation by a franchising authority in accordance with regulation prescribed by the Federal Communications Commission (hereinafter the "FCC"); and

WHEREAS, on April 1, 1993, the FCC prescribed such regulation in the Report and Order, In the Matter of Implementation of Sections of Cable Television Consumer Protection and Competition Act of 1992; Rate Regulation, MM Docket 92-266, FCC 93-177 (released May 3, 1993) hereinafter the "FCC Rate Regulations"); and

WHEREAS, the Town of Fort Branch (hereinafter, the "Town") is a franchising authority with the legal authority to adopt, and the personnel to administer, regulations with respect to the Basic Service Rates and Charges of any cable television system operating in the town, including, without limitation, the system currently being operated by TCI of Indiana (hereinafter "the Company") pursuant to the franchise agreement between TCI of Indiana and the Town of Fort Branch (hereinafter the "Franchise"); and

WHEREAS, the Town desires to regulate the Basic Service Rates and Charges of the Company and any other cable television system operating in the City and shall do so in accordance with the FCC Rate Regulations, notwithstanding any different or inconsistent provisions in the Franchise;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORT BRANCH, THAT:

Section 1. The Town will follow the FCC Rate Regulations in its regulation of the Basic Service Rates and Charges of the Company and any other cable television system operating in the Town, notwithstanding any different or inconsistent provisions in the Franchise; and

Section 2. In connection with such regulation, the Town will ensure a reasonable opportunity for consideration of the views of interested parties; and

Section 3. The Town Council or its designee is authorized to execute on behalf of the Town and file with the FCC such certification forms or other instruments as are now or may hereafter be required by the FCC Rate Regulations in order to enable the City to regulate Basic Service Rates and Charges; and

Section 4. This Ordinance shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED by the Council of the Town of Fort Branch, Indiana, this 6th day of April, 1994.

COUNCIL OF THE TOWN OF
FORT BRANCH, INDIANA

Gerald L. Bledsoe
GERALD L. BLEDSOE, President

Donald C. Robinson
DONALD C. ROBINSON, Member

Ray O. Falls
RAY O. FALLS, Member

ATTEST:

Gregory A. Perkins
GREGORY A. PERKINS, Clerk-Treasurer