RESOLUTION NO. 94-83

A RESOLUTION 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 CITY OF PASO ROBLES

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 regulations prescribed by the Federal Communications Commission (hereinafter the "FCC"); and

WHEREAS, on April 1, 1993, the FCC prescribed such regulations 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 City of Paso Robles (hereinafter, the "City") 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 City, including, without limitation, the system currently being operated by Sonic Cable Television (hereinafter "the Company") pursuant to the Franchise Agreement (hereinafter the "Franchise"); and

WHEREAS, the City 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 RESOLVED by the City Council of the City of El Paso de Robles that:

1. The City 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 City, notwithstanding any different or inconsistent provisions in the Franchise; and

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

3. The City Manager and/or Director of Administrative Services, or his or her designee, is authorized to execute on behalf of the City 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

4. This resolution shall become effective immediately.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 17th day of May, 1994 by the following vote:

AYES: Macklin, Martin, Picanco, and Iversen

NOES: None

ABSENT: Heggarty

ABSTAIN: None

Christian E. Iversen, Mayor

Richard J. Ramirez, City Clerk