

ORDINANCE NO. 2932

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS AMENDING THE CABLE TELEVISION FRANCHISE ORDINANCE NO. 1636 BY SUSPENDING CERTAIN CURRENT PROVISIONS RELATING TO RATE PROCEDURES AND REPLACING SUCH PROVISIONS WITH NEW PROVISIONS IN ACCORDANCE WITH THE 1992 CABLE ACT; AND PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, the Cable Television Franchise Ordinance of the City of Mesquite does not currently contain rate regulation rules and regulations which comply with The 1992 Cable Act; and

WHEREAS, in order that the City may regulate basic Cable Television rates it is necessary to adopt rules and regulations that are in compliance with the 1992 Cable Television Act; and

WHEREAS, it is in the best interest of the citizens of the City of Mesquite that the City be able to regulate rates as provided in the 1992 Cable Act;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the Cable Television Franchise Ordinance of the City of Mesquite, Texas is hereby amended by suspending the application of Article III. Section 3b. and 3c.(1) and (2) and the entirety of Article III. section 4., except that the last paragraph of subsection g shall remain in effect, and replacing these provisions by the addition of a new section 4A, and by adding Article III, Section 1. c., all in accordance with the provisions of the 1992 Cable Act, to read as follows, in all other respects said Ordinance and Article to remain in full force and effect:

Article III. Section 1.c. The City may adopt rules consistent with the 1992 Cable Act.

Article III. Section 4A. Basic Cable Rate Review Rules and Regulations.

a. Initial Basic Rate Review

- (1) City will review rate documentation submitted by the Company within 30 days of the date of submission.
- (2) Rate regulation and orders in connection therewith will be in accordance with Federal Communication Commission's Rules and Regulations.

b. Basic Rate Increase Requests

- (1) Cable customers and City must be notified in writing at least 30 days before any change in the Basic Rate or equipment charges servicing Basic Rate customers.
- (2) The City's notification shall include documentation consistent with Federal Communication Commission's Rules and Regulations.
- (3) Rate Review procedures and analysis will follow the review procedure of Article III, Section 5a (1) and (2).

c. Public Notice

- (1) Public Notice regarding rate change public hearings and orders will be consistent with Article I, Section 18 of the Cable Television Franchise Ordinance.
- (2) Within 30 days of the filing of a rate change notification, the City shall hold a public hearing to consider the proposed rate change, at which hearing all persons desiring to be heard, including the Company, shall be heard on any matter, including but not limited to, the performance of this franchise, the Company's services, and the proposed new rates.
- (3) City will also accept written and verbal comments from the public and interested parties regarding the Company's proposed new rates during the City's rate review process. These comments will be compiled and submitted to the City Council prior to adoption of rate orders.

d. Confidentiality of Information

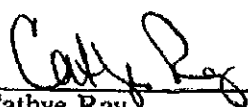
Any documentation submitted by the Company is subject to the Freedom of Information Act. Prior to the City releasing any documentation submitted by the Company, the Company has 5 days to appeal release of the information to the Federal Communication Commission.

SECTION 2. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional the remaining provisions of this ordinance shall remain in full force and effect.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on first reading on the 20th day of September, 1993.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on second reading on the 4th day of October, 1993.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on third and final reading on the 18th day of October, 1993.



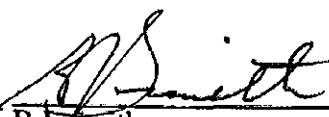
Cathye Ray
Mayor

ATTEST:



Lynn Prugel
City Secretary

APPROVED:



B.J. Smith
City Attorney

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