

ORDINANCE NO. 3018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ACTING IN THEIR CAPACITY AS A REGULATORY AUTHORITY UNDER THE 1992 CABLE ACT, ESTABLISHING A MAXIMUM BASIC RATE PER SUBSCRIBER FOR BASIC CABLE SERVICE PROVIDED WITHIN THE CITY OF MESQUITE.

WHEREAS, The City of Mesquite as the franchising authority for cable television within the City of Mesquite is certified to regulate basic rates of cable television pursuant to the 1992 Cable Act (the Act) and Federal Communications Commission (FCC) Rules; and

WHEREAS, on August 10, 1994, TCI Cablevision of Dallas, Inc. (TCI) submitted F.C.C. Form 1200 to justify basic cable rates and associated equipment costs made effective July 14, 1994 which the City had thirty days to review which time period was extended for an additional 90 days; and

WHEREAS, on September 19, 1994 the City Council conducted a public hearing on the rate submission as provided by law; and

WHEREAS, on November 21, 1994, prior to expiration of the extended 90 day review period, the City Council reviewed the recommendations of an independent rate consultant on TCI's proposed rates; and

WHEREAS, on December 5, 1994, the City Council entered an Order allowing the proposed rates to become effective subject to refunds if such rates were later disapproved and ordering TCI keep an accounting of all amounts received under such rates; and

WHEREAS, on December 19, 1994, TCI forwarded to the City of Mesquite an amended August 10, 1994 Form 1200 filing that corrected previous calculation errors; and

WHEREAS, based upon this corrected information and communication with TCI, the City has the information necessary to determine and establish basic cable rates.

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

1. That based upon the review and analysis made by the City and the City's rate consultant, of the rates submitted by TCI Cablevision of Dallas, Inc. (TCI) with its form 1200 to the City of Mesquite on August 10, 1994, and amendments thereto, and pursuant to the 1992 Cable Act, and FCC rules, the City Council of the City of Mesquite sets the maximum rate for basic cable service in Mesquite as follows:

\$10.79 per month per subscriber

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2. That by adopting this Ordinance, the City Council of the City of Mesquite is not approving or acquiescing in any way whatsoever to cost data and/or methodologies not specifically addressed in this Ordinance. Additionally, the City Council of the City of Mesquite is not waiving any right of which it is entitled.

3. That the effective date of this maximum rate for basic cable service shall be as of July 14, 1994.

*DULY PASSED* by the City Council of the City of Mesquite, Texas on first reading on the 20th day of February, 1995.

*DULY PASSED* by the City Council of the City of Mesquite, Texas on second reading on the 6th day of March, 1995.

  
Cathye Ray, Mayor

ATTEST:

  
Lynn Prugel, City Secretary

APPROVED:

  
B.J. Smith, City Attorney