

00187

ORDINANCE NO. 3046

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 September 30, 1994, TCI Cablevision of Dallas, Inc. ("TCI") submitted FCC Form 1210 to justify basic cable rates and associated equipment costs which the City had thirty days to review and which time period was extended for an additional ninety days; and

WHEREAS, on October 17, 1994, the City Council conducted a public hearing on the rate submission as provided by law; and

WHEREAS, on December 19, 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 February 13, 1995, TCI forwarded to the City of Mesquite an amended September 30, 1994 Form 1210 filing that incorporated FCC Form 1200 changes; and

WHEREAS, based upon a rate consultant's analysis, 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 with its Form 1210 to the City of Mesquite on September 30, 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:


\$10.76 per month per subscriber

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.

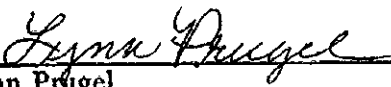
3. That the effective date of this maximum rate for basic cable service shall be as of February 1, 1995.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on first reading on the 17th day of July, 1995.

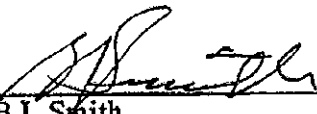
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on second reading on the 7th day of August, 1995.


Cathye Ray
Mayor

ATTEST:


Lynn Prugel
City Secretary

APPROVED:


B.J. Smith
City Attorney