

ORDINANCE NO. 3093

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 March 1, 1996, TCI Cablevision of Dallas, Inc. ("TCI") submitted FCC Form 1240 to justify basic cable rates which the City had ninety days to review after which time TCI may implement such rates unless the rates are determined by the City to be unreasonable; and

WHEREAS, TCI submitted FCC Form 1240 which requested a maximum rate for basic cable service of \$12.20 per month and requested approval to charge their operator selected rate of \$11.95 per month; and

WHEREAS, on May 20, 1996, the City Council conducted a public hearing on the rate submission as provided by law; and

WHEREAS, based upon a rate consultant's analysis, the City determined that the rates filed by TCI on FCC Form 1240 were not reasonable; and

WHEREAS, at the request of the City, TCI submitted an amended Form 1240 setting the maximum rate for basic cable at \$12.17 per month; and

WHEREAS, based upon review of the rate consultant's analysis and the amended Form 1240 the City has determined that the amended rate is reasonable.

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 1240 to the City of Mesquite on March 1, 1996, and amendments thereto, and pursuant to the 1992 Cable Act, and FCC rules, the City Council of the City of Mesquite sets the maximum basic cable rate at \$12.17 per month per subscriber.

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2. TCI is permitted to begin charging its operator selected rate of \$11.95 per month in place of the maximum permitted rate.

3. 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.

4. That the effective date of these maximum charges for basic service shall be as of June 1, 1996 and shall be effective through May 31, 1997.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on first reading on the 20th day of May, 1996.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on second and final reading on the 3rd day of June, 1996.



Cathye Ray, Mayor

ATTEST:

APPROVED:



Ellen Williams, City Secretary



B. J. Smith, City Attorney