

## ORDINANCE NO. 3225

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 MAXIMUM RATES FOR REGULATED EQUIPMENT AND INSTALLATION 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, 1998, TCI Cablevision of Dallas, Inc. ("TCI") submitted FCC Form 1205 to justify maximum rates for regulated equipment and installation 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, on May 19, 1998, 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 has determined that the rates filed by TCI on FCC Form 1205 are not reasonable; and

WHEREAS, based upon a rate consultant's analysis, the City has the information necessary to determine and establish reasonable maximum charges for regulated cable equipment and installation service.

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

**SECTION 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 1205 to the City of Mesquite on March 1, 1998, and amendments thereto, and pursuant to the 1992 Cable Act, and FCC rules, the City Council of the City of Mesquite sets the maximum rates for regulated equipment and installation.

<b><u>Installation Rates</u></b>	<b><u>Rate</u></b>
Installation of Unwired Homes	\$40.99
Installation of Prewired Homes	21.92
Installation of Additional Connects Initial	12.78
Installation of Additional Connects Separate	20.37
Relocate Outlet	19.64
Upgrade non-addressable	26.22
Downgrade non-addressable	8.61
Upgrade/Downgrade addressable	1.99
Connect VCR Initial	6.26
Connect VCR Separate	13.30
Changing Tiers	26.22

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<u>Lease Rates</u>	<u>Monthly Rate</u>
Remotes	\$.30
Basic Only Converter	1.97
Non-Basic Only Converter	3.16
Inside Wire Maintenance Program	.05


SECTION 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.

SECTION 3. That the effective date of these maximum charges for regulated equipment and installation shall be as of June 1, 1998 and shall be effective through May 31, 1999.

SECTION 4. That effective June 1, 1998 TCI may began their Operated Selected Rates when those rates are equal to or lower than the rates established by this ordinance.

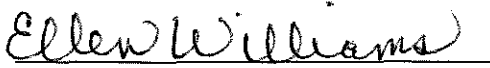
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on first reading on the 18th day of May, 1998.

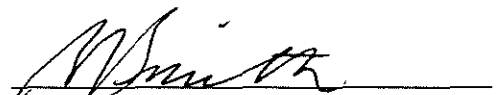
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on second and final reading on the 1st day of June, 1998.

  
 Mike Anderson  
 Mayor

ATTEST:

APPROVED:

  
 Ellen Williams  
 City Secretary

  
 B.J. Smith  
 City Attorney