

ORDINANCE NO. 3311

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; AND DECLARING AN EFFECTIVE DATE.

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, 1999, 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 \$11.68 per month and requested approval to charge this rate effective June 1, 1999; and

WHEREAS, on June 21, 1999, the City Council conducted a public hearing on the rate submission as provided by law; and

WHEREAS, based upon analysis of FCC Form 1240, the City has the information necessary to determine and establish a reasonable maximum basic cable rate.

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 of the rates submitted by TCI with its Form 1240 to the City of Mesquite on March 1, 1999, 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 \$11.68 per month per subscriber.

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 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.

SECTION 4. That the effective date of these maximum charges for basic service shall be as of June 1, 1999, and shall be effective through May 31, 2000.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on first reading on the 6th day of July, 1999.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on second and final reading on the 19th day of July, 1999.



Mike Anderson
Mayor

ATTEST:



Ellen Williams
City Secretary

APPROVED:



B. J. Smith
City Attorney