

AN ORDINANCE TO AUTHORIZE THE MAYOR TO FILE FOR CERTIFICATION WITH THE FEDERAL COMMUNICATIONS COMMISSION TO PROVIDE FOR THE REGULATION OF BASIC SERVICE TIER RATES FOR CABLE TELEVISION

WHEREAS, on October 5, 1992, Congress enacted the Cable Television Consumer Protection and Competition Act of 1992 (hereinafter "Cable Act of 1992") which, among other things, provided that the basic service tier rates, and the charges for related equipment, installation and services, of a cable television system (hereinafter "Basic Service Rates and Charges") shall be subject to regulation by a franchising authority; and

WHEREAS, the Federal Communications Commission (hereinafter "FCC") has issued regulations pursuant to the Cable Act of 1992 governing the regulation of Basic Service Rates and Charges by a franchising authority (hereinafter "FCC Rate Regulations");

WHEREAS, the City of Urbana (hereinafter "the City") is a franchising authority with the legal authority to adopt, and the personnel to administer, regulations with respect to the Basic Service Rates and Charges of any cable television system operating in the City, including, without limitation, the system currently being operated by Time Warner Entertainment Company, L.P., a subsidiary of Time Warner, Inc. (hereinafter "the Company") pursuant to the Cable Television Franchise Extension Agreement dated June 22, 1993 (hereinafter "the Franchise"); and

WHEREAS, the City desires to regulate the Basic Service Rates and Charges of the Company and any other cable television system operating in the City and shall do so in accordance with the FCC Rate Regulations, notwithstanding any different or inconsistent provisions in the Franchise.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That the City will follow the FCC Rate Regulations in its regulation of the Basic Service Rates and Charges of the Company and any other cable television system operating in the City, notwithstanding any different or inconsistent provisions in the Franchise.

Section 2. That the City will within 120 days of certification by the FCC adopt regulations consistent with the FCC Rate Regulations and which shall provide a reasonable opportunity for consideration of the views of interested parties.

Section 3. That the City has reason to believe that the cable television system currently being operated by the Company is not subject to "effective competition" as defined by the FCC Rate Regulations.

Section 4. That the Mayor is hereby authorized to execute on behalf of the City and to file with the FCC such certification forms or other instruments as are now or may hereafter be required by the FCC Rate Regulations in order to enable the City to regulate Basic Service Rates and Charges.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council.

PASSED by the City Council this 4th day of October, 1993.

Phyllis D. Clark
Phyllis D. Clark, City Clerk
Lyn Sharon Menges, Deputy Clerk

APPROVED by the Mayor this 6th day of October, 1993.

Tod Satterthwaite
Tod Satterthwaite, Mayor

