

RESOLUTION NO: 62 -1993

Offered by Mrs. Beshara &  
Mr. Kostandaras

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT NECESSARY FORMS TO THE FEDERAL COMMUNICATIONS COMMISSION SEEKING CERTIFICATION TO REGULATE THE RATES CHARGED BY CABLE OPERATORS WITHIN THE VILLAGE FOR BASIC CABLE SERVICE AND ASSOCIATED EQUIPMENT; AND DECLARING AN EMERGENCY

WHEREAS, on April 1, 1993, the Federal Communications Commission ("FCC") adopted a Report and Order and Further Notice of Proposed Rule-making, in MM Docket No. 92-266, implementation of sections of the Cable Television Consumer Protection and Competition Act of 1992, Rate Regulation, FCC No. 93-177, released May 3, 1993, effective September 1, 1993, ("FCC Regulations") which describes a comprehensive process whereby franchising authorities may regulate the rates charged by existing cable television operators for the basic service tier and associated equipment; and

WHEREAS, the FCC procedure allows franchising authorities to seek certification from the FCC and thereafter regulate the rates charged by cable operators for the basic service tier and associated equipment; and

WHEREAS, the Village, as franchising authority, has reviewed the FCC certification process and applicable FCC forms and determined that it has the legal authority and financial capability to exercise rate regulation under the FCC's regulations; and

WHEREAS, the Village, with assistance from qualified advisors, has determined that it is in the best interests of the Village, its residents, and cable television subscribers to exercise the regulatory authority afforded franchising authorities under the FCC's regulations; and

WHEREAS, the Village has determined that its best interests are served by moving forward in an expeditious manner seeking certification from the FCC to regulate the basic cable service tier and associated equipment to avoid potential rate increases which may result in higher overall rates charged to cable television subscribers within the Village;

NOW, THEREFORE, be it resolved by the Council of the Village of Richfield, State of Ohio, that:

SECTION 1. The Mayor is hereby authorized to submit all applicable forms to the FCC to seek certification for regulation of cable television rates for the basic service tier and associated equipment.

SECTION 2. No further action or approval by the Village Council shall be required for execution of any and all appropriate forms to be submitted to the FCC for regulation of the basic service tier and associated equipment.

SECTION 3. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the Village of Richfield, such emergency being for the reason that in the best interests of the residents of the Village of Richfield it is necessary to apply to the FCC for certification to regulate rates at the earliest time possible, in order for the Village to be in a position to regulate rates when the current FCC freeze on cable television rates is lifted on November 15, 1993; wherefore, provided it receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, this Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 10-5-93

ATTEST: Peggy Malone  
Clerk of Council

David M. Howard  
President of Council

Ralph H. [Signature]  
Mayor

Dated: 10/5/93