

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT NECESSARY FORMS TO THE FEDERAL COMMUNICATIONS COMMISSION REGARDING UNREASONABLE RATES CHARGED FOR OTHER CABLE TELEVISION PROGRAMMING SERVICES (A/K/A THE EXPANDED BASIC TIER); AND DECLARING AN EMERGENCY

WHEREAS, on April 1, 1993, the Federal Communications Commission adopted a Report and Order and Further Notice of Proposed Rule-making, in MM Docket No. 92-266, implementation of sections of time 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 process whereby franchising authorities may issue complaints to the FCC regarding the rates charged by existing cable television operators for other cable programming services (a/k/a the expanded basic tier); and

WHEREAS, the Village, as franchising authority, has determined that the existing rates for the expanded basic tier are "unreasonable" and the Village should, therefore, issue a complaint to the FCC regarding the rates charged for the expanded basic tier; and

WHEREAS, the Village has reviewed FCC complaint Form 329 and determined that the Village has the authority to complete and submit said form to the FCC; and

WHEREAS, the Village has determined that its best interests will be served by moving forward in an expeditious manner to submit Form 329 to the FCC 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 for the Village of Richfield, State of Ohio:

SECTION 1. The Mayor is hereby authorized to submit all applicable forms to the FCC regarding unreasonable existing rates for the expanded basic tier. 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 the above described purpose.

SECTION 2. 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 citizens of the Village of Richfield, such emergency being that in order to protect the Village's cable television subscribers from the possibility of excessive rates, it is necessary that the within Resolution become

effective at the earliest time provided by law; wherefore, provided this Resolution receives the affirmative vote of two-thirds or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: January 4, 1994

Daniel Stoerhel
President of Council

Alfred R. Malone
Mayor

Dated: 1/4/94

ATTEST:

Peggy Malone
Clerk of Council