

**AN ORDINANCE FINDING THAT CERTAIN ACTUAL EQUIPMENT RENTAL AND INSTALLATION SERVICE RATES CHARGED BY CABLEVISION, EFFECTIVE JANUARY 1, 1998, ARE UNREASONABLE; AND DECLARING AN EMERGENCY.**

WHEREAS, the Village of Richfield, Ohio (the "Village") is a Grantor of a cable television service franchise to Cablevision of the Midwest, Inc. ("Cablevision"); and

WHEREAS, in accordance with applicable provisions of the Cable Consumer Protection and Competition Act of 1992 (the "Cable Act") and rules adopted by the Federal Communications Commission ("FCC"), the Village has undertaken all appropriate procedural steps to regulate the basic cable service tier and related installation and equipment charges; and

WHEREAS, pursuant to FCC regulations, on or about October 1, 1997, the Village received from Cablevision FCC Form 1205 for fiscal year 1996, which was associated with the concurrent filing with the Village of an annual FCC Form 1240 (the "1997 FCC Form 1205"); and

WHEREAS, between December 1997 and May 1998, the Village made numerous requests to Cablevision for additional information and clarification necessary to complete its review of the 1997 FCC Form 1205; and

WHEREAS, Cablevision did not provide a full response to the Village's requests for clarification until June 16, 1998; and

WHEREAS, the Village, in order to accomplish its review, scheduled for the Village Council's regular meeting date of September 1, 1998, sufficient time for the purpose of reviewing Cablevision's 1997 FCC Form 1205 and related rate regulation information and providing interested parties, including Cablevision, ample opportunity to present information to the Village;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Richfield, State of Ohio, that:

SECTION 1. Based upon the information obtained by Village Council at its meeting pertaining to this Ordinance and the information submitted by Cablevision, the Village makes the below listed finding:

Certain of Cablevision's Actual equipment rental and installation service rates exceed the Maximum Permitted rates in Cablevision's 1997 FCC Form 1205 and are, therefore, unreasonable according to FCC regulations. These rates are:

	<u>Maximum Permitted Rates</u>	<u>Actual Rates</u>
Service Call	\$20.06	\$21.75
Remote Control Type 1	\$ 0.34	\$ 0.35
Converter Box Type 1: Non-Addressable	\$ 0.07	\$ 0.47
Converter Box Type 2: Addressable	\$ 1.97	\$ 2.17

**SECTION 2.** Based on the information obtained by Village Council at its meeting pertaining to this Ordinance and the information submitted by Cablevision, Village Council makes the following orders:

- A. Cablevision's Actual equipment rental and installation service rates listed in Section 1 of this Ordinance are unreasonable because they exceed the Maximum Permitted rate determined according to FCC regulations and are, therefore, disapproved.
- B. Cablevision is ordered to immediately reduce its Actual equipment rental and installation service rates that exceed the Maximum Permitted rates to rates that are no more than the Maximum Permitted rates.
- C. Cablevision is ordered to make all refunds to subscribers required by law for rates charged in excess of the Maximum Permitted rates since January 1, 1998, including interest, within sixty (60) days of the effective date of this Ordinance. Cablevision shall notify the Village when the refunds are made, and itemize the calculation, form and extent of the refunds.

**SECTION 3.** The Village reserves the right to reconsider this Ordinance for the sole purpose of further reducing rates should new information arise which was not disclosed by Cablevision or modifications or clarifications to FCC rules and regulations so provide and permit. This Ordinance shall not be construed as an approval of any other pending request or proposal for a rate adjustment pursuant to FCC Forms 1210, 1205, 1240, or otherwise.

**SECTION 4.** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 5.** The Clerk of Council is hereby directed to cause publication of this Ordinance to be made to the citizens of the Village and immediately upon its adoption shall serve a certified copy of the Ordinance by certified mail upon Cablevision.

SECTION 6. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason that it is immediately necessary in order to protect the Village's cable television subscribers from excessive rates; wherefore, provided this Ordinance receives the affirmative vote of two-thirds of the members of Council elected or appointed, it 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:

September 1, 1998

Michael Lyons  
President of Council

Donald H. Larsen  
Mayor

Dated: 9/3/98

ATTEST:

Carole Gibson  
Clerk of Council