

ORDINANCE NO: 78 -1997

Offered by: Ms. Healey

AN ORDINANCE APPROVING THE PROPOSED INCREASE IN THE MAXIMUM PERMITTED BASIC CABLE TELEVISION RATE BY CABLEVISION OF THE MIDWEST, INC., PURSUANT TO THE FCC FORM 1210, FILED IN APRIL 1997; AND APPROVING THE ACTUAL BASIC TIER CABLE TELEVISION RATE IMPLEMENTED MAY 1, 1997

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

WHEREAS, in accordance with applicable provisions of the Cable Consumer Protection and Competition Act of 1992, as amended, (hereinafter 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 April 2, 1997, the Village received from Grantee the FCC Form 1210 proposing an increase in the maximum permitted basic tier cable television rate from \$6.71 per month per subscriber to \$6.87; and

WHEREAS, on May 1, 1997, Cablevision increased its actual monthly basic tier rate to \$6.87; and

WHEREAS, it was necessary for the Village to request clarification of certain financial data, to which Cablevision responded in August of 1997; and

WHEREAS, the Village, in order to accomplish its review, scheduled for the Village Council's regular meeting date of December 16, 1997, sufficient time for the purpose of reviewing Grantee's FCC Form 1210 and related rate regulation information and providing interested parties, including the Grantee, 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, the information submitted by the Grantee, and the advice of the Village's cable television legal consultants, the Village Council determines to make the below listed findings:

- A. Grantee's proposed maximum permitted basic tier rate of \$6.87 per month per subscriber as calculated in the FCC Form 1210 is reasonable under FCC

regulations.

- B. Grantee's actual basic tier rate of \$6.87 per month per subscriber is equal to the maximum permitted rate permitted by FCC regulations and is, therefore, reasonable.

SECTION 2. Based upon the information obtained by Village Council at its meeting pertaining to this Ordinance, the information submitted by the Grantee, the advice of the Village's cable television legal consultants, and the finding in Section 1 above, Village Council makes the below listed orders:

- A. Grantee's proposed maximum permitted basic tier rate of \$6.87 per month per subscriber, effective April 1, 1997, as calculated in the FCC Form 1210 is reasonable under FCC regulations and is, therefore, approved.
- B. Grantee's actual basic tier rate of \$6.87 per month per subscriber is equal to the maximum permitted rate permitted by FCC regulations and approved in paragraph (A) of this section and is, therefore, reasonable.

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 the Grantee or modifications to FCC rules and regulations so provide and permit. This Ordinance shall not be construed as an approval of any pending request or proposal for a rate increase pursuant to FCC Form 1210, 1205, 1240 or otherwise.

SECTION 4. That 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 the Grantee.

SECTION 6. This Ordinance shall take effect and be in force from and after the date of its passage.

PASSED: December 16, 1997




President of Council

ATTEST:



Clerk of Council



Mayor

Dated: 12/17/97