

ORDINANCE NO: 60 -1993

Offered by *All of Council*

AN ORDINANCE ACCEPTING AND ADOPTING THE CUSTOMER SERVICE STANDARDS ESTABLISHED BY THE FEDERAL COMMUNICATIONS COMMISSION IN ITS IMPLEMENTATION OF THE CABLE TELEVISION CONSUMER PROTECTION AND COMPETITION ACT OF 1992; AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Congressional mandate under the Cable Television Consumer Protection and Competition Act of 1992, the Federal Communications Commission ("FCC") established Customer Service Standards which became effective July 1, 1993, and which are to be enforced by the local franchising authority; and

WHEREAS, the standards require the franchising authority to give the cable operator ninety (90) days written notice of its intent to enforce the new standards; and

WHEREAS, the FCC standards are minimum Customer Service Standards which would be in addition to any customer service regulations contained in the Village's current franchise agreement with Cablevision, Inc.

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

SECTION 1: The Village hereby adopts the Customer Service Standards enacted by the Federal Communications Commission on March 11, 1993, through FCC Order 93-15, MM Docket No. 92-263, Appendix B, a copy of which is attached hereto and incorporated herein. Said standards shall be in addition to the customer service regulations in the current franchise agreement with Cablevision, Inc. and shall be made a part of said franchise agreement as if rewritten therein. In the event of any conflict between FCC standards and the customer service regulations contained in the current franchise agreement, the more stringent standard or regulation shall govern.

SECTION 2. Any violation of the Customer Service Standards adopted hereby shall be governed by the "Penalties" provision of the current franchise agreement with Cablevision, Inc.

SECTION 3. The Mayor is directed to immediately notify Cablevision, Inc. of the adoption of this Ordinance and the Village's intent to enforce the FCC Customer Service Standards. Notice shall be in writing and

by certified mail in accordance with the notice provisions of the FCC Regulations and the current franchise agreement with Cablevision, Inc.

SECTION 4. The Customer Service Standards adopted hereby shall be in full force and effect commencing on the 91st day following the aforesaid notice to Cablevision, Inc.

SECTION 5. Adoption of these minimum Customer Service Standards shall not preclude the Village from adopting additional reasonable customer service regulations or consumer protection laws which the Village may determine to be necessary to ensure that the citizens of Richfield who subscribe to cable television are appropriately protected in their relationship with the Village's cable television franchise holder.

SECTION 6. This Ordinance 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 order to give the notice required and to enforce the new FCC Customer Service Standards at the earliest time possible, it is necessary that the within Ordinance become effective at the earliest time provided by law; wherefore, provided this Ordinance receives the affirmative vote of two-thirds or more of the members elected or appointed to this Council, this Ordinance 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: October 5, 1993

David W. Howard  
President of Council

ATTEST:

Peggy Malone  
Clerk of Council

Robert R. M.  
Mayor

Dated: 10/5/93