

AN ORDINANCE TO PROVIDE FOR THE REGULATION OF BASIC SERVICE TIER RATES AND RELATED EQUIPMENT INSTALLATION AND SERVICE CHARGES OF ANY CABLE TELEVISION SYSTEM OPERATING IN THE CITY OF COTTER, ARKANSAS; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

WHEREAS, the City of Cotter (hereinafter, the "City") is a franchising authority with the legal authority to adopt, and the personnel to administer, regulations with respect to the Basic Service Rates and Charges of any cable television system operating in the City, including, without limitation, the system currently being operated by Teleservice Corporation of America (hereinafter "the Company") pursuant to the City Ordinance No. 144 (hereinafter the "Franchise"); and

WHEREAS, the City desires to regulate the Basic Service Rates and Charges of the Company and any other cable television system operating in the City and shall do so in accordance with the FCC Rate Regulations, notwithstanding any different or inconsistent provisions in the Franchise;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COTTER, ARKANSAS;

SECTION 1. The City will follow the FCC Rate Regulations in its regulation of the Basic Service Rates and Charges of the Company and any other cable television system operating in the City, notwithstanding any different or inconsistent provision in the Franchise.

SECTION 2. In connection with such regulation, the City will ensure a reasonable opportunity for consideration of the views of interested parties.

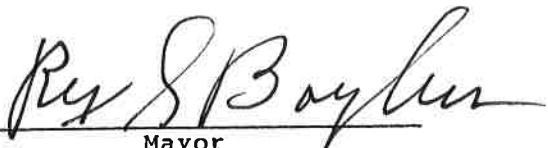
SECTION 3. The Mayor or his or her designee, is authorized to execute on behalf of the City and file with the FCC such certification forms or other instruments as are now or may hereafter be required by the FCC Rate Regulations in order to enable the City to regulate Basic Service Rates and Charges.

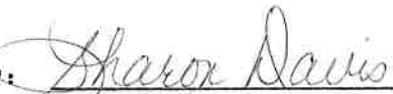
SECTION 4. Consultant and Costs.

- A. The City may utilize a rate consultant to advise it on proposed rate changes and to assist it in the procedures and the standards for review adopted by the FCC. A rate consultant may be any person who has sufficient background and experience, in the sole opinion of the City, to properly evaluate and analyze rates and charges.
- B. All costs for the review of initial rates or rate changes shall be paid by the cable operator upon demand of the City, unless contrary to applicable rules of the FCC governing these procedures or unless otherwise specifically preempted by state or federal law. The costs shall include, but not be limited to, rate consultants, attorney's fees and the reasonable value of services (as determined by the City) rendered by the City or any City employees, agents or representatives of the City.

SECTION 5. Emergency. Whereas our City has been certified to regulate the Basic Tier Cable TV Rates effective October 31, 1993, and whereas the rates have been frozen until February 15, 1994, and we need to officially notify our cable operator to file a Form 393 within thirty (30) days. Therefore, an emergency is hereby declared to exist and this ordinance being necessary for the immediate protection of the public peace, health, and safety shall take effect immediately on its passage and approval.

PASSED THIS 18th DAY OF November, 1993.


Mayor

ATTEST: 
City Clerk