

RESOLUTION 147

Authorizing the petition for certification from the Federal Communications Commission to permit the City of Chesterfield to regulate rates for cable services in accordance with provisions of all applicable federal laws, including the statute known as the "Cable Television Act of 1992".

WHEREAS, The Cable Television Consumer Protection and Competition Act of 1992 provided that the rates of every cable system not subject to effective competition shall be subject to regulation by the Federal Communications Commission ("FCC") or by a franchising authority certified by the FCC as authorized under the Cable Act; and

WHEREAS, the 1992 Act provides that the franchising authority, under certain terms and conditions, may file with the FCC to receive written certification to enforce the regulations prescribed by the FCC and regulate the rates for certain services; and

WHEREAS, the Franchise Authority has reason to believe the FCC's presumption that cable systems do not face effective competition is correct, and no reason to believe it is incorrect within the City of Chesterfield; and

WHEREAS, pursuant to the existing cable franchise ordinances 412 and 413, the City Council of the City of Chesterfield, as the Franchise Authority has the responsibility for overseeing the implementation of the franchise; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

The Franchise Agency is hereby authorized and directed and empowered to:

1. Take all steps appropriate to file a written certification to the Federal Communications Commission affirming that the City of Chesterfield:
 - a) will adopt and administer rate regulation rules which accord with federal rules and regulations; and
 - b) has the legal authority to adopt, and the personnel to administer such rules and regulations; and
 - c) will ensure that the rate regulation procedure provides a reasonable opportunity for the consideration of the views of interested parties; and

- d) has reason to believe the FCC's presumption that cable systems do not face effective competition is correct, and no reason to believe it is incorrect.
2. Serve upon the Franchise Grantee such notifications regarding certification as required by FCC rules, including application and grant of certification and adoption of applicable regulations;
 3. Take such other actions as may be appropriate so that the City of Chesterfield, by itself or in conjunction with other municipalities who have the same cable franchisee, may regulate cable service and equipment rates, and so that the Franchise Agency can respond to challenges to certification, including the authority to make filings at the FCC on behalf of the Franchise Authority.
 4. File complaints at the Federal Communications Commission regarding the rates charged by the Franchisee for services or equipment associated with cable programming services, and take such additional steps as may be appropriate to ensure that a reasonable rate is established for cable programming services sold to subscribers in the City of Chesterfield.
 5. Take necessary actions to ensure the review and implementation of rates which are fair and reasonable to the full extent allowed under applicable federal laws and rules.

This Resolution shall be in full force and effect from and after its passage and approval.

Passed and approved this 15TH day of NOVEMBER 1993.

Jack Loucauf
MAYOR

ATTEST:

Marta L. De May
CITY CLERK