

101.5 SUBJECT: BASIC CABLE SERVICE RATE REGULATION

:1 OBJECTIVE:

Establish a procedure for public hearings for all interested parties regarding regulation of basic cable service rates.

:2 AUTHORITY:

This procedure adopted by City Council December 20, 1993.

:3 DIRECTION:

Chief of Staff, as an appointed official, serves at the pleasure, and receives direction from the Mayor.

:4 METHOD OF OPERATION:

A. Definitions

The following words, for the purpose of this policy and procedure, shall mean:

City is the City of Orlando.

Franchisee is any company granted a franchise to provide cable television service within Orlando City limits.

Basic Cable Service is:

1. That tier of service which shall, at a minimum, consist of all must-carry signals; all public, educational, and governmental channels required by the franchising authority to be carried on the basic service tier; all domestic television broadcast signals other than superstations, whether carried pursuant to mandatory carriage provisions or a retransmission consent agreement; and any other signals or programming provided for in '543(b)(7)(A) of Title 47 of the USC, and

2. All associated equipment (such as the converter box and remote-control unit) and lease, installation, and connection costs as provided for in '543(b)(3) of Title 47 of the USC.

B. Policy

As part of its regulatory responsibility, when a Franchisee proposes a change in basic cable service rates, the City will provide a reasonable opportunity for consideration of the views of interested parties concerning the proposed rate change.

C. Procedures

1. Initial Rate Review:

a. The Franchisee must file Federal Communications Commission (FCC) Form 393 with the City (via the Chief of Staff, Mayor's Office) to establish its schedule of current rates for basic cable service within 30 days notification of the City's certification to

regulate basic cable service rates and adoption of regulations and rate standards. (NOTE: The City adopted, concurrently with the adoption of this Policy, regulations and rate standards consistent with those established by the FCC under 47 USC '543)

b. The current rate schedule for basic cable service shall be reviewed by appropriate City staff for recommendation to City Council as to whether the current rates are reasonable under the adopted rate standards.

c. The current rates for basic cable service shall become effective 30 days from the date of filing with the City, unless the City Council determines the current rates are not reasonable under the adopted rate standards.

2. Request for Rate Change:

a. The Franchisee, pursuant to the Act, must provide at least 30 days written notice to the City (via the Chief of Staff, Mayor's Office) of any proposed increase in basic cable service rates.

b. The Chief of Staff or designee will, within 5 business days, notify the City Clerk's office of the proposed rate change.

c. The City Clerk shall place the matter of the proposed rate change on the City Council Agenda for the next regularly scheduled meeting for discussion and consideration. If the next regularly scheduled meeting is more than 30 days from the time the City receives the Franchisee's notice of the proposed rate increase, then the City Clerk will schedule a Special Meeting of the City Council for the purpose of rate discussions.

d. Public discussion on the reasonableness of the proposed change in basic cable service rates will be afforded at the time the City Council takes up the issue on the Agenda. After public discussion, the City Council shall make a determination, to be issued in written form prior to the expiration of the applicable time periods set forth in the FCC Rules, whether (i) the proposed basic cable service rates are reasonable under the adopted rate standards, (ii) the proposed basic cable service rates exceed the reasonableness standards or (iii) the City Council is unable, based on the material before it, to determine if the proposed basic cable service rates are reasonable.

e. The proposed rates for basic cable service shall become effective 30 days from the date of filing with the City, unless the City Council determines the proposed rates exceed the adopted rate

standards or that the material before it was insufficient to enable the City Council to determine whether the proposed rates are reasonable.

f. The effective date of the proposed basic cable service rates may be delayed for a period consistent with FCC Rules, if the City Council issues a brief order, within the initial 30-day period, as to why it requires additional time to review the proposed rates.

g. If during the initial 30-day period or during the delay period, the City Council determines the proposed rates exceed the reasonableness standards adopted, the City Council will issue a written decision informing the Franchisee that the proposed rates are disapproved in whole or in part.

:5 FORMS:

As referenced herein.

:6 COMMITTEE RESPONSIBILITIES:

None.

:7 REFERENCE:

Procedure adopted by City Council pursuant to the Cable Television Consumer Protection and Competition Act of 1992 (the "Act"), codified as 47 United States Code (USC) 521, et. seq.

:8 EFFECTIVE DATE:

This procedure effective December 20, 1993.