

ORDINANCE NO. 78  
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 HAMPTON

WHEREAS, on October 5, 1992, Congress enacted the Cable Television Consumer Protection and Competition Act of 1992 which, among other things, provided that the basic service tier rates, and the charges for related equipment, installation and services, of a cable television system (hereinafter, "Basic Service Rates and Charges") shall be subject to regulation by a franchising authority in accordance with regulations prescribed by the Federal Communications Commission (hereinafter the "FCC"); and

WHEREAS, on April 1, 1993, the FCC prescribed such regulations in the Report and Order, In the Matter of Implementation of Sections of Cable Television Consumer Protection and Competition Act of 1992: Rate Regulation, MM Docket 92-266, FCC 93-177 (released May 3, 1993) (Hereinafter the "FCC Rate Regulations"); and

WHEREAS, the City of Hampton (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 Masada Cable Partners, L.P. (hereinafter "the Company") pursuant to the Non-Exclusive Franchise Agreement (hereinafter the "Agreement"); 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 Agreement;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HAMPTON, THAT:

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 provisions in the Agreement; and
2. In connection with such regulation, the City will ensure a reasonable opportunity for consideration of the views of interested parties; and
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; and

4. This Ordinance shall be effective immediately.

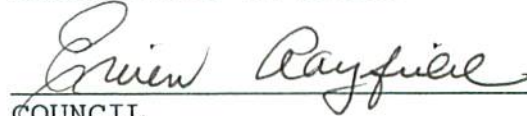
First Reading OCTOBER 12, 1993

Second Reading NOVEMBER 9, 1993

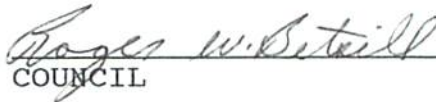
SO ORDAINED this 9<sup>TH</sup> day of NOVEMBER, 1993, by the Mayor and Council of the City of Hampton.



MAYOR TOMMY N. SMITH



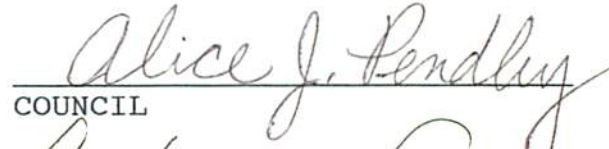
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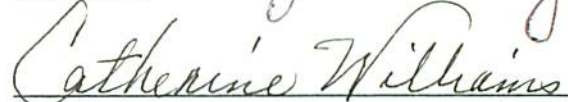
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ATTEST:



Elaine D. Haynes, City Clerk