ORDINANCE NO. 94- 12

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 ATKINS, ARKANSAS; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Atkins (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 Cablevision of Texas III, LTD. d/b/a Empire Communications, Inc. (hereinafter "the Company") pursuant to Chapter 4.06 of the Atkins Municipal Code (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 ATKINS, 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 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 13, 1994, and we need to officially notify our cable operator that we have been certified and we request the cable operator to file all necessary forms including but not limited to Forms 1200, 1205 and 1215 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.

STEPHEN KENT, Mayor

BRENDA GRAVES, City Clerk

Passed: November 8, 1994