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ORIGINAL

Amend Ord. 1850  
Cable TV Regulations

**ORDINANCE NO. 1958**

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, RELATING TO THE REGULATION OF CABLE TELEVISION RATES, ESTABLISHING AN ADMINISTRATIVE REVIEW PROCESS FOR APPROVAL OF ROUTINE CABLE RATE REQUESTS, AMENDING THE PROVISIONS OF SECTIONS 5.60.580, 5.60.610, 5.60.620, AND 5.60.640 OF THE REDMOND MUNICIPAL CODE, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

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WHEREAS, the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996, all codified in Title 47 of the United States Code, authorize local governments to grant franchises for the provision of cable television service within their corporate boundaries and to regulate the rates charged for basic cable television service, and

WHEREAS, the City has been certified by the Federal Communications Commission to regulate the rates charged by cable television franchise holders for basic cable television rates, and

WHEREAS, the City has exercised its authority to regulate the rates charged for basic cable television service pursuant to Sections 5.60.280 and 5.60.540 through 5.60.660 of the Redmond Municipal Code, and

WHEREAS, the aforementioned Sections of the Redmond Municipal Code require

the City Council to review and approve routine cable television rate adjustment requests which occur on an annual basis, and

WHEREAS, it has been the City's experience that cable television rate adjustment requests filed with the City are uniformly within the rate standards established by the Federal Communications Commission, and

WHEREAS, the City Council has determined that an administrative review and approval process for routine cable television rate adjustment requests would result in a more efficient allocation of limited City resources and be in the public interest, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO  
ORDAIN AS FOLLOWS:

Section 1. Section 5.60.580 of the Redmond Municipal Code is hereby amended to read as follows:

**5.60.580 Future rate increases.**

A. Upon receipt of a request for increases in regulated rates, the City Clerk shall notify the Rate Administrator of the request and the Rate Administrator shall cause notice of the filing of the request to be published in the city's official newspaper within ten (10) days of the filing. In addition, the franchisee shall provide notification of the pending request on its public access or other channel devoted to public notification.

B. The notices required by subsection A shall establish a date upon which the Rate Administrator shall render an administrative approval or denial of the rate request. The notice shall also state that interested parties may file written objections to the proposed rates and that any such objections must be filed with the Rate Administrator's Office at least fifteen (15) days prior to the close of the administrative review period. Said notices shall further state that the proposed rates shall be administratively approved by the Rate Administrator if they are determined by the Rate Administrator to be reasonable and consistent with applicable FCC regulations.

C. The Rate Administrator shall review the proposed rates and ascertain whether they are reasonable and consistent with applicable FCC regulations. If the Rate Administrator determines that the proposed rates are reasonable and consistent with applicable FCC regulations, the Rate Administrator shall administratively approve the proposed rates and notify the franchisee.

D. In the event that the Rate Administrator determines that the proposed rates are either unreasonable or inconsistent with applicable FCC regulations, the request shall be referred to the City Council for final action in accordance with Sections 5.60.610 through 5.60.660 of the Redmond Municipal Code.

E. In the event that the Rate Administrator approves a proposed rate over the objection of an interested party, the approval shall be in writing and public notice of said decision shall be provided. Public notice shall, at a minimum, include mailing a copy of the written decision to all parties filing written objections and publishing a notice of the decision in the city's official newspaper.

Section 3. Section 5.60.610 of the Redmond Municipal Code is hereby amended to read as follows:

**5.60.610 Notification of filing and hearing.** Upon receipt of a request for establishment of an initial rate or benchmark rate, or upon referral of a future rate increase request pursuant to Section 5.60.580 of the Redmond Municipal Code, the City Clerk shall notify the City Council of the request. The Council shall set a public hearing on the request to be held at least thirty (30) days from the date the Council acts to set the hearing. The City Clerk shall cause notice of the filing or referral and the upcoming hearing to be published in the city's official newspaper at least twenty (20) days prior to the hearing. Copies of the filing shall be maintained in the City Clerk's office. Any interested party may file written objections to the proposed rates, provided such comments or objections are filed with the City Clerk's office at least ten (10) days prior to the public hearing, and the notice shall so state. In addition to the hearing notice published by the City Clerk, the franchisee shall provide a notification of the pending rate or rate increase request on its public access or other channel devoted to public notification.

Section 4. The initial paragraph of Subsection 5.60.620(A) of the Redmond Municipal Code is hereby amended to read as follows:

**5.60.620 Hearing procedure - Benchmark rate.**

A. Whenever a franchisee shall propose adoption of an initial rate or

benchmark rate, or whenever a future rate increase request is referred to the City Council pursuant to Section 5.60.580 of the Redmond Municipal Code, the following procedures shall apply at the public hearing:

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Section 5. Section 5.60.640 of the Redmond Municipal Code is hereby amended to read as follows:

**5.60.640 Refunds.** The city may order a franchisee to refund to subscribers that portion of previously paid rates determined to be unreasonable. As provided in 47 CFR 76.933, a franchisee's liability for refunds is generally limited to a twelve (12) month period commencing on the date a rate adjustment request is filed with the city.

Section 6. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 7. Effective Date. This Ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

CITY OF REDMOND



MAYOR PRO TEMPORE, RICHARD GRUBB

for MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:

  
  
CITY CLERK, BONNIE MATTSO

**APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:**

By: 

<b>FILED WITH THE CITY CLERK:</b>	November 18, 1997
<b>PASSED BY THE CITY COUNCIL:</b>	December 2, 1997
<b>SIGNED BY THE MAYOR: Pro tempore</b>	December 3, 1997
<b>PUBLISHED:</b>	December 6, 1997
<b>EFFECTIVE DATE:</b>	December 11, 1997
<b>ORDINANCE NO. <u>1958</u></b>	