

RESOLUTION NUMBER R-285128

ADOPTED ON DEC 12 1994

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, PURSUANT TO SECTION 76.936 OF THE RULES AND REGULATIONS OF THE FEDERAL COMMUNICATIONS COMMISSION ("FCC") APPROVING THE EXISTING RATES AND CHARGES FOR THE BASIC SERVICE TIER AND ASSOCIATED EQUIPMENT FOR SOUTHWESTERN CABLE TV ("SOUTHWESTERN").

WHEREAS, the City of San Diego (the "City") was certified by the Federal Communications Commission ("FCC") to regulate the Basic Service Tier, and associated equipment on November 11, 1993; and

WHEREAS, the City provided written notice of said certification to Southwestern Cable TV ("Southwestern") on November 22, 1993; and

WHEREAS, the City has adopted regulations with respect to the Basic Service Tier and associated equipment that are consistent with the regulations prescribed by the FCC; and

WHEREAS, the City has adopted procedural laws and regulations applicable to rate regulation proceedings which provide a reasonable opportunity for consideration of the views of interested parties; and

WHEREAS, on August 12, 1994 Southwestern submitted to the City FCC Forms 1200 and 1205; and

WHEREAS, the City notified Southwestern on September 8, 1994 pursuant to Section 76.933(b) of the FCC Rules and Regulations that it was unable to determine, based upon the materials submitted by Southwestern, that the existing or proposed rates

were within FCC's permitted Basic Service Tier charge or actual cost of equipment and that the City was tolling the thirty-day deadline found in Section 76.933(a) of FCC Rules and Regulations for an additional ninety days for the purpose of requesting and/or considering additional information; and

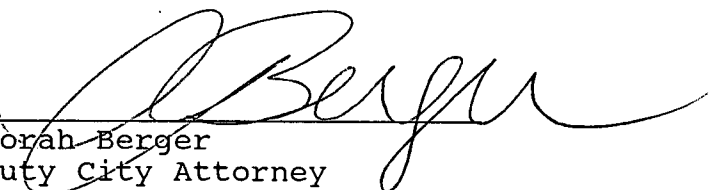
WHEREAS, the City has reviewed the relevant information provided including, but not limited to, the FCC Forms 1200 and 1205, the Auditor's Reports dated November 15, 1994 and December 5, 1994 and other relevant written evidence; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN DIEGO DOES HEREBY RESOLVE AS FOLLOWS:

The existing and proposed rates and charges for the Basic Service Tier and associated equipment as identified in the FCC Forms 1200 and 1205 submitted on August 12, 1994 by Southwestern appear to be in conformity with FCC benchmark standards in whole (or in part) for the reasons, and on the grounds, as contained in the Auditor's Report dated December 5, 1994, a copy of which is incorporated into this Resolution by reference as Enclosure (1) and as if fully stated herein.

APPROVED: JOHN W. WITT, City Attorney

By


Deborah Berger
Deputy City Attorney

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