

(R-96-972)
RESOLUTION NUMBER R- 287106

ADOPTED ON **APR 01 1996**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, PURSUANT TO SECTIONS 76.933, 76.936, 76.937, 76.940, 76.941 AND 76.942 OF THE RULES AND REGULATIONS OF THE FEDERAL COMMUNICATIONS COMMISSION ("FCC") APPROVING THE MAXIMUM PERMITTED BASIC SERVICE TIER RATES AS CALCULATED BY COX COMMUNICATIONS ("COX") CONTAINED IN THE NOVEMBER 1995 RATE FILING ("FORM 1210 FILING").

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 notice of said certification to Cox Communications ("Cox") 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 November 15, 1995, Cox filed with the City FCC Forms 1210 ("Form 1210 Filing"); and

WHEREAS, the City notified Cox on December 7, 1995, pursuant to Section 76.933(b) of the FCC Rules and Regulations that it was unable to determine based upon the materials submitted by Cox that the existing or proposed rates were within the 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, Cox was ordered on March 7, 1996, to keep an accurate accounting of all amounts received related to Basic Service Tier rates contained in the Form 1210 filing; and

WHEREAS, the City has reviewed all relevant information including, but not limited to, the FCC Forms 1210 filed by Cox, the Auditor's Report of February 6, 1996, and other relevant written evidence; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of The City of San Diego, as follows:

1. That the City Council hereby finds and determines that the Basic Service Tier rates identified in Cox's Forms 1210 filed November 15, 1995, are reasonable because they are in compliance with the applicable FCC benchmark standards for the reasons, and on the grounds, contained in the Auditor's Report dated February 6, 1996, a copy of which is incorporated into this Resolution by reference as Enclosure (1) as if fully stated herein.

2. That this Resolution constitutes a written decision within the meaning of Section 76.936 of the FCC Rules and Regulations.

APPROVED: JOHN W. WITT, City Attorney

By Stuart H Swell
For John M. Kaheny
Assistant City Attorney

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03/19/96
Or.Dept:Mgr.
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