

RESOLUTION NUMBER R- 287863

ADOPTED ON SEP 30 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 SOUTHWESTERN CABLE TELEVISION ("SOUTHWESTERN") CONTAINED IN THE DECEMBER 1995 RATE FILING ("FORM 1240 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 Southwestern Cable Television ("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 December 19, 1995, Southwestern filed with the City FCC Forms 1240 ("Form 1240 Filing"); and

WHEREAS, the City has reviewed all relevant information including, but not limited to, the FCC Forms 1240 filed by Southwestern, the Auditor-Comptroller's Report of May 21, 1996,

and other relevant written evidence; NOW, THEREFORE,

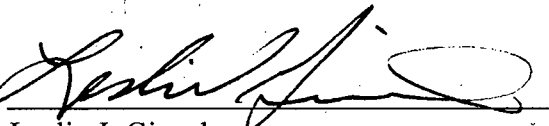
BE IT RESOLVED, by the City Council of The City of San Diego, as follows:

1. That the City Council hereby finds and determines that the Basic Service Tier rates as identified in Southwestern's Forms 1240 filed December 19, 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-Comptroller's Report dated May 21, 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



Leslie L. Girard
Assistant City Attorney

LJG:js
09/16/96
Or.Dept:Mgr.
R-97-304
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THE CITY OF
SAN DIEGO
AUDIT DIVISION
OFFICE OF THE CITY AUDITOR & COMPTROLLER



DIVERSITY
BRINGS US ALL TOGETHER

Audit Division Manager
Eugene T. Ruzzini
(619) 533-3180

May 21, 1996

George I. Loveland
Public Works Manager

**SUBJECT: Southwestern Cable TV
Federal Communications Commission (FCC) Form 1240**

We have completed our review of two FCC Form 1240's, "Updating Maximum Permitted Rates for Regulated Cable Services," filed by Southwestern Cable TV (Southwestern) on December 19, 1995. By these filings, Southwestern requested approval of monthly basic service tier rates of \$10.16 for non-upgraded subscribers and \$10.10 for upgraded subscribers. Pursuant to new FCC regulations, the filings cover the period July 1, 1995 through December 31, 1996 and adjust rates for changes in channel lineups, programming costs, and inflation. Southwestern began charging these rates January 1, 1996 and will continue to do so through December 31, 1996. Our review disclosed Southwestern's requested monthly basic service tier rates, as calculated on FCC Form 1240, are substantially correct.

We recommend you, in conjunction with the City Attorney, take appropriate actions deemed necessary in accordance with FCC regulations.

If you have any questions, please contact me.

Eugene T. Ruzzini

cc: John W. Witt, City Attorney
Jack McGrory, City Manager
Patricia T. Frazier, Financial and Technical Services Manager

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ENCLOSURE (1)

R. 287863