

ORDINANCE NO. 604-1

AN ORDINANCE SETTING FORTH CONDITIONS CONSISTENT WITH THE REGULATIONS OF THE FEDERAL COMMUNICATIONS COMMISSION FOR THE REGULATION OF BASIC CABLE SERVICE RATES; INDICATING THAT THE CITY OF GOTHENBURG, DAWSON COUNTY, NEBRASKA, WILL FOLLOW THE REGULATIONS OF THE FEDERAL COMMUNICATIONS COMMISSION FOR BASIC CABLE SERVICE RATES; AMENDING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GOTHENBURG, DAWSON COUNTY, NEBRASKA:

SECTION 1. STATEMENT OF INTENT. It is the intention of the City, by the adoption of these provisions, to follow the regulations established by the Federal Communications Commission for the regulation of basic cable service rates.

SECTION 2. AUTHORITY. Insofar as the State of Nebraska has delegated to the City the authority to grant a franchise for cable system operation within the city's territorial boundaries, the City hereby exercises its authority to regulate the rates for basic cable service.

SECTION 3. RATES.

3.1 Initial Fees. The initial fees to be charged to subscribers for all services, including installation fees and other One-time charges, shall be specified in any franchise agreements issued pursuant hereto.

3.2 Prior Review. Those fees and charges subject to regulation by the City pursuant to state and Federal law shall not be increased without prior review by the City.

3.3 Notice of Proposed Revised Schedule of Rates. In order to obtain City review for rate increases, the franchisee shall file a revised schedule of rates with the City at least sixty (60) days in advance of a proposed rate increase. This filing shall specify the rates or fees to be increased and associated regulations which may affect charges to the subscriber and the justification for said increases and charges. The franchisee shall promptly submit any additional supporting information requested by the City.

3.4 Public Hearings. Within thirty (30) days of the rate increase filing, the City shall schedule two public meetings before the Council to hear ratepayer and franchisee comments on the proposed increase. Following the public meetings, the Council may determine whether or not to grant the proposed increase or a portion thereof prior to the expiration of the thirty-day period, unless the thirty-day deadline is tolled by the City for an additional ninety days to consider the request.

3.5 Notice to Ratepayer or Subscriber. At least thirty days prior to the proposed rate increase, each ratepayer or subscriber shall be notified in writing by the franchisee of the changes in rates proposed.


3.6 Rate and Charge Reductions. Rates and charges may be reduced at any time without prior City approval, provided that the reductions do not result in rates which are unreasonably discriminatory to any subscriber or class of subscribers. Where temporary reductions are put into effect for promotional purposes for a specified time period, the return to the permanent rates shall not be considered a rate increase for purpose of this ordinance. The City shall be notified of all reductions in rates, whether permanent or temporary.

3.7 Notice for Non-regulated Rate Change. Rates and charges not subject to regulation by the City under state or Federal law or regulation may be changed by the franchisee following a minimum sixty (60) days prior notice to the City and the subscribers.

SECTION 4. REPEAL. Ordinance 530 and any related Resolutions are hereby amended to be consistent with this Ordinance, specifically Section 13. of Ordinance 530.

SECTION 5. ACCEPTANCE BY FRANCHISEE. The present franchisee/grantee shall acknowledge receipt and acceptance of the terms of this Ordinance by signing a copying thereof within thirty (30) days of its passage.

CITY OF GOTHENBURG,
DAWSON COUNTY, NEBRASKA

By 
Richard Blase, Mayor

ATTEST:



Connie Stull, City Clerk

APPROVED AS TO FORM;



Michael L. Bacon, City Attorney