

ORDINANCE NO. 222

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO FILE F.C.C. FORM 328 "CERTIFICATION OF FRANCHISING AUTHORITY TO REGULATE BASIC CABLE SERVICE RATES AND INITIAL FINDING OF LACK OF EFFECTIVE COMPETITION" WITH THE FEDERAL COMMUNICATIONS COMMISSION ON SEPTEMBER 1, 1993; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the City of Barling has entered into a franchise agreement with the Transwestern Video, Inc cable company to provide cable television service to the people of the City of Barling, Arkansas, and;

WHEREAS, the Congress of the United States passed the "Cable Television Consumer Protection and Competition Act of 1992" and this bill passed the House and the Senate; was vetoed by then President George Bush, and the President's veto was overridden in both the House and Senate by more than a two-thirds vote and became law despite the President's veto, and;

WHEREAS, this law is under the Federal Communications Commission and the F.C.C. has adopted rules and regulations regulating local cable television companies but has delegated to local franchising authorities (the City of Barling, Arkansas) to regulate the basic tier of rates for Cable Television Services, and;

WHEREAS, the F.C.C. has frozen local cable television rates until November 15, 1993, and;

WHEREAS, our city may seek certification to regulate the basic tier of rates beginning on September 1, 1993, and;

WHEREAS, certification is effective 30 days after the date the F.C.C. receives a form 328 mailed by the city by registered mail with return receipt requested, and;

WHEREAS, if the local cable television company rates are 10% more above the F.C.C.'s benchmark the rates can be rolled back 10% with refund of all excessive rates back to September 30, 1992 or a maximum of one year.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF BARLING, ARKANSAS:

SECTION I. That the City Administrator is hereby authorized and directed to file two completed F.C.C. Forms 328 by registered mail with return receipt requested to:

Federal Communications Commission
Cable Franchise Authority Certification
P.O. Box 18539
Washington, D.C. 20036

SECTION II. The City Administrator is further directed to mail a completed copy of this form 328 to our local cable operator at the address listed on the form by certified mail, return receipt requested, on the same day copies are mailed to the F.C.C.

SECTION III. Emergency Clause.

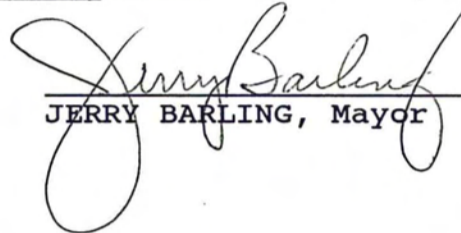
WHEREAS, September 1, 1993 is the earliest date that our city can regulate basic cable service rates, and;

WHEREAS, the city will be certified 30 days after the F.C.C. employee signs the return receipt, and;

WHEREAS, this must all be done before the rate freeze imposed by F.C.C. on local cable rates expires on November 15, 1993.


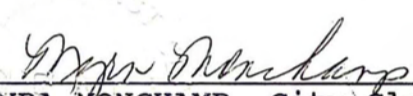
Therefore, an emergency is hereby declared to exist and this ordinance being necessary for the protection of the public peace, health and safety shall be in full force and effective from and after its passage.

PASSED THIS 24 day of AUGUST, 1993.



JERRY BARLING, Mayor

Attest:

MYRA MONCHAMP, City Clerk