

ORDINANCE NO. 1993- 16

AN ORDINANCE
OF THE BOARD OF COMMISSIONERS
OF MARTIN COUNTY, INDIANA,
TO PROVIDE FOR THE REGULATION OF
BASIC SERVICE TIER RATES AND RELATED EQUIPMENT,
INSTALLATION AND SERVICE CHARGES
OF ANY CABLE TELEVISION SYSTEM OPERATING
IN MARTIN COUNTY, IN

WHEREAS, on October 5, 1992, the U.S. Congress enacted the Cable Television Consumer Protection and Competition Act of 1992 which, among other things, provided that the basic tier rates and the charges for related equipment, installation and services of a cable television system (hereinafter called "basic service rates and charges") shall be subject to regulation by a franchising authority in accordance with regulation prescribed by the Federal Communications Commission (hereinafter called "FCC"); and

WHEREAS, on April 1, 1993, the FCC prescribed such regulations in the Report and Order, in the matter of implementation of sections of cable television consumer protection and competition act of 1992: Rate Regulation, MM Docket 92-266, FCC 93-177 (released May 3, 1993) (hereinafter called "FCC Rate Regulations"); and

WHEREAS, Martin County, Indiana, (hereinafter called the "County") is a franchising authority with the legal authority to adopt and the personnel to administer regulations with respect to the basic service rates and charges of any cable television system operating in the County, including, without limitation, the system currently being operated by Tele-Media Company of the Mid-South (Tele-Media Corporation) and Triax Cablevision (Triax Communications Corporation) (both hereinafter called the "Companies") pursuant to franchising Ordinances of the County (hereinafter called the "franchise"); and

WHEREAS the County desires to regulate the basic rates and charges of the Companies and any other cable television system operating in the County and shall do so in accordance with the FCC Rate Regulations, notwithstanding any different or inconsistent provisions in the franchise:

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF MARTIN COUNTY, INDIANA:

SECTION 1. The will follow the FCC Rate Regulations in its regulation of the basic service rates and charges of the

Companies and any other cable television system operating in the County, notwithstanding any different or inconsistent provisions in the franchise; and

SECTION 2. In connection with such regulation, the County will ensure a reasonable opportunity for consideration of the views of interested parties; and

SECTION 3. The President of the Board of Commissioners of the County is authorized to execute on behalf of the County and to file with the FCC such certification forms or other instruments as are now or may hereafter be required by the FCC Rate Regulations in order to enable the County to regulate basic services rates and charges; and

SECTION 4. This Ordinance shall be effective immediately or upon FCC authorization to the County to regulate basic service rates and charges as a franchising authority, whichever first occurs.

PASSED AND ADOPTED this 9th day of October, 1993.

THE BOARD OF COMMISSIONERS OF
MARTIN COUNTY, IN

Dale E. Abel

DALE E. ABEL, President

Max D. Warren

MAX D. WARREN, Commissioner

Dale E. Brown

DALE E. BROWN, Commissioner

ATTEST:

Victor P. Crew

VICTOR P. CREW
Auditor