AN ORDINANCE of the City of Kent, Washington, to provide for the regulation of basic service tier rates and related equipment, installation and service charges of any cable television system operating in the City of Kent.

WHEREAS, on October 5, 1992, Congress enacted the Cable Television Consumer Protection and Competition Act of 1992 (the "1992 Act") which, among other things, provided that the basic service tier rates, and the charges for related equipment, installation and services, as those terms are defined in the 1992 Act, of a cable television system (hereinafter, "Basic Service Rates and Charges") shall be subject to regulation by a franchising authority in accordance with regulations prescribed by the Federal Communications Commission (hereinafter the "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 2, 1993) (hereinafter the "FCC Rate Regulations"); and

WHEREAS, the City of Kent (hereinafter, the "city") 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 city, including, without limitation, the system currently being operated by TCI Cablevision of Washington, Inc. (hereinafter...
"the Franchisee") pursuant to city Ordinance No. 3107 (KCC Chapter 7.12) and No. 3108 (hereinafter, collectively, the "Franchise"); and

WHEREAS, the city desires to regulate the Basic Service Rates and Charges of the Company and any other cable television system operating in the city and shall do so in accordance with the FCC Rate Regulations, notwithstanding any different or inconsistent provisions in the Franchise; NOW, THEREFORE

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Recitals Incorporated. The foregoing recitals are incorporated by this reference and are fully made a part hereof.

Section 2. Section 7.12.240 of the Kent City Code (contained in Section 2 of Ordinance No. 3107) is hereby amended as follows:

Section 7.12.240. Rates.

A. Subject to federal, state and local law, the city may establish and regulate the rates or charges for providing cable service and establish rate regulation procedures. In the event that federal laws are subsequently enacted that would allow the city to review, regulate and establish the rate charged to a subscriber for cable services, the city may thereafter take such action.
B. The city will follow the Federal Communications Commission Rate Regulations in the city's regulation of basic service tier rates and charges for related equipment, installation and services, as those terms are defined in the Cable Television Consumer Protection and Competition Act of 1992 (hereinafter, "Basic Service Rates and Charges") of all cable television system franchisees operating in the city, notwithstanding any different or inconsistent provisions in the Franchise.

1. In connection with such regulation, the city will ensure a reasonable opportunity for consideration of the views of interested parties.

2. The Mayor, or his or designate, is authorized to execute on behalf of the city and 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 city to regulate Basic Service Rates and Charges.

C. Within thirty (30) days after the grant of any franchise hereunder, a franchisee shall file with the city a complete schedule of all rates to be charged to subscribers. Prior to implementation of any change in rates or charges for any service or equipment provided by a franchisee, a franchisee shall provide to the city and all subscribers a minimum of thirty (30) days' written notice of the new schedule of rates to be charged.

Section 3. Savings. Kent City Code Section 7.12.240 (enacted in section 2 of Ordinance No. 3107), which is amended by
this ordinance, shall remain in full force and effect until the effective date of this ordinance.

Section 4. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 5. Effective Date. This ordinance shall take effect and be in force thirty (30) days from the time of its final approval and passage as provided by law.

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED the 18th day of January, 1994.
APPROVED the 19th day of January, 1994.
PUBLISHED the 21st day of January, 1994.
I hereby certify that this is a true and correct copy of Ordinance No. 7151, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent hereon indicated.

BRENDA JACOBER, CITY CLERK