

ORDINANCE NO. 43

AN ORDINANCE 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 COUNTY OF CASWELL

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

WHEREAS, on April 1, 1993, the FCC prescribed such regulations in 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) (hereafter the "FCC Rate Regulations"); and

WHEREAS, the County of Caswell (hereafter, the "County") is a franchising authority with the legal authority to adopt, and the personnel to administer, regulations with respect to Basic Service Rates and Charges of any cable television system operating in the County, including without limitation, the systems currently being operated by Cablevision Industries and Helicon Cablevision of North Carolina (hereafter "the Companies") pursuant to an Ordinance Governing the Granting of Franchises for the Construction and Operation of Community and Tenant Television Systems in Caswell County, North Carolina (hereafter the "Franchise"); and

WHEREAS, the County desires to regulate the Basic Service 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 of the Franchise; and

WHEREAS, the County desires to regulate any and all other rates as authorized in changes to the FCC Rate Regulations.


NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE COUNTY OF CASWELL DOETH ORDAIN:

1. The County 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 of the Franchise.
2. In connection with such regulation, the County will ensure a reasonable opportunity for consideration of the views of the interested parties.
3. The Chairman of the Board of Commissioners for the County of Caswell, or his or her designee, is authorized to execute on behalf of the County 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 County to regulate Basic Service Rates and Charges.

4. This Ordinance shall be effective immediately.

ADOPTED THIS THE 18th DAY OF JULY, 1994.



Gordon G. Satterfield, Chairman
Caswell County Board of Commissioners

ATTEST:



Wanda P. Smith
Clerk to the Board