



TOWN OF DEWEY BEACH

105 Rodney Avenue
Dewey Beach, DE 19971
(302) 227-6363

RESOLUTION #39

A RESOLUTION 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 TOWN OF DEWEY BEACH.

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 the charges for related equipment, installation and services, 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 Communication 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 3, 1993) (hereinafter the "FCC Rate Regulations"); and

WHEREAS, the Town of Dewey Beach (hereinafter, the "Town") 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 Town, including, without limitation, the system currently being operated by ComCast Corporation, (hereinafter "The Company") pursuant to the 1991 franchise agreement as amended, (hereinafter the "Franchise"), and

WHEREAS, the Town desires to regulate the Basic Service Rates and Charges and Customer Service Regulations of the Company and any other cable television system operating in the Town and shall do so in accordance with the FCC Rate Regulations, now withstanding any different or inconsistent provisions in the Franchise:

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE TOWN COUNCIL OF THE TOWN OF DEWEY BEACH THAT:

1. The Town will follow the FCC Rate Regulations in its regulation of the Basic Service Rates and Charges and Customer Service Regulations of the Company and any other cable television system operating in the Town now withstanding any different or inconsistent provisions in the Franchise; and

(2)

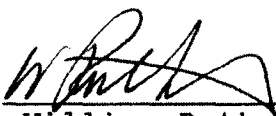
2. In connection with such regulation, the Town will ensure a reasonable opportunity for consideration of the views of interested parties, and

3. The Town Administrator or his or her designee, is authorized to execute on behalf of the Town 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 Town to regulate Basic Service Rates and Charges; and

4. This Resolution shall be effective immediately.

Adopted this 11 day of December, 1993.


James J. Lavelle, Mayor

Attested: 
William Rutherford
Town Administrator