

CHAPTER 114

REGULATION OF CABLE TELEVISION RATES

114.01 DEREGULATION OF CABLE TELEVISION RATES. Effective August 1, 2006, the City of Glenwood shall be decertified as a rate regulator of cable television rates and as consistent with the rules and regulations of the Federal Communications Commission. *(Ord. 780 – Aug. 06 Supp.)*

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reasonable or unreasonable, and, if unreasonable, its remedy, including prospective rate reduction, rate prescription, and refunds.

6. The City may not impose any fines, penalties, forfeitures or other sanctions, other than permitted by the FCC Rules and Regulations, for charging an unreasonable rate or proposing an unreasonable rate increase.

7. Consistent with FCC Rules and Regulations, the City's decision may be reviewed only by the FCC.

8. The City shall be authorized, at any time, whether or not in the course of a rate regulation proceeding, to gather information as necessary to exercise its jurisdiction as authorized by the Communications Act of 1934, as amended, and the FCC Rules and Regulations. Any information submitted to the City shall be verified by an appropriate official of the cable television system supervising the preparation of the response on behalf of the entity, and submitted by way of Affidavit or under penalty of perjury, stating that the response is true and accurate to the best of that person's knowledge, information and belief formed after reasonable inquiry.

114.03 CERTIFICATION TO FCC AND CABLE OPERATOR. The City shall file with the FCC the required certification form (FCC Form 328) on September 1, 1993, or as soon thereafter as appropriate. Thirty days later, or as soon thereafter as appropriate, the City shall notify the Cable Operator that the City has been certified by the FCC and that it has adopted all necessary regulations so as to begin regulating basic service tier cable television rates and equipment charges.

114.04 CABLE PROGRAMMING SERVICE TIER. With regard to the cable programming service tier, as defined by the Communications Act of 1934, as amended, and the FCC Rules and Regulations, and over which the City is not empowered to exercise rate regulation, the Cable Operator shall give notice to the City of any change in rates for the cable programming service tier or tiers, any change in the charge for equipment required to receive the tier or tiers, and any changes in the nature of the services provided, including the program services included in the tier or tiers. Said notice shall be provided within five (5) business days after the change becomes effective.

114.05 DELEGATION OF POWERS PERMITTED. The City may delegate its powers to enforce this chapter to municipal employees or officers ("cable official"). The cable official will have the authority to:
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1. administer oaths and affirmations;
2. issue subpoenas;
3. examine witnesses;
4. rule upon questions of evidence;
5. take or cause depositions to be taken;
6. conduct proceedings in accordance with this chapter;
7. exclude from the proceeding any person engaging in contemptuous conduct or otherwise disrupting the proceedings;
8. hold conferences for the settlement or simplification of the issues by consent of the parties; and
9. take actions and make decisions or recommend decisions in conformity with this chapter.

(New Chapter 114 added by Ordinance No. 555)

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