Passed: 6 - 0

RESOLUTION 95-17

**ADOPTING THE "PARTIAL, FINAL RATE ORDERS"
REGARDING MAXIMUM PERMITTED RATES OFFERED BY TCI
FOR BASIC CABLE SERVICE
USING THE REVISED COMPETITIVE DIFFERENTIAL
Re: Separate Form 1200 series filed on February 9, 1995 and May 31, 1995**

WHEREAS, on February 2, 1994 the Common Council approved Ordinance 94-08 which set forth procedures allowing the City to regulate subscriber rates charged by any cable franchisee for the basic service tier and associated equipment; and

WHEREAS, on May 17, 1994, the City notified TCI by certified mail, pursuant to 47 C.F.R. 76.910 and section 3.02.320(a) of the Bloomington Municipal Code (BMC) that it had been certified to regulate basic cable rates and adopted the required ordinances to begin the rate regulation process; and

WHEREAS, on February 9, 1995, TCI filed the requisite 1200 series forms requesting an $0.11 adjustment in the maximum permitted rate for basic service, from $9.04 to $9.15, to reflect increased external costs under provisions of the 1992 Cable Act; and

WHEREAS, and, on May 31, 1995, TCI filed another series 1200 forms requesting an additional $0.32 adjustment in the maximum permitted rate for basic service, from the proposed $9.15 to $9.47, to reflect increased inflation under provisions of the 1992 Cable Act; and

WHEREAS, TCI's filings and its explanation of later revisions have been reviewed by the City's cable rate regulation consultant and found to be "reasonable" according to the rules of the FCC; and

WHEREAS, the City has determined that the basic service rates charged to commercial establishments are in excess of permitted rates calculated on FCC Form 1200 and TCI has challenged the City's authority to regulate commercial rates; and

WHEREAS, on May 9, 1995 the Telecommunications Council for the City of Bloomington adopted a "Partial, Final Order" based on TCI's increased external costs and forwarded it to the Board of Public Works; and

WHEREAS, on June 22, 1995 the Telecommunications Council for the City of Bloomington adopted a "Partial, Final Order" based on increases in inflation, and forwarded it to the Board of Public Works; and

WHEREAS, both of the "Partial, Final Orders" say in part:

> ...the City, hereby, finds that TCI's proposed rates for basic service and related equipment and installation as calculated on its revised FCC Form 1200 and related FCC Form 1215 for residential subscribers comply with federal regulations. However, the City will hold in abeyance its determination as to the reasonableness of rates charged to commercial subscribers until the FCC has ruled on TCI's appeal now pending before the Commission;

and

WHEREAS, on May 30, 1995 the Board of Public Works adopted the first of the "Partial, Final Order", and on June 27, 1995 the Board of Public Works adopted the second, and, pursuant to BMC 3.02.340, has forwarded both to the Common Council for their action; and

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

1. The Common Council has reviewed the rate increase request filed by TCI on February 9, 1995, and adopts the corresponding "Partial, Final Rate Order" approved by the Telecommunications Council and the Board of Public Works, which is attached and made a part of this resolution.

2. And, the Common Council also has reviewed the rate increase request filed by TCI on May 31, 1995, and adopts the corresponding "Partial, Final Rate Order" approved by the Telecommunications Council and the Board of Public Works, which is attached and made a part of this resolution.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 5th day of July, 1995.

Iris Kiesling

IRIS KIESLING, President
Bloomington Common Council

SIGNED AND APPROVED by me upon this 6th day of July, 1995.

Tomilea Allison

TOMILEA ALLISON, Mayor
City of Bloomington

ATTEST:

Patricia Williams

PATRICIA WILLIAMS, Clerk
City of Bloomington

SYNOPSIS

This resolution adopts two "Partial, Final Rate Orders" regarding the maximum rates that the City's cable operator, TCI, may charge for basic cable services. The orders are based upon rate determination forms submitted by TCI and leaves the matter of regulating commercial rates in abeyance until there is action by the FCC on an appeal filed by TCI. In total, the two orders raise the maximum permitted rate for basic cable service from $9.04 to $9.47.

Signed copies to
HT Legal
TCC (TCI) 6
Public Works.
City Legal
CA/CA & Clerk File