

Ordinance 84-9

To Approve A Rate Increase for Horizon/TCI Cable Television

WHEREAS, The current Franchise Agreement between Horizon/TCI and the City of Bloomington provides that any increase in basic service rates requires the express consent of the Board of Public Works and the approval of the Common Council; and

WHEREAS, On December 5, 1983, Horizon/TCI requested an increase in the rate of basic cable service, which request was considered by the Telecommunications Council, and its Recommendation forwarded to the Board and Common Council; and

WHEREAS, The Board of Public Works, following a public hearing on the request, has approved a rate increase in the amount of \$2.48 for basic service, subject to eight conditions to be incorporated into and made a part of the Franchise Agreement as a contract addendum;

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

SECTION I. The following amendments to the Franchise, Contract and Grant Relating to Television Transmission and Distribution System in the City of Bloomington, Indiana, as recommended by the Board of Public Works, are hereby approved and confirmed:

1. Upon expansion of Channels and performance of all conditions as set out in Exhibit A, attached hereto and made a part hereof, an increase in basic service rates from \$7.47 to \$9.95 per month. This rate shall include the provision to each subscriber of one converter appropriate to the service purchased. In addition, a comparable increase in the rates charged to hotels, motels and rooming houses of 33 1/3 %.

2. Additional Converter Rental--Basic Converter (Necessary to receive all basic services and HBO) of \$3.00 per month;

3. Additional Converter Rental--Addressable Converter (Necessary to receive Showtime, Cinemax and/or Disney Channel) of \$5.00 per month;

4. Remote Control Option--a remote control device shall be available with the Addressable Converter at a monthly rental charge of \$3.00.

SECTION II. The Board of Public Works is hereby authorized to execute an addendum to the current Franchise Agreement in conformity with the increase in rates herein approved, and the conditions set out in its approval, which conditions are attached hereto and made a part hereof.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 7th day of March, 1984.

Patricia A. Gross
PATRICIA GROSS, President
Bloomington Common Council

ATTEST:

Patricia Williams
Patricia Williams, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, this day of March, 1984.

Patricia Williams
Patricia Williams, City Clerk

SIGNED and APPROVED by me upon this 8th day of March, 1984.

Tomilea Allison
TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This Ordinance approves a rate increase for basic service rates for Horizon/TCI Cable Television from \$7.47 to \$9.95 per month, subject to expansion of channels and further conditions as set out in the Recommendation of the Board of Public Works, and authorizes the Board to execute a contract addendum incorporating the rate increase and conditions into the current Franchise Agreement.

EXHIBIT A

CONDITIONS FOR CONTRACT ADDENDUM APPROVING RATE INCREASE

Date: 2-7-84

1. Within thirty (30) days of acceptance of the rate increase, company will commit to ordering the equipment. Within ninety (90) days of ordering equipment the expanded basic system shall be turned on. If system is not turned on in this time period, this agreement will be null and void.
2. Within one hundred twenty (120) days of the receipt of the converters (from vendors to company) all subscribers of record on the date of approval by the Common Council shall have converters (installed by company representative) or the opportunity to acquire same at the company office, located at 1600 West Third Street in Bloomington. The installation of the converters will begin immediately upon the receipt of the first shipment of converters. The 120 day timetable will be in effect only while the supply of converters continues.
3. The rate increase and the contract addendum shall be null and void if the expanded basic system is not turned on or if all subscribers do not have converters or the opportunity to acquire same within 120 days from date the converters are received by company.
4. The rate increase shall be effective within thirty (30) days following certification to the City Controller that all subscribers of record on the day of approval by the Common Council have converters or the opportunity to acquire same, and the expanded basic system is in place and turned on.
5. Notice of the rate increase, available channels, time schedule for implementation for expanded services and subscriber's right to disconnect shall be given to all subscribers at least sixty (60) days prior to the effective date of the rate increase.
6. All persons making installations shall have proper identification with a photograph, and be appropriately trained to perform the installation.
7. The following channels shall be provided in the extended basic service: WTWO-TV, Community Access Channel 3, WPTV-TV, WTHU-TV, WRTV, WISH-TV, WGN-TV, WTHI-TV, WTBS-TV, WHMB-TV, WTHR-TV, WPDS-TV, ESPN, USA, M-TV, CNN, Nashville Network, CBN, C-Span, Cable Health Channel, The Arts Channel. The new Channel 63, Bloomington, will be added to the lineup if the station is on the air prior to September, 1985. (NOTE: Company will not be committed to carriage of any of the listed satellite channels or services if they no longer are available via satellite but agrees to substitute comparable channels or service.)
8. Company may request an extension of time to complete any of the above for events beyond the control of company, including, without limitation, acts of God, fire, flood, earthquakes, hurricanes, unavoidable casualty, extraordinary delays in transportation, shipping delays by vendors, strikes, lockouts, picketing, boycotts, embargos, government orders or other requirements, acts of civil or military authorities, governmental restrictions, energy shortages, regulations or controls, war-related shortages, alien invasions, acts or omissions of carriers, or activities or other emergency conditions including weather conditions incompatible with good quality workmanship or operations. A request for extension shall be made within twenty (20) days after the Company has actual or constructive notice of such event. The City shall not unreasonably withhold its consent to such request for extension.

3/13/84

Signed copies:

Jerry Buggs - Horizon
(copy picked up)
Public Works
Mayor
Controller
Legal
Pres. Telecomm. Cnd.
Fris Kewling