

RESOLUTION NO. 526

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 CITY OF STAYTON.

- WHEREAS, on October 5, 1992, Congress enacted the Cable Television Consumer Protection and Competition Act of 1992 which 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 Communications 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 Regulations"; and
- WHEREAS, the City of Stayton 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 City, including, without limitation, the system currently being operated by Northland Cable Properties Eight, Ltd, dba Northland Cable Television (hereinafter "the Company") pursuant to Ordinance 533, as amended, "An Ordinance Granting to Santiam Cable Television a Non-exclusive Franchise for the Operation of a Cable Communications System [Transfer of franchise granted to Northland Cable Properties Eight, Ltd, in Resolution No. 402, dated December 5, 1988]" (hereinafter the "Franchise"; and
- WHEREAS, the City desires to regulate the Basic Service Rates and Charges of the Company and any other cable television system operating in the City and shall do so in accordance with the FCC Rate Regulations, notwithstanding any different or inconsistent provisions in the Franchise;

NOW, THEREFORE, BE IT RESOLVED BY THE STAYTON CITY COUNCIL THAT:

- Section 1. The City will follow the FCC Rate Regulations in its regulation of the Basic Service Rates and Charge of the Company and any other cable television system operating in the City, notwithstanding any different or inconsistent provisions in the Franchise; and

- Section 2. In connection with such regulation, the City will ensure a reasonable opportunity for consideration of the views of interested parties; and
- Section 3. The Mayor and/or City Administrator, or his designee, is authorized to execute on behalf of the City 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 City to regulate Basic Service Rates and Charges; and
- Section 4. This Resolution shall take effect immediately upon execution of the Mayor.

Approved by this Stayton City Council this 1st day of November 1993.

Date: 11-17-93 By: Willmer Van Vleet
WILLMER VAN VLEET, Mayor

Date: 11-16-93 Attest: David W. Kinney
DAVID W. KINNEY, City Administrator

DWK:(11-10-93)lb\res\526

For FCC Use Only

CERTIFICATION OF FRANCHISING AUTHORITY TO REGULATE BASIC CABLE SERVICE RATES AND INITIAL FINDING OF LACK OF EFFECTIVE COMPETITION

1 Name of Franchising Authority CITY OF STAYTON			
Mailing Address 362 N THIRD AVE			
City STAYTON	State OR	ZIP Code 97383	
Telephone No. (include area code): (503) 769 3425			
Person to contact with respect to this form: DAVID W. KINNEY, CITY ADMINISTRATOR			

3. Will your franchising authority adopt (within 120 days of certification) and administer regulations with respect to basic cable service that are consistent with the regulations adopted by the FCC pursuant to 47 U.S.C. Section 543(b)? Yes No

4. With respect to the franchising authority's regulations referred to in Question 3, Yes No

a. Does your franchising authority have the legal authority to adopt them?

b. Does your franchising authority have the personnel to administer them?

5. Do the procedural laws and regulations applicable to rate regulation proceedings by your franchising authority provide a reasonable opportunity for consideration of the views of interested parties? Yes No

6. The Commission presumes that the cable system(s) listed in 2.b. is (are) not subject to effective competition. Based on the definition below, do you have reason to believe that this presumption is correct? Yes No

(Effective competition means that (a) fewer than 30 percent of the households in the franchise area subscribe to the cable service of a cable system; (b) the franchise area is (i) served by at least two unaffiliated multichannel video programming distributors each of which offers comparable video programming to at least 50 percent of the households in the franchise area; and (ii) the number of households subscribing to programming services offered by multichannel video programming distributors other than the largest multichannel video programming distributor exceeds 15 percent of the households in the franchise area; or (c) a multichannel video programming distributor operated by the franchising authority for that franchise area offers video programming to at least 50 percent of the households in that franchise area.)

2. a. Name (s) and address(es) of cable system(s) and associated FCC community unit identifiers within your jurisdiction. (Attach additional sheets if necessary.)

Cable System's Name NORTHLAND CABLE TELEVISION		
Mailing Address PO BOX 517		
City STAYTON	State OR	ZIP Code 97383
Cable System's FCC Community Unit Identifier: OR-0261		


Cable System's Name		
Mailing Address		
City	State	ZIP Code
Cable System's FCC Community Unit Identifier:		

2. b. Name (s) of system(s) and associated community unit identifier(s) you claim are subject to regulation and with respect to which you are filing this certification. (Attach additional sheets if necessary.)

Name of System NORTHLAND CABLE TELEVISION	Community Unit Identifier OR-0261
--	--------------------------------------

Name of System	Community Unit Identifier
----------------	---------------------------

2. c. Have you served a copy of this form on all parties listed in 2.b.? Yes No

Signature 
Title DAVID W. KINNEY, CITY ADMINISTRATOR
Date 18 November 1993

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE TITLE 18, SECTION 1001).

Return the original and one copy of this certification form (as indicated in Instructions), along with any attachments, to:

Federal Communications Commission
Attn: Cable Franchising Authority Certification
P.O. Box 18539
Washington, D. C. 20036