

RESOLUTION R- 3946

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ESTABLISHING CABLE TELEVISION RATES AND CHARGES AND REQUIRING REFUNDS TO BE PAID TO KIRKLAND SUBSCRIBERS FOR THE AMOUNT OF PREVIOUSLY PAID CHARGES IN EXCESS OF THE HEREIN ESTABLISHED RATES.

Whereas, the City of Kirkland is certified by the Federal Communications Commission to regulate and approve various basic cable television rates and charges; and

Whereas, the City of Kirkland's authority to regulate and approved basic cable television rates and charges is retroactive to September 1, 1993; and

Whereas, Viacom Cable is a cable television operator franchised by the City of Kirkland to operate within the City of Kirkland; and

Whereas, Viacom Cable has submitted for the City of Kirkland's review and approval its regulated rates in effect since September 1, 1993; and

Whereas, the City of Kirkland has reviewed the submitted rates and held a public hearing on these rates in accordance with Federal Communications Commission regulations; and

Whereas, the City of Kirkland has found that some of the existing regulated cable rates and charges to be higher than those permitted by Federal Communications Commission regulations;

Now, therefore, be it resolved by the City Council of the City of Kirkland as follows:

Section I. The above recitals are found to be true and correct in all respects.

Section II. Pursuant to Federal Communications Commission Rules Form 393, Viacom Cable had the following rates and charges exclusive of B&O taxes for City of Kirkland customers in effect from September 1, 1993 to July 14, 1994.

	Actual Rates	Maximum Permitted	Difference
Basic Tier Charge (per month)	12.12	11.74	(0.38)
Hourly Service Charge	25.12	25.12	(0.00)
Average charge for installation type			
a. Unwired home installation	30.38	29.93	(0.45)
b. Prewired home installation	13.87	13.67	(0.20)
c. Additional connection installation at time of initial installation	15.41	15.18	(0.23)

d. Additional connection installation requiring separate installation	22.16	21.84	(0.32)
e. Other Installations			
Monthly charge for lease of remote controls			
Remote control type 1: Standard	0.25	0.25	(0.00)
Monthly charge for lease of converter boxes			
Converter box type 1: Standard	0.34	0.34	(0.00)
Converter box type 2: Addressable	3.40	3.39	(0.01)
Converter box type 3: Descramble Disc.		0.83	(0.83)

Additionally pursuant to Federal Communications Commission Rules, Form 1200, Viacom Cable had the following rates and charges exclusive of B&O taxes for City of Kirkland customers in effect from July 14, 1994 to December 27, 1994.

	Actual Rates	Maximum Permitted	Difference
Basic Tier Charge (per month)	10.94	10.62	(0.32)
Hourly Service Charge	25.12	24.94	(0.18)
Average charge for installation type			
a. Unwired home installation	30.38	29.93	(0.45)
b. Prewired home installation	13.87	13.67	(0.20)
c. Additional connection installation at time of initial installation	15.41	15.18	(0.23)
d. Additional connection installation requiring separate installation	22.16	21.84	(0.32)
e. Other Installations			
Monthly charge for lease of remote controls			
Remote control type 1: Standard	0.25	0.25	(0.00)
Monthly charge for lease of converter boxes			
Converter box type 1: Standard	0.34	0.34	(0.00)
Converter box type 2: Addressable	3.40	3.39	(0.01)

Additionally pursuant to Federal Communications Commission Rules, Form 1200, effective December 28, 1994, regulated cable television rates and charges exclusive of B&O taxed for City of Kirkland customers of Viacom Cable are as follows:

	Actual Rates	Maximum Permitted	Difference
Basic Tier Charge (per month)	10.94	10.94	(0.00)
Hourly Service Charge	25.12	24.94	(0.00)
Average charge for installation type			
a. Unwired home installation	30.38	29.93	(0.45)
b. Prewired home installation	13.87	13.67	(0.20)
c. Additional connection installation at time of initial installation	15.41	15.18	(0.23)
d. Additional connection installation requiring separate installation	22.16	21.84	(0.32)
e. Other Installations			


Monthly charge for lease of remote controls			
Remote control type 1: Standard	0.25	0.25	(0.00)
Monthly charge for lease of converter boxes			
Converter box type 1: Standard	0.34	0.34	(0.00)
Converter box type 2: Addressable	3.40	3.39	(0.01)

Section III. Viacom Cable is directed to change its regulated rates and charges for all City of Kirkland customers to those listed in "Section II - maximum permitted" within 60 days of the date of this resolution.

Section IV. Viacom Cable shall refund to subscribers in the City of Kirkland that portion of previously paid rates in excess of the "Section II - maximum permitted" rates set forth above. Refunds must be made in accordance with 47CFR§76.42. The refund period shall run from the date Viacom Cable implements the rate reduction back in time to September 1, 1993 or for a period of one (1) year, whichever is shorter.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 20th day of June, 1995.

Signed in authentication thereof this 20th day of June, 1995.



 MAYOR

Attest:



 City Clerk

5city95\ViaReso