

ORDINANCE NO. 943

AN ORDINANCE AMENDING ORDINANCE NO. 821 OF THE CITY OF GOLDEN, AND RELATING TO A NON-EXCLUSIVE PERMIT GRANTED TO COMMUNITY TELE-COMMUNICATIONS, INC., TO CONSTRUCT, MAINTAIN, AND OPERATE A CABLE TELEVISION SYSTEM WITHIN THE CITY OF GOLDEN, COLORADO

WHEREAS, Community Tele-Communications, Inc., has made application to the City of Golden for an increase in basic subscriber rates, and the City Council after reviewing the same in full public proceedings, is desirous of approving the same together with certain other amendments to the non-exclusive permit granted to Community Tele-Communications, Inc.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:

Section 1. Ordinance No. 821 of the City of Golden, Colorado, "An Ordinance Granting to Community Tele-Communications, Inc., a Nevada Corporation, a Non-Exclusive Permit to Construct, Maintain, and Operate a Cable Television System and Distribution Facilities Within the City of Golden, Colorado", is hereby amended as follows:

a. Section 15 is hereby repealed and re-enacted as follows:

"Section 15. In consideration of the city's costs of regulating CATV and the permittee's use of the city's rights-of-way, the permittee shall pay to the City annually on or before each March 31, a permit fee of 3% of permittee's gross subscriber revenues. The aforesaid permit fee may be renegotiated at the discretion of the City at any time the permittee institutes a subscriber rate change per Section 16 hereof. For the purposes of this Section the term "gross subscriber revenues" shall mean those gross revenues of the permittee attributable to the subscribers within the City, provided, however, that revenue resulting from installation and relocation charges or from sales of tangible personal property shall not be deemed "gross subscriber revenues". In the event that the percentage derivation of the permit fee as provided herein is declared illegal by a court of competent jurisdiction, then in that event, an equivalent permit fee shall be calculated on the basis of a charge per cable account per year."

b. Section 16 is hereby repealed and re-enacted as follows:

"(a) The rates for basic cable service shall be:

Monthly Fees:

Basic Service-----	\$10.00
Additional TV Outlet-----	\$3.00
FM Outlet-----	\$3.00
Basic Converter-----	No charge

Single-Billing Multiple Dwelling:

Monthly Basic Service-----70% of basic rate

Connection Fees:

Basic-----\$20.00
 Non-Pay Reconnection-----\$20.00
 Additional TV or FM Outlet-----\$15.00
 Relocate or Move TV Outlet-----\$10.00

- (b) The permittee shall maintain on file with the City a schedule setting forth all rates and charges to be made to subscribers for basic CATV service, including connection and service charges. Notice of changes in rates and charges shall be filed by the permittee with the City at least thirty (30) days in advance of the effective date thereof, provided, however, the City may, within said thirty (30) day period prior to the effective date thereof, cause a hearing to be held on said rate change and may veto the same where after said hearing it is found that good cause has not been shown by the permittee to substantiate the rate change. Nothing herein contained, shall, however, be construed to grant the City any authority to regulate the rates that the permittee charges for "pay TV" services, so long as the same is prohibited by Federal Communications Commission regulations. At no time shall the permittee's rates in Golden be higher than those charged in any of its other Jefferson County cable systems.

- (c) The charges made to subscribers for basic services of the permittee hereunder shall be fair and reasonable and no higher than necessary to meet all costs of the services (assuming efficient and economical management), and provide a fair return on the original cost, less depreciation, of the properties devoted to such service (without regard to any subsequent sale or transfer price or cost of such properties). The permittee shall receive no consideration whatsoever from its subscribers for or in connection with its service to its subscribers except other than and in accordance with this section, without approval of the City, except for "pay TV" service."

c. Section 28 is hereby added as follows:

"Section 28. State of the Art.

- (a) Permittee shall upgrade its facilities, equipment, and services so that its system is as advanced as the current state of production technology will allow so that at all times, permittee's cable system shall be no less advanced than other system (excluding pilot or demonstration systems) operated by permittee or directly or indirectly by permittee's parent organization in any community of comparable size and density, and with comparable demographic and competitive factors. The City Manager may order a permittee to comply with this section in case of specific violations, which he may investigate upon complaint or on his own motion.
- (b) In the event of such order by the City Manager, permittee may appeal to the City Council for a waiver of the requirement to go forward with installation of a similar system within the City. Said request for waiver shall be in writing and shall be considered at a public hearing of City Council at which due process is afforded both if the Council determines, giving due regard to limitations in technology and economic reasonableness, that any part or all of the cable system should be improved or upgraded, including without limitation the increasing of channel capacity, it may order such upgrading of the cable system by the permittee, provided such upgrading does not deprive the permittee of a reasonable and positive rate of return on its investment during the remainder of the permit term.
- (c) The City Council may amend this permit whenever necessary to enable the permittee to take advantage of any developments in the field of transmission of communication signals which will afford it an opportunity to more effectively or economically serve its customers; provided, however, that this section shall not be construed to require the City to make any such amendment."

Section 2. All other provisions of Ordinance No. 821 shall remain as originally enacted unless amended herein. The permittee, Community Tele-Communications, Inc., shall bear the cost of publication of this Ordinance.

Introduced, read and ordered published this 11th day of August, 1983.

Adopted, approved and ordered published this 25th day of August, 1983.

Dr. Ruth A. Maurer
Mayor

Attest:

Sharon L. Bennetts
City Clerk

Approved as to form:

Russell J. Sindt
City Attorney

I, Sharon L. Bennetts, City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing ordinance was introduced on first reading and read at a regular meeting of the City Council of said city, held on the 11th day of August, and was published as a proposed ordinance in the Colorado Transcript, legal newspaper, as the law directs seven days or more prior to its passage. A public hearing was held and on the 25th day of August, 1983, the said proposed ordinance was read on second reading and passed by the City Council and ordered published in the aforesaid newspaper as the law directs.

Witness my hand and official seal of the City of Golden, Colorado, this 26th day of August, 1983 .

Attest:

Sharon L. Bennetts
City Clerk of the City of
Golden, Colorado

(SEAL)