

ORDINANCE NO. 2771

AN ORDINANCE to amend and reordain subsection (b), Section 9-3-51 and Section 9-3-57, Article E, Sections 9-3-124 and 9-3-127, Article J, all of Chapter 3, Title 9 of The Code of the City of Alexandria, Virginia, 1981, as amended; which Title 9 relates to LICENSING AND REGULATION, which Chapter 3 relates to CABLE TELEVISION REGULATION, which Article E relates to TERMINATION AND RENEWAL, which Section 9-3-51 relates to REVOCATION, which subsection (b) relates to ARBITRATION OF DISPUTES, which Section 9-3-57 relates to CITY PURCHASE OF SYSTEM UPON REVOCATION OR EXPIRATION, which Article J relates to ECONOMIC REGULATION, which Section 9-3-124 relates to ESTABLISHMENT OF RATES, RULES AND REGULATIONS and which Section 9-3-127 relates to REGULATION OF RATE LEVEL.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That subsection (b), Section 9-3-51, Article E, Chapter 3, Title 9 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

(b) Prior to any revocation proceedings under this section, the franchisee shall be given 60 days' notice in writing, which notice shall state with particularity the grounds upon which the city relies.

Section 2. That Section 9-3-57, Article E, Chapter 3, Title 9 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and same hereby is amended and reordained to read as follows:

Sec. 9-3-57. City purchase of system upon revocation or expiration.

In the event that the city revokes a franchise, pursuant to appropriate provisions of this chapter, or upon the expiration of a franchise, the city shall have the right to purchase the cable system at a price not to exceed its then-fair market value. The fair market value shall be determined by the city in accordance with generally accepted appraisal and accounting principles.

Section 3. That Section 9-3-124, Article J, Chapter 3, Title 9 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 9-3-124. Establishment of rates, rules and regulations.

(a) Initial schedules of rates, rules, regulations and other matters related thereto shall be filed, as provided in section

9-3-121, with the cable television administrator not less than 60 days prior to the commencement of service by the franchisee.

(b) No change shall be made in such rates, rules or regulations, in accordance with section 9-3-121, except upon not less than 60 days' notice to the administrator, each subscriber and the general public, except that the administrator may, by general regulation or in particular instances, permit changes to be made on lesser notice to correct errors, provide special or new service, or if special emergency conditions so require. Notice of proposed change in rates, rules or regulations shall consist of a statement which shall describe the service for which a rate change is proposed or the subject of the proposed rule or regulation change, the present rate, rule or regulation, the proposed rate, rule or regulation, and the reason for the proposed change.

(c) Notwithstanding any other provision of this chapter to the contrary, no change shall be made in the basic subscriber service rate except upon 90 days' notice to the cable administrator, each subscriber and the general public.

Section 4. That Section 9-3-127, Article J, Chapter 3, Title 9 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 9-3-127. Regulation of rate level.

(a) Upon receipt of a proposed change in the basic subscriber service rate, the cable administrator shall notify the city council, and the city council may hold a public hearing on the request. In the event that the city council does not hold a public hearing prior to the effective date of the proposed rate change, the increase shall be granted. At any such hearing, the city council shall consider, insofar as appropriate, any relevant factors including, but not limited to, the annual costs of operations, the cost of capital devoted to public use, the rates in existence in other parts of the nation for similar service rendered by cable television systems in similar markets and the appropriate rate of return on investment prudently made. In making such a determination, due consideration shall be made for:

(1) the use of public rights-of-way by the franchise;  
and

(2) the economic risks associated with cable television operations, including the presence or absence of competition in the marketing and viewing of television programming.

(b) On or after one (1) year of continuous cable television service by a franchisee, the city council, on its own motion or on recommendation of the cable television administrator, may

direct the administrator to investigate the rates and charges of the franchisee to determine whether such rates and charges are excessive. In making such investigations, the procedures and requirements set forth in section 9-3-126 shall be followed. In determining whether the rates or charges, in part or in whole, are excessive, the administrator shall consider the factors set forth in subsection (a). If such an investigation is directed to consider basic subscriber service rates that have become effective pursuant to subsection (a), the administrator shall also consider any changes in relevant circumstances since the effective date of said basic subscriber service rates. If the administrator shall determine that the rates are excessive, he shall order and the franchisee shall be required to alter the rates in such manner and to such extent as the administrator shall specify. The decision of the administrator shall be final and binding within 20 days of its being served on the franchisee and city council, unless within such 20 days an appeal is taken to the city council by the franchisee or by any member of council. If such an appeal is taken, the order of the administrator shall be stayed until council makes its decision.

Section 5. That the title of and an informal memorandum explaining this ordinance shall be published in a newspaper of general circulation published in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

CHARLES E. BEATLEY, JR.  
Mayor

Final Passage: February 22, 1983