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SECOND AMENDMENT

Bill No. 94-47
Ordinance No. 3818

AN ORDINANCE RELATING TO COMMUNITY ANTENNA TELEVISION SYSTEMS; AMENDING TITLE 6, CHAPTER 20, SECTION 10 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY REDESIGNATING THE CABLE ADMINISTRATOR; AMENDING SECTION 20 OF SAID TITLE AND CHAPTER BY ADDING RATE REGULATION OF BASIC CABLE SERVICE AND RELATED EQUIPMENT TO THE PURPOSE OF THE CHAPTER; BY ADDING NEW SECTIONS THERETO ADOPTING AND INCORPORATING THE RULES PROMULGATED BY THE FCC PURSUANT TO THE TELEVISION CONSUMER PROTECTION AND COMPETITION ACT ADOPTED BY CONGRESS ON OCTOBER 5, 1992; AUTHORIZING THE CITY COUNCIL TO REGULATE RATES FOR BASIC CABLE SERVICE AND RELATED EQUIPMENT IN ACCORDANCE WITH FCC RULES; REQUIRING PUBLIC NOTICE AND PUBLIC HEARINGS ON RATE CHANGE REQUESTS FOR BASIC CABLE SERVICE AND RELATED EQUIPMENT; ESTABLISHING PROCEDURES FOR FILING RATE CHANGE REQUESTS; REQUIRING APPROVED RATES FOR BASIC CABLE SERVICE AND RELATED EQUIPMENT TO BE ADOPTED BY ORDINANCE; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by:
Mayor Jan Laverty Jones

Summary: Authorizes the City of Las Vegas, as a franchising authority, to regulate rates for basic cable service and related equipment in accordance with FCC rules adopted pursuant to the Cable Television Consumer Protection and Competition Act, enacted by Congress on October 5, 1992.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY
ORDAIN AS FOLLOWS:

SECTION 1: Title 6, Chapter 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a section reading as follows:

The City Council makes the following findings:

(A) On October 5, 1992, Congress enacted the Cable Television Consumer Protection and Competition Act (92 ACT), empowering local franchising authorities to regulate rates in accordance with rules to be promulgated by the FCC.

(B) On May 5, 1993, the FCC promulgated rules granting the City of Las Vegas, in its capacity as franchising authority, power to regulate rates for cable television basic services and related equipment, in the absence of effective competition.

(C) Effective competition as defined by Congress is not present in the City

1 of Las Vegas.

2 (D) On January 26, 1994, the City of Las Vegas filed with the FCC a
3 petition for certification to regulate basic service rates and related equipment charges. Pursuant
4 to FCC regulations the City of Las Vegas was deemed certified on or about March 1, 1994, to
5 regulate these rates and charges.

6 (E) On December 5, 1979, the City of Las Vegas entered into an eighteen
7 (18) year non-exclusive Franchise Agreement, including a two (2) year option to renew clause,
8 with Community Cable TV (dba Prime Cable) authorizing the business of installing, operating and
9 providing a cable communications system.

10 SECTION 2: Title 6, Chapter 20, of the Municipal Code of the City of Las
11 Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a section reading as follows:

12 (A) The rules promulgated by the FCC pursuant to the Cable Television
13 Consumer Protection and Competition Act adopted by Congress on October 5, 1992, published
14 at 47 CFR 76.900 et seq., as may be amended from time to time, are hereby adopted and
15 incorporated by reference in their entirety. The provisions set forth in Sections 2 through 7 are
16 intended to be consistent with these rules and shall be interpreted to that effect.

17 (B) A copy of the FCC rules referred to in Subsection (A) shall be kept at
18 the Cable Administrator's office.

19 (C) A cable communications company shall timely file with the City all
20 basic service rate and related equipment charge justification documentation as required by the
21 FCC rules referred to in subsection (A).

22 SECTION 3: Title 6, Chapter 20, of the Municipal Code of the City of Las
23 Vegas, 1983 Edition, is hereby amended by adding thereto a section reading as follows:

24 As franchising authority, the City, in the administration of the FCC
25 regulations, shall not authorize changes in rates or accept existing rates as being justified for basic
26 cable services or related equipment, either at the request of a cable communications company or

1 the Cable Administrator, without public notice and a public hearing as herein after provided:

2 (A) The public notice of proposed rate changes or existing rate justification
3 must:

4 (1) Inform members of the public that written comments on existing
5 rates or proposed rate changes will be made part of the record of the public hearing required by
6 this Section if received by the City Clerk's Office within thirty days after public notice is given
7 in accordance with this Section;

8 (2) Include a statement of the present rates for basic cable services
9 and related equipment, and the proposed changes, if any, to these rates;

10 (3) State that additional information may be obtained from the cable
11 communications company or Cable Administrator, depending on who made the request for change
12 in rates or the request to justify existing rates; and

13 (4) Be given by any person requesting the rate change or seeking
14 to justify existing rates within thirty days following the filing of either request, by two of the three
15 following methods:

16 (a) Inclusion in the regular bill of charges to the cable
17 communications company customers;

18 (b) Separate mailing to each of the cable communications
19 company customers; or

20 (c) Prominent presentation in one or more forms of the
21 media, such as newspapers, television or radio. A cable communications company franchised by
22 the City must permit the Cable Administrator to include in its customer bill of charges or on its
23 public television information channels the public notice required by this Section without charge
24 to the City.

25 (B) A public hearing on the request for rate change or on a request seeking
26 to justify existing rates shall be conducted by the City Council, not less than thirty days after a

1 request for rate change or rate justification is filed by the Cable Administrator or the cable
2 communications company with the City Clerk's Office, in conjunction with the adoption of an
3 ordinance setting forth rates determined by the City Council to be just and reasonable for basic
4 cable services and related equipment consistent with the mandate of Congress and the FCC rules.

5 SECTION 4: Title 6, Chapter 20, of the Municipal Code of the City of Las
6 Vegas, Nevada, 1983 Edition, is hereby amended by adding a section thereto reading as follows:

7 (A) In the event a cable communications company, in accordance with FCC
8 rules, files with the City documentation in justification of its current rates for basic cable service
9 and related equipment, but such documentation is facially incomplete, the Cable Administrator
10 shall order the cable communications company to furnish the missing information. Until the
11 requested information is received from the cable communications company, the deadline imposed
12 on the City's approval of the reasonableness of the rates will be suspended and extended, in
13 accordance with the FCC rules, for a period of time equal to the actual time it takes the cable
14 communications company to furnish the requested information. If the facially incomplete
15 documentation is filed by the cable communications company in justification of a request for an
16 increase in rates for basic cable service and related equipment, the Cable Administrator shall
17 summarily deny the request and notify the cable communications company of the reasons for the
18 denial.

19 (B) In the event the Cable Administrator requests clarification of or
20 substantiating information regarding the information contained in the documents filed by the cable
21 communications company in accordance with Subsection (A) of this Section or Section 5, the City
22 may delay, in accordance with FCC rules, final action on the justification of the rates being
23 charged or a request to change such rates, if the information sought is of such significance as to
24 delay examination of the rest of the rate justification promptly. A cable communications company
25 shall provide all information requested by the City pursuant to this subsection within ten calendar
26 days following receipt of the request.

1 (C) A cable communications company which fails to file a request seeking
2 justification of its basic cable service and related equipment rate currently being charged its
3 customers in accordance with FCC rules will be considered by the City to be non-responsive and
4 in default. In such event, the City may find that the company's basic cable service and related
5 equipment rates to be unreasonable.

6 SECTION 5: Title 6, Chapter 20, of the Municipal Code of the City of Las
7 Vegas, Nevada, 1983 Edition, is hereby amended by adding a section thereto reading as follows:

8 Cable communications company requests seeking a rate change or
9 justification of existing rates for basic cable services or related equipment shall be filed with the
10 City Clerk's Office and the Cable Administrator's Office. A request of the Cable Administrator
11 seeking a rate change for basic cable service or related equipment must be filed with the City
12 Clerk's Office and the cable communications companies having a franchise agreement with the
13 City.

14 SECTION 6: Title 6, Chapter 20, Section 10, of the Municipal Code of the
15 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **6.20.010:** For the purposes of this Chapter, the following terms, phrases, words, abbreviations
17 and their derivations shall have the meaning given herein:

18 (A) "Applicant" means the person who submits the completed application
19 as set forth in LVMC 6.20.060.

20 (B) "Basic cable service" means any service tier which includes the
21 retransmission of local television broadcast signals.

22 (C) "Business license" means the written authorization required by the City
23 for any person who commences, carries on, engages in, or conducts a business, occupation, trade
24 or employment.

25 (D) "Business license fee" means the license tax imposed and required to
26 be paid by LVMC 6.20.100.

1 (E) "Cable Administrator" means the [administrative officer in charge of
2 the Central Action Office of the City.] Director of the Department of Business Activity or the
3 designee of the Director of the Department of Business Activity.

4 (F) "Cable communications company" means any person which owns,
5 controls, operates or manages a cable communications system , including any telephone, telegraph
6 or electric utility which provides services equivalent to those services provided by a Cable
7 Communication System.[, but the term does not include:

8 (1) A telephone, telegraph or electric utility regulated by the Public
9 Service Commission where the utility merely leases or rents to a cable communications company
10 wires or cables for the redistribution of television signals to or toward subscribers of that
11 company; or

12 (2) A telephone or telegraph utility regulated by the Public Service
13 Commission where the utility merely provides channels of communication under published tariffs
14 filed with the Public Service Commission to a cable communications company for the
15 redistribution of television signals to or toward subscribers of that company].

16 (G) ["Cable communications system" or "system" means a facility which
17 is constructed in whole or in part in, on, under or over any street within the City and which is
18 or will be operated to perform for hire the service of receiving and amplifying the signals
19 broadcast by one or more television stations or provided for public, educational or governmental
20 purposes and redistributing those signals by wire, cable or other means of closed transmission to
21 members of the public who subscribe to the service, but the term does not include any system
22 which serves:

23 (1) Fewer than fifty subscribers; or

24 (2) Only the residents of one or more apartment dwellings under
25 common ownership, control and management, and commercial establishments located on the
26 premises of those dwellings, if the buildings are separated by not more than one public street or

1 right-of-way. As used in this paragraph the term "apartment dwellings" does not include hotels,
2 motels, condominiums, townhouses or similar dwellings.]

3 "Cable Communications System" means a facility, consisting of a set of
4 closed transmission paths and associated signal generation, reception, and control equipment that
5 is designed to provide cable service which includes video programming and which is provided to
6 multiple subscribers within a community, but such term does not include:

7 (1) A facility that serves only to retransmit the television signals of 1 or
8 more television broadcast stations;

9 (2) A facility that serves only subscribers in 1 or more multiple unit
10 dwellings under common ownership, control, or management, unless such facility or facilities uses
11 any public right-of-way;

12 (3) A facility of a common carrier which is subject, in whole or in part,
13 to the provisions of title II of the Federal Cable Communications Policy Act of 1984, except that
14 such facility shall be considered a cable system (other than for purposes of section 621(c) of said
15 Communications Policy Act of 1984) to the extent such facility is used in the transmission of
16 video programming directly to subscribers; or

17 (4) Any facilities of any electric utility used solely for operating its
18 electric utility systems.

19 (H) "Cable mile" means a linear mile of trunk or main distribution cable,
20 as the same is measured on the street from pole to pole, pedestal to pedestal or vault to vault.
21 Such measurement does not include any measurement of subscriber drop cables.

22 (I) "Cable service" means the one-way transmission to subscribers of video
23 programming or other programming service and subscriber interaction, if any, which is required
24 for the selection of such video programming[.] or other programming service.

25 (J) "Commence construction" means, with respect to overhead facilities,
26 the time and date when the first connection is physically made to a utility pole and, with respect

1 to underground facilities, when the trenching is initiated.

2 (K) "Commence operation" means that time and date when the cable
3 communications system is first used to provide cable service to a subscriber.

4 (L) "Complete construction" means that time and date when all distribution
5 facilities have been installed and all streets have been restored to their former appearance and
6 condition.

7 (M) "City Manager" means the chief administrative officer of the City
8 appointed by the City Council pursuant to Section 3.030 of the Las Vegas City Charter.

9 (N) "Easement" means an easement dedicated to compatible uses within the
10 meaning of 47 U.S.C. Section 541(a)(2).

11 (O) "Educational access channel" means any channel dedicated for use by
12 educational institutions.

13 (P) "Educational institution" means any nonprofit academic institution
14 including primary and secondary schools, colleges and universities.

15 (Q) "Energized" means having the capability of providing cable service to
16 subscribers.

17 (R) "Facility" means all real property, antennae, poles, wire, cables,
18 conduits, amplifiers, instruments, appliances, fixtures and other personal property used by a
19 franchisee to provide cable service to its subscribers.

20 (S) "FCC" means the Federal Communications Commission or any legally
21 designated successor.

22 (T) "Franchise" means the non-exclusive service area permit authorization
23 granted by the City Council to construct, operate and maintain a cable communications system
24 and to use the streets for the maintenance of cables or wires for the transmission of a television
25 picture.

26 (U) "Franchise agreement" means the contractual agreement provided for

1 in LVMC 6.20.090.

2 (V) "Franchisee" means the person to whom a service area permit is
3 granted.

4 (W) "Government access channel" means any channel dedicated for use by
5 government institutions.

6 (X) "Gross revenues" means all cash, credits, property of any kind or
7 nature or other consideration received directly or indirectly by the franchisee, any affiliate,
8 subsidiary or parent thereof or any person in which the franchisee has a financial interest that
9 arises from or is attributable to the sale or exchange of cable services by the franchisee within the
10 City or is in any way derived from the operation of its system, including without limitation basic
11 subscriber service monthly fees, optional service monthly fees, installations and reconnection fees,
12 leased channel fees, converter rentals or sales, studio rental, production equipment and personnel
13 fees, advertising revenues and revenues from the sale, exchange or cablecast of any programming
14 developed on or for community service channels or institutional users. The term does not include:

15 (1) Any tax on services furnished by the franchisee which is imposed
16 upon any subscriber or user by the State, County or other governmental unit and collected by the
17 franchisee on behalf of such governmental unit;

18 (2) Any copyright fee collected by the franchisee for the benefit of
19 a person other than the franchisee, its parent corporation, if any, or subsidiary of the parent
20 corporation; or

21 (3) Any fee or annual assessment paid by the franchisee for the use
22 of pay or premium channels.

23 (Y) "Person" means a natural person, any form of business or social
24 organization and any other nongovernmental legal entity including without limitation a
25 corporation, partnership, association, trust or unincorporated organization. The term does not
26 include a government, governmental agency or political subdivision of a government. Whenever

1 it is used in any clause that describes a penalty, the term, as the same is applied to partnerships
2 or associations, includes partners or members thereof, and, as the same is applied to corporation,
3 includes the officers thereof.

4 (Z) "Satellite master antenna system" means a facility within the corporate
5 boundaries of the City which is or will be operated to perform for hire the service of receiving
6 and amplifying the signals broadcast by one or more television stations or provided for public,
7 educational or governmental purpose and redistributing those signals by wire, cable or other
8 means of closed transmission to members of the public who subscribe to the service, and is not
9 a cable communications system as herein defined.

10 (AA) "Street" means the surface, the air space above the surface and the
11 area below the surface of the full width of the right-of-way, including the sidewalks and the
12 surface, overhead and subsurface public works, of every street, road, highway, alley,
13 thoroughfare, place or way of any kind used by the public or open to the public as a matter of
14 right for the purpose of vehicular traffic. The term shall apply only to wired or cabled means of
15 delivery of programming and shall not apply to wireless transmissions of any kind.

16 (BB) "Subscriber" means a person who lawfully receives any cable service
17 provided or distributed by a cable communications system or a satellite master antenna system.

18 SECTION 7: Title 6, Chapter 20, Section 20, of the Municipal Code of the
19 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

20 **6.20.020:** The purpose of this Chapter is:

21 (A) To regulate the erection, construction, reconstruction, installation,
22 operation, maintenance, dismantling, testing, repair and use of cable communications systems in,
23 upon, along, across, above, over, under or in any manner connected with any street within the
24 jurisdiction of the City as the same now or in the future may exist;

25 (B) To provide for the payment of certain fees to the City to reimburse it
26 for the costs that it incurs in regulating the construction and operation, use and development of

1 the systems within the City. Such fees are not to be considered as a tax or for the purpose of
2 raising revenues;

3 (C) To provide conditions under which the systems will serve present and
4 future needs of the units of government, public institutions and the citizens and general public of
5 the City;

6 (D) To provide for an orderly process for franchise renewal; [and]

7 (E) To provide remedies and prescribe penalties for any violation of this
8 Chapter[.]; and

9 (F) To establish, in accordance with the mandates of Congress and the rules
10 of the FCC, just and reasonable rates for basic cable services and related equipment that a cable
11 communications company may charge its subscribers.

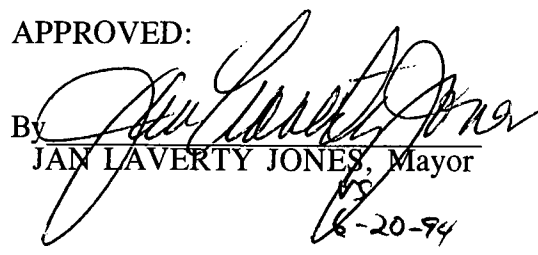
12 SECTION 8: If any section, subsection, subdivision, paragraph, sentence,
13 clause or phrase in this ordinance or any part thereof, is for any reason held to be
14 unconstitutional, or invalid or ineffective by any court of competent jurisdiction, such decision
15 shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part
16 thereof. The City Council of the City of Las Vegas hereby declares that it would have passed
17 each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective
18 of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses
19 or phrases be declared unconstitutional, invalid or ineffective.

20 SECTION 9: All ordinances or parts of ordinances, sections, subsections,
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phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

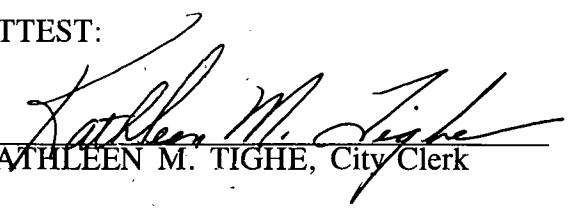
PASSED, ADOPTED and APPROVED this 15th day of June, 1994.

APPROVED:

By 
JAN LAVERTY JONES, Mayor

VS
6-20-94

ATTEST:


KATHLEEN M. TIGHE, City Clerk

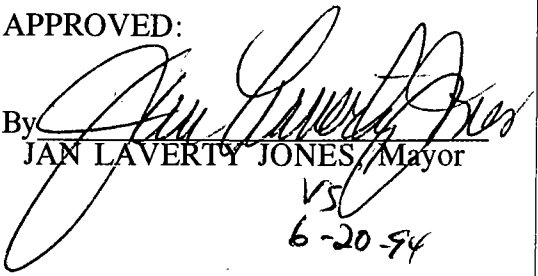
The above and foregoing ordinance was first proposed and read by title to the City Council on the 18th day of May, 1994, and referred to the following committee composed of Mayor Jones and Councilman Hawkins Jr for recommendation; thereafter the said committee reported favorably on said ordinance on the 15th day of June, 1994, which was a regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by title to the City Council as first introduced and amended by the following vote:

VOTING "AYE": Councilmen Adamsen, Higginson, Hawkins Jr, Brass and Mayor Jones

VOTING "NAY": None

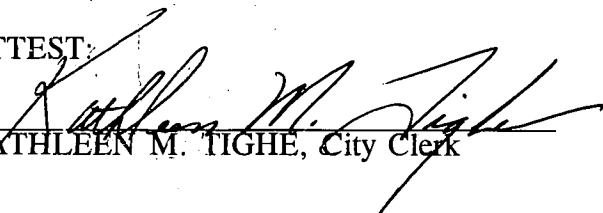
ABSENT: None

APPROVED:

By 
JAN LAVERTY JONES, Mayor

VS
6-20-94

ATTEST:


KATHLEEN M. TIGHE, City Clerk

FIRST AMENDMENT

Bill No. 94-47
Ordinance No. _____

AN ORDINANCE RELATING TO COMMUNITY ANTENNA TELEVISION SYSTEMS; AMENDING TITLE 6, CHAPTER 20, SECTION 10 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY REDESIGNATING THE CABLE ADMINISTRATOR; AMENDING SECTION 20 OF SAID TITLE AND CHAPTER BY ADDING RATE REGULATION OF BASIC CABLE SERVICE AND RELATED EQUIPMENT TO THE PURPOSE OF THE CHAPTER; BY ADDING NEW SECTIONS THERETO ADOPTING AND INCORPORATING THE RULES PROMULGATED BY THE FCC PURSUANT TO THE TELEVISION CONSUMER PROTECTION AND COMPETITION ACT ADOPTED BY CONGRESS ON OCTOBER 5, 1992; AUTHORIZING THE CITY COUNCIL TO REGULATE RATES FOR BASIC CABLE SERVICE AND RELATED EQUIPMENT IN ACCORDANCE WITH FCC RULES; REQUIRING PUBLIC NOTICE AND PUBLIC HEARINGS ON RATE CHANGE REQUESTS FOR BASIC CABLE SERVICE AND RELATED EQUIPMENT; ESTABLISHING PROCEDURES FOR FILING RATE CHANGE REQUESTS; REQUIRING APPROVED RATES FOR BASIC CABLE SERVICE AND RELATED EQUIPMENT TO BE ADOPTED BY ORDINANCE; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by:
Mayor Jan Laverty Jones

Summary: Authorizes the City of Las Vegas, as a franchising authority, to regulate rates for basic cable service and related equipment in accordance with FCC rules adopted pursuant to the Cable Television Consumer Protection and Competition Act, enacted by Congress on October 5, 1992.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY
ORDAIN AS FOLLOWS:

SECTION 1: Title 6, Chapter 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a section reading as follows:

The City Council makes the following findings:

(A) On October 5, 1992, Congress enacted the Cable Television Consumer Protection and Competition Act (92 ACT), empowering local franchising authorities to regulate rates in accordance with rules to be promulgated by the FCC.

(B) On May 5, 1993, the FCC promulgated rules granting the City of Las Vegas, in its capacity as franchising authority, power to regulate rates for cable television basic services and related equipment, in the absence of effective competition.

(C) Effective competition as defined by Congress is not present in the City

1 of Las Vegas.

2 (D) On January 26, 1994, the City of Las Vegas filed with the FCC a
3 petition for certification to regulate basic service rates and related equipment charges. Pursuant
4 to FCC regulations the City of Las Vegas was deemed certified on or about March 1, 1994, to
5 regulate these rates and charges.

6 (E) On December 5, 1979, the City of Las Vegas entered into an eighteen
7 (18) year non-exclusive Franchise Agreement, including a two (2) year option to renew clause,
8 with Community Cable TV (dba Prime Cable) authorizing the business of installing, operating and
9 providing a cable communications system.

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13 Consumer Protection and Competition Act adopted by Congress on October 5, 1992, published
14 at 47 CFR 76.900 et seq., as may be amended from time to time, are hereby adopted and
15 incorporated by reference in their entirety. The provisions set forth in Sections 2 through 7 are
16 intended to be consistent with these rules and shall be interpreted to that effect.

17 (B) A copy of the FCC rules referred to in Subsection (A) shall be kept at
18 the Cable Administrator's office.

19 (C) A cable communications company shall timely file with the City all
20 basic service rate and related equipment charge justification documentation as required by the
21 FCC rules referred to in subsection (A).

22 SECTION 3: Title 6, Chapter 20, of the Municipal Code of the City of Las
23 Vegas, 1983 Edition, is hereby amended by adding thereto a section reading as follows:

24 As franchising authority, the City, in the administration of the FCC
25 regulations, shall not authorize changes in rates or accept existing rates as being justified for basic
26 cable services or related equipment, either at the request of a cable communications company or

1 the Cable Administrator, without public notice and a public hearing as herein after provided:

2 (A) The public notice of proposed rate changes or existing rate justification
3 must:

4 (1) Inform members of the public that written comments on existing
5 rates or proposed rate changes will be made part of the record of the public hearing required by
6 this Section if received by the City Clerk's Office within thirty days after public notice is given
7 in accordance with this Section;

8 (2) Include a statement of the present rates for basic cable services
9 and related equipment, and the proposed changes, if any, to these rates;

10 (3) State that additional information may be obtained from the cable
11 communications company or Cable Administrator, depending on who made the request for change
12 in rates or the request to justify existing rates; and

13 (4) Be given by any person requesting the rate change or seeking
14 to justify existing rates within thirty days following the filing of either request, by two of the three
15 following methods:

16 (a) Inclusion in the regular bill of charges to the cable
17 communications company customers;

18 (b) Separate mailing to each of the cable communications
19 company customers; or

20 (c) Prominent presentation in one or more forms of the
21 media, such as newspapers, television or radio. A cable communications company franchised by
22 the City must permit the Cable Administrator to include in its customer bill of charges or on its
23 public television information channels the public notice required by this Section without charge
24 to the City.

25 (B) A public hearing on the request for rate change or on a request seeking
26 to justify existing rates shall be conducted by the City Council, not less than thirty days after a

1 **request** for rate change or rate justification is filed by the Cable Administrator or the cable
2 communications company with the City Clerk's Office, in conjunction with the adoption of an
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11 requested information is received from the cable communications company, the deadline imposed
12 on the City's approval of the reasonableness of the rates will be suspended and extended, in
13 accordance with the FCC rules, for a period of time equal to the actual time it takes the cable
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15 documentation is filed by the cable communications company in justification of a request for an
16 increase in rates for basic cable service and related equipment, the Cable Administrator shall
17 summarily deny the request and notify the cable communications company of the reasons for the
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21 communications company in accordance with Subsection (A) of this Section or Section 5, the City
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19 as set forth in LVMC 6.20.060.

20 (B) "Basic cable service" means any service tier which includes the
21 retransmission of local television broadcast signals.

22 (C) "Business license" means the written authorization required by the City
23 for any person who commences, carries on, engages in, or conducts a business, occupation, trade
24 or employment.

25 (D) "Business license fee" means the license tax imposed and required to
26 be paid by LVMC 6.20.100.

1 (E) "Cable Administrator" means the [administrative officer in charge of
2 the Central Action Office of the City.] Director of the Department of Business Activity or the
3 designee of the Director of the Department of Business Activity.

4 (F) "Cable communications company" means any person which owns,
5 controls, operates or manages a cable communications system, but the term does not include:

6 (1) A telephone, telegraph or electric utility regulated by the Public
7 Service Commission where the utility merely leases or rents to a cable communications company
8 wires or cables for the redistribution of television signals to or toward subscribers of that
9 company; or

10 (2) A telephone or telegraph utility regulated by the Public Service
11 Commission where the utility merely provides channels of communication under published tariffs
12 filed with the Public Service Commission to a cable communications company for the
13 redistribution of television signals to or toward subscribers of that company.

14 (G) ["Cable communications system" or "system" means a facility which
15 is constructed in whole or in part in, on, under or over any street within the City and which is
16 or will be operated to perform for hire the service of receiving and amplifying the signals
17 broadcast by one or more television stations or provided for public, educational or governmental
18 purposes and redistributing those signals by wire, cable or other means of closed transmission to
19 members of the public who subscribe to the service, but the term does not include any system
20 which serves:

21 (1) Fewer than fifty subscribers; or

22 (2) Only the residents of one or more apartment dwellings under
23 common ownership, control and management, and commercial establishments located on the
24 premises of those dwellings, if the buildings are separated by not more than one public street or
25 right-of-way. As used in this paragraph the term "apartment dwellings" does not include hotels,
26 motels, condominiums, townhouses or similar dwellings.]

1 "Cable Communications System" means a facility, consisting of a set of
2 closed transmission paths and associated signal generation, reception, and control equipment that
3 is designed to provide cable service which includes video programming and which is provided to
4 multiple subscribers within a community, but such term does not include:

5 (1) A facility that serves only to retransmit the television signals of 1 or
6 more television broadcast stations;

7 (2) A facility that serves only subscribers in 1 or more multiple unit
8 dwellings under common ownership, control, or management, unless such facility or facilities uses
9 any public right-of-way;

10 (3) A facility of a common carrier which is subject, in whole or in part,
11 to the provisions of title II of the Federal Cable Communications Policy Act of 1984, except that
12 such facility shall be considered a cable system (other than for purposes of section 621(c) of said
13 Communications Policy Act of 1984) to the extent such facility is used in the transmission of
14 video programming directly to subscribers; or

15 (4) Any facilities of any electric utility used solely for operating its
16 electric utility systems.

17 (H) "Cable mile" means a linear mile of trunk or main distribution cable,
18 as the same is measured on the street from pole to pole, pedestal to pedestal or vault to vault.
19 Such measurement does not include any measurement of subscriber drop cables.

20 (I) "Cable service" means the one-way transmission to subscribers of video
21 programming or other programming service and subscriber interaction, if any, which is required
22 for the selection of such video programming[.] or other programming service.

23 (J) "Commence construction" means, with respect to overhead facilities,
24 the time and date when the first connection is physically made to a utility pole and, with respect
25 to underground facilities, when the trenching is initiated.

26 (K) "Commence operation" means that time and date when the cable

1 communications system is first used to provide cable service to a subscriber.

2 (L) "Complete construction" means that time and date when all distribution
3 facilities have been installed and all streets have been restored to their former appearance and
4 condition.

5 (M) "City Manager" means the chief administrative officer of the City
6 appointed by the City Council pursuant to Section 3.030 of the Las Vegas City Charter.

7 (N) "Easement" means an easement dedicated to compatible uses within the
8 meaning of 47 U.S.C. Section 541(a)(2).

9 (O) "Educational access channel" means any channel dedicated for use by
10 educational institutions.

11 (P) "Educational institution" means any nonprofit academic institution
12 including primary and secondary schools, colleges and universities.

13 (Q) "Energized" means having the capability of providing cable service to
14 subscribers.

15 (R) "Facility" means all real property, antennae, poles, wire, cables,
16 conduits, amplifiers, instruments, appliances, fixtures and other personal property used by a
17 franchisee to provide cable service to its subscribers.

18 (S) "FCC" means the Federal Communications Commission or any legally
19 designated successor.

20 (T) "Franchise" means the non-exclusive service area permit authorization
21 granted by the City Council to construct, operate and maintain a cable communications system
22 and to use the streets for the maintenance of cables or wires for the transmission of a television
23 picture.

24 (U) "Franchise agreement" means the contractual agreement provided for
25 in LVMC 6.20.090.

26 (V) "Franchisee" means the person to whom a service area permit is

1 granted.

2 (W) "Government access channel" means any channel dedicated for use by
3 government institutions.

4 (X) "Gross revenues" means all cash, credits, property of any kind or
5 nature or other consideration received directly or indirectly by the franchisee, any affiliate,
6 subsidiary or parent thereof or any person in which the franchisee has a financial interest that
7 arises from or is attributable to the sale or exchange of cable services by the franchisee within the
8 City or is in any way derived from the operation of its system, including without limitation basic
9 subscriber service monthly fees, optional service monthly fees, installations and reconnection fees,
10 leased channel fees, converter rentals or sales, studio rental, production equipment and personnel
11 fees, advertising revenues and revenues from the sale, exchange or cablecast of any programming
12 developed on or for community service channels or institutional users. The term does not include:

13 (1) Any tax on services furnished by the franchisee which is imposed
14 upon any subscriber or user by the State, County or other governmental unit and collected by the
15 franchisee on behalf of such governmental unit;

16 (2) Any copyright fee collected by the franchisee for the benefit of
17 a person other than the franchisee, its parent corporation, if any, or subsidiary of the parent
18 corporation; or

19 (3) Any fee or annual assessment paid by the franchisee for the use
20 of pay or premium channels.

21 (Y) "Person" means a natural person, any form of business or social
22 organization and any other nongovernmental legal entity including without limitation a
23 corporation, partnership, association, trust or unincorporated organization. The term does not
24 include a government, governmental agency or political subdivision of a government. Whenever
25 it is used in any clause that describes a penalty, the term, as the same is applied to partnerships
26 or associations, includes partners or members thereof, and, as the same is applied to corporation,

1 includes the officers thereof.

2 (Z) "Satellite master antenna system" means a facility within the corporate
3 boundaries of the City which is or will be operated to perform for hire the service of receiving
4 and amplifying the signals broadcast by one or more television stations or provided for public,
5 educational or governmental purpose and redistributing those signals by wire, cable or other
6 means of closed transmission to members of the public who subscribe to the service, and is not
7 a cable communications system as herein defined.

8 (AA) "Street" means the surface, the air space above the surface and the
9 area below the surface of the full width of the right-of-way, including the sidewalks and the
10 surface, overhead and subsurface public works, of every street, road, highway, alley,
11 thoroughfare, place or way of any kind used by the public or open to the public as a matter of
12 right for the purpose of vehicular traffic. The term shall apply only to wired or cabled means of
13 delivery of programming and shall not apply to wireless transmissions of any kind.

14 (BB) "Subscriber" means a person who lawfully receives any cable service
15 provided or distributed by a cable communications system or a satellite master antenna system.

16 SECTION 7: Title 6, Chapter 20, Section 20, of the Municipal Code of the
17 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18 **6.20.020:** The purpose of this Chapter is:

19 (A) To regulate the erection, construction, reconstruction, installation,
20 operation, maintenance, dismantling, testing, repair and use of cable communications systems in,
21 upon, along, across, above, over, under or in any manner connected with any street within the
22 jurisdiction of the City as the same now or in the future may exist;

23 (B) To provide for the payment of certain fees to the City to reimburse it
24 for the costs that it incurs in regulating the construction and operation, use and development of
25 the systems within the City. Such fees are not to be considered as a tax or for the purpose of
26 raising revenues;

1 (C) To provide conditions under which the systems will serve present and
2 future needs of the units of government, public institutions and the citizens and general public of
3 the City;

4 (D) To provide for an orderly process for franchise renewal; [and]

5 (E) To provide remedies and prescribe penalties for any violation of this
6 Chapter[.]; and

7 (F) To establish, in accordance with the mandates of Congress and the rules
8 of the FCC, just and reasonable rates for basic cable services and related equipment that a cable
9 communications company may charge its subscribers.

10 SECTION 8: If any section, subsection, subdivision, paragraph, sentence,
11 clause or phrase in this ordinance or any part thereof, is for any reason held to be
12 unconstitutional, or invalid or ineffective by any court of competent jurisdiction, such decision
13 shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part
14 thereof. The City Council of the City of Las Vegas hereby declares that it would have passed
15 each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective
16 of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses
17 or phrases be declared unconstitutional, invalid or ineffective.

18 SECTION 9: All ordinances or parts of ordinances, sections, subsections,
19
20
21
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1 phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las
2 Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this ____ day of
4 _____, 199__.

5 APPROVED:

6
7 By _____
JAN LAVERTY JONES, Mayor

8 ATTEST:

9
10 _____
KATHLEEN M. TIGHE, City Clerk

11 The above and foregoing ordinance was first proposed and read by title to the City Council on
12 the ____ day of _____, 199__, and referred to the following committee composed
13 of _____ and _____ for
14 recommendation; thereafter the said committee reported favorably on said ordinance on the
15 ____ day of _____, 199__, which was a _____ meeting of said
16 Council; that at said _____ meeting, the proposed ordinance was read by
17 title to the City Council as first introduced and adopted by the following vote:

18 VOTING "AYE": _____

19 VOTING "NAY": _____

20 ABSENT: _____

21
22 APPROVED:

23 By _____
24 JAN LAVERTY JONES, Mayor

25 ATTEST:

26 _____
KATHLEEN M. TIGHE, City Clerk

AN ORDINANCE RELATING TO COMMUNITY ANTENNA TELEVISION SYSTEMS; AMENDING TITLE 6, CHAPTER 20, SECTION 10 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY REDESIGNATING THE CABLE ADMINISTRATOR; AMENDING SECTION 20 OF SAID TITLE AND CHAPTER BY ADDING RATE SETTING OF BASIC CABLE SERVICE AND RELATED EQUIPMENT TO THE PURPOSE OF THE CHAPTER; BY ADDING NEW SECTIONS THERETO ADOPTING AND INCORPORATING THE RULES PROMULGATED BY THE FCC PURSUANT TO THE TELEVISION CONSUMER PROTECTION AND COMPETITION ACT ADOPTED BY CONGRESS ON OCTOBER 5, 1992; AUTHORIZING THE CITY COUNCIL TO SET RATES FOR BASIC CABLE SERVICE AND RELATED EQUIPMENT IN ACCORDANCE WITH FCC RULES; REQUIRING PUBLIC NOTICE AND PUBLIC HEARINGS ON RATE CHANGE APPLICATIONS FOR BASIC CABLE SERVICE AND RELATED EQUIPMENT; ESTABLISHING PROCEDURES FOR FILING RATE CHANGE APPLICATIONS; REQUIRING APPROVED RATES FOR BASIC CABLE SERVICE AND RELATED EQUIPMENT TO BE ADOPTED BY ORDINANCE; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by:
Mayor Jan Laverty Jones

Summary: Authorizes the City of Las Vegas, as a franchising authority, to set rates for basic cable service and related equipment in accordance with FCC rules adopted pursuant to the Cable Television Consumer Protection and Competition Act, enacted by Congress on October 5, 1992.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY
ORDAIN AS FOLLOWS:

SECTION 1: Title 6, Chapter 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a section reading as follows:

The City Council makes the following findings:

(A) On October 5, 1992, Congress enacted the Cable Television Consumer Protection and Competition Act (92 ACT), empowering local franchising authorities to regulate rates in accordance with rules to be promulgated by the FCC.

(B) On May 5, 1993, the FCC promulgated rules granting the City of Las Vegas, in its capacity as franchising authority, power to regulate rates for cable television basic services and related equipment, in the absence of effective competition.

(C) Effective competition as defined by Congress is not present in the City

1 of Las Vegas.

2 (D) On January 26, 1994, the City of Las Vegas filed with the FCC a
3 petition for certification to regulate basic service rates and related equipment charges. Pursuant
4 to FCC regulations the City of Las Vegas was deemed certified on or about March 1, 1994, to
5 regulate these rates and charges.

6 (E) On December 5, 1979, the City of Las Vegas entered into an eighteen
7 (18) year non-exclusive Franchise Agreement, including a two (2) year option to renew clause,
8 with Community Cable TV (dba Prime Cable) authorizing the business of installing, operating and
9 providing a cable communications system.

10 (F) On April 25, 1994, the City of Las Vegas, in accordance with FCC
11 regulations, notified Prime Cable of its FCC certification to regulate rates of basic cable service
12 and related equipment charges.

13 SECTION 2: Title 6, Chapter 20, of the Municipal Code of the City of Las
14 Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a section reading as follows:

15 (A) The rules promulgated by the FCC pursuant to the Cable Television
16 Consumer Protection and Competition Act adopted by Congress on October 5, 1992, published
17 at 47 CFR 76.900 et seq., as may be amended from time to time, are hereby adopted and
18 incorporated by reference in their entirety.

19 (B) A copy of the FCC rules referred to in Subsection (A) shall be kept at
20 the Cable Administrator's office.

21 (C) A cable communications company shall provide all information
22 requested by the City in the exercise of its regulatory authority to set just and reasonable rates
23 pursuant to this Chapter within ten calendar days following receipt of the request.

24 SECTION 3: Title 6, Chapter 20, of the Municipal Code of the City of Las
25 Vegas, 1983 Edition, is hereby amended by adding thereto a section reading as follows:

26 As franchising authority, the City, in the administration of the FCC

1 regulations, shall not authorize changes in rates or accept existing rates as being justified for basic
2 cable services or related equipment, either at the request of a cable communications company or
3 the Cable Administrator, without public notice and a public hearing as herein after provided:

4 (A) The public notice of proposed rate changes or existing rate justification
5 must:

6 (1) Inform members of the public that written comments on existing
7 rates or proposed rate changes will be made part of the record of the public hearing required by
8 this Section if received by the City Clerk's Office within thirty days after public notice is given
9 in accordance with this Section;

10 (2) Include a statement of the present rates for basic cable services
11 and related equipment, and the proposed changes, if any, to these rates;

12 (3) State that additional information may be obtained from the cable
13 communications company or Cable Administrator, depending on who made the application for
14 change in rates or the application to justify existing rates; and

15 (4) Be given by any person requesting the rate change or seeking
16 to justify existing rates within thirty days following the filing of either application, by two of the
17 three following methods:

18 (a) Inclusion in the regular bill of charges to the cable
19 communications company customers;

20 (b) Separate mailing to each of the cable communications
21 company customers; or

22 (c) Prominent presentation in one or more forms of the
23 media, such as newspapers, television or radio. A cable communications company franchised by
24 the City must permit the Cable Administrator to include in its customer bill of charges or on its
25 public television information channels the public notice required by this Section without charge
26 to the City.

1 (B) A public hearing on the application for rate change or on an application
2 seeking to justify existing rates shall be conducted by the City Council, not less than thirty days
3 after an application for rate change or rate justification is filed by the Cable Administrator or the
4 cable communications company with the City Clerk's Office, in conjunction with the adoption of
5 an ordinance setting forth rates determined by the City Council to be just and reasonable for basic
6 cable services and related equipment consistent with the mandate of Congress and the FCC rules.

7 SECTION 4: Title 6, Chapter 20, of the Municipal Code of the City of Las
8 Vegas, Nevada, 1983 Edition, is hereby amended by adding a section thereto reading as follows:

9 (A) In the event a cable communications company, in accordance with FCC
10 rules, files with the City documentation in justification of its current rates for basic cable service
11 and related equipment, but such documentation is facially incomplete, the Cable Administrator
12 shall, within five days of the filing date of the documentation, order the cable communications
13 company to furnish the missing information. Until the requested information is received from the
14 cable communications company, the deadline imposed on the City's approval of the reasonableness
15 of the rates will be suspended and extended, in accordance with the FCC rules, for a period of
16 time equal to the actual time, not to exceed five days, it takes for the Cable Administrator to
17 request the information plus the time it takes the cable communications company to furnish the
18 requested information. If the facially incomplete documentation is filed by the cable
19 communications company in justification of an application for an increase in rates for basic cable
20 service and related equipment, the Cable Administrator shall summarily deny the application and
21 notify the cable communications company of the reasons for the denial.

22 (B) In the event the Cable Administrator requests clarification of or
23 substantiating information regarding the information contained in the documents filed by the cable
24 communications company in accordance with Subsection (A) of this Section or Section 5, the City
25 may delay, in accordance with FCC rules, final action on the justification of the rates being
26 charged or an application to change such rates, if the information sought is of such significance

1 as to delay examination of the rest of the rate justification promptly.

2 (C) A cable communications company which fails to file an application
3 seeking justification of its basic cable service and related equipment rate currently being charged
4 its customers in accordance with FCC rules will be considered by the City to be non-responsive
5 and in default. In such event, the City may find that the company's basic cable service and
6 related equipment rates to be unreasonable.

7 SECTION 5: Title 6, Chapter 20, of the Municipal Code of the City of Las
8 Vegas, Nevada, 1983 Edition, is hereby amended by adding a section thereto reading as follows:

9 Cable communications company applications seeking a rate change or
10 justification of existing rates for basic cable services or related equipment shall be filed with the
11 City Clerk's Office and the Cable Administrator's Office. An application of the Cable
12 Administrator seeking a rate change for basic cable service or related equipment must be filed
13 with the City Clerk's Office and the cable communications companies having a franchise
14 agreement with the City.

15 SECTION 6: Title 6, Chapter 20, Section 10, of the Municipal Code of the
16 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **6.20.010:** For the purposes of this Chapter, the following terms, phrases, words, abbreviations
18 and their derivations shall have the meaning given herein:

19 (A) "Applicant" means the person who submits the completed application
20 as set forth in LVMC 6.20.060.

21 (B) "Basic cable service" means any service tier which includes the
22 retransmission of local television broadcast signals.

23 (C) "Business license" means the written authorization required by the City
24 for any person who commences, carries on, engages in, or conducts a business, occupation, trade
25 or employment.

26 (D) "Business license fee" means the license tax imposed and required to

1 be paid by LVMC 6.20.100.

2 (E) "Cable Administrator" means the [administrative officer in charge of
3 the Central Action Office of the City.] Director of the Department of Business Activity or the
4 designee of the Director of the Department of Business Activity.

5 (F) "Cable communications company" means any person which owns,
6 controls, operates or manages a cable communications system, but the term does not include:

7 (1) A telephone, telegraph or electric utility regulated by the Public
8 Service Commission where the utility merely leases or rents to a cable communications company
9 wires or cables for the redistribution of television signals to or toward subscribers of that
10 company; or

11 (2) A telephone or telegraph utility regulated by the Public Service
12 Commission where the utility merely provides channels of communication under published tariffs
13 filed with the Public Service Commission to a cable communications company for the
14 redistribution of television signals to or toward subscribers of that company.

15 (G) "Cable communications system" or "system" means a facility which
16 is constructed in whole or in part in, on, under or over any street within the City and which is
17 or will be operated to perform for hire the service of receiving and amplifying the signals
18 broadcast by one or more television stations or provided for public, educational or governmental
19 purposes and redistributing those signals by wire, cable or other means of closed transmission to
20 members of the public who subscribe to the service, but the term does not include any system
21 which serves:

22 (1) Fewer than fifty subscribers; or

23 (2) Only the residents of one or more apartment dwellings under
24 common ownership, control and management, and commercial establishments located on the
25 premises of those dwellings, if the buildings are separated by not more than one public street or
26 right-of-way. As used in this paragraph the term "apartment dwellings" does not include hotels,

1 motels, condominiums, townhouses or similar dwellings.

2 (H) "Cable mile" means a linear mile of trunk or main distribution cable,
3 as the same is measured on the street from pole to pole, pedestal to pedestal or vault to vault.
4 Such measurement does not include any measurement of subscriber drop cables.

5 (I) "Cable service" means the one-way transmission to subscribers of video
6 programming and subscriber interaction, if any, which is required for the selection of such video
7 programming.

8 (J) "Commence construction" means, with respect to overhead facilities,
9 the time and date when the first connection is physically made to a utility pole and, with respect
10 to underground facilities, when the trenching is initiated.

11 (K) "Commence operation" means that time and date when the cable
12 communications system is first used to provide cable service to a subscriber.

13 (L) "Complete construction" means that time and date when all distribution
14 facilities have been installed and all streets have been restored to their former appearance and
15 condition.

16 (M) "City Manager" means the chief administrative officer of the City
17 appointed by the City Council pursuant to Section 3.030 of the Las Vegas City Charter.

18 (N) "Easement" means an easement dedicated to compatible uses within the
19 meaning of 47 U.S.C. Section 541(a)(2).

20 (O) "Educational access channel" means any channel dedicated for use by
21 educational institutions.

22 (P) "Educational institution" means any nonprofit academic institution
23 including primary and secondary schools, colleges and universities.

24 (Q) "Energized" means having the capability of providing cable service to
25 subscribers.

26 (R) "Facility" means all real property, antennae, poles, wire, cables,

1 conduits, amplifiers, instruments, appliances, fixtures and other personal property used by a
2 franchisee to provide cable service to its subscribers.

3 (S) "FCC" means the Federal Communications Commission or any legally
4 designated successor.

5 (T) "Franchise" means the non-exclusive service area permit authorization
6 granted by the City Council to construct, operate and maintain a cable communications system
7 and to use the streets for the maintenance of cables or wires for the transmission of a television
8 picture.

9 (U) "Franchise agreement" means the contractual agreement provided for
10 in LVMC 6.20.090.

11 (V) "Franchisee" means the person to whom a service area permit is
12 granted.

13 (W) "Government access channel" means any channel dedicated for use by
14 government institutions.

15 (X) "Gross revenues" means all cash, credits, property of any kind or
16 nature or other consideration received directly or indirectly by the franchisee, any affiliate,
17 subsidiary or parent thereof or any person in which the franchisee has a financial interest that
18 arises from or is attributable to the sale or exchange of cable services by the franchisee within the
19 City or is in any way derived from the operation of its system, including without limitation basic
20 subscriber service monthly fees, optional service monthly fees, installations and reconnection fees,
21 leased channel fees, converter rentals or sales, studio rental, production equipment and personnel
22 fees, advertising revenues and revenues from the sale, exchange or cablecast of any programming
23 developed on or for community service channels or institutional users. The term does not include:

24 (1) Any tax on services furnished by the franchisee which is imposed
25 upon any subscriber or user by the State, County or other governmental unit and collected by the
26 franchisee on behalf of such governmental unit;

1 (2) Any copyright fee collected by the franchisee for the benefit of
2 a person other than the franchisee, its parent corporation, if any, or subsidiary of the parent
3 corporation; or

4 (3) Any fee or annual assessment paid by the franchisee for the use
5 of pay or premium channels.

6 (Y) "Person" means a natural person, any form of business or social
7 organization and any other nongovernmental legal entity including without limitation a
8 corporation, partnership, association, trust or unincorporated organization. The term does not
9 include a government, governmental agency or political subdivision of a government. Whenever
10 it is used in any clause that describes a penalty, the term, as the same is applied to partnerships
11 or associations, includes partners or members thereof, and, as the same is applied to corporation,
12 includes the officers thereof.

13 (Z) "Satellite master antenna system" means a facility within the corporate
14 boundaries of the City which is or will be operated to perform for hire the service of receiving
15 and amplifying the signals broadcast by one or more television stations or provided for public,
16 educational or governmental purpose and redistributing those signals by wire, cable or other
17 means of closed transmission to members of the public who subscribe to the service, and is not
18 a cable communications system as herein defined.

19 (AA) "Street" means the surface, the air space above the surface and the
20 area below the surface of the full width of the right-of-way, including the sidewalks and the
21 surface, overhead and subsurface public works, of every street, road, highway, alley,
22 thoroughfare, place or way of any kind used by the public or open to the public as a matter of
23 right for the purpose of vehicular traffic. The term shall apply only to wired or cabled means of
24 delivery of programming and shall not apply to wireless transmissions of any kind.

25 (BB) "Subscriber" means a person who lawfully receives any cable service
26 provided or distributed by a cable communications system or a satellite master antenna system.

SECTION 7: Title 6, Chapter 20, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.20.020: The purpose of this Chapter is:

(A) To regulate the erection, construction, reconstruction, installation, operation, maintenance, dismantling, testing, repair and use of cable communications systems in, upon, along, across, above, over, under or in any manner connected with any street within the jurisdiction of the City as the same now or in the future may exist;

(B) To provide for the payment of certain fees to the City to reimburse it for the costs that it incurs in regulating the construction and operation, use and development of the systems within the City. Such fees are not to be considered as a tax or for the purpose of raising revenues;

(C) To provide conditions under which the systems will serve present and future needs of the units of government, public institutions and the citizens and general public of the City;

(D) To provide for an orderly process for franchise renewal; [and]

(E) To provide remedies and prescribe penalties for any violation of this Chapter[.]; and

(F) To establish, in accordance with the mandates of Congress and the rules of the FCC, just and reasonable rates for basic cable services and related equipment that a cable communications company may charge its subscribers.

SECTION 8: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective

1 of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses
2 or phrases be declared unconstitutional, invalid or ineffective.

3 SECTION 9: All ordinances or parts of ordinances, sections, subsections,
4 phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las
5 Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

6 PASSED, ADOPTED and APPROVED this _____ day of
7 _____, 199____.

8 APPROVED:

9
10 By _____
JAN LAVERTY JONES, Mayor

11 ATTEST:

12
13 KATHLEEN M. TIGHE, City Clerk

1 The above and foregoing ordinance was first proposed and read by title to the City Council on
2 the ____ day of _____, 199____, and referred to the following committee composed
3 of _____ and _____ for
4 recommendation; thereafter the said committee reported favorably on said ordinance on the
5 ____ day of _____, 199____, which was a _____ meeting of said
6 Council; that at said _____ meeting, the proposed ordinance was read by
7 title to the City Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
JAN LAVERTY JONES, Mayor

14 ATTEST:

15 _____
16 KATHLEEN M. TIGHE, City Clerk

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RECEIVED
CITY CLERK

JUN 23 10 15 AM '94

AFFIDAVIT OF PUBLICATION

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SECOND AMENDMENT
BILL NO. 94-47
ORDINANCE NO. 3818

AN ORDINANCE RELATING TO COMMUNITY ANTENNA TELEVISION SYSTEMS; AMENDING TITLE 6, CHAPTER 20, SECTION 10 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY REDESIGNATING THE CABLE ADMINISTRATOR; AMENDING SECTION 20 OF SAID TITLE AND CHAPTER BY ADDING RATE REGULATION OF BASIC CABLE SERVICE AND RELATED EQUIPMENT TO THE PURPOSE OF THE CHAPTER; BY ADDING NEW SECTIONS THERE-TO ADOPTING AND INCORPORATING THE RULES PROMULGATED BY THE FCC PURSUANT TO THE TELEVISION CONSUMER PROTECTION AND COMPETITION ACT ADOPTED BY CONGRESS ON OCTOBER 5, 1992; AUTHORIZING THE CITY COUNCIL TO REGULATE RATES FOR BASIC CABLE SERVICE AND RELATED EQUIPMENT IN ACCORDANCE WITH FCC RULES; REQUIRING PUBLIC NOTICE AND PUBLIC HEARINGS ON RATE CHANGE REQUESTS FOR BASIC CABLE SERVICE AND RELATED EQUIPMENT; ESTABLISHING PROCEDURES FOR FILING RATE CHANGE REQUESTS; REQUIRING APPROVED RATES FOR BASIC CABLE SERVICE AND RELATED EQUIPMENT TO BE ADOPTED BY ORDINANCE; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERE-TO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY: Mayor

Jon Laverty Jones

SUMMARY: Authorizes the City of Las Vegas, as a franchising authority, to regulate rates for basic cable service and related equipment in accordance with FCC rules adopted pursuant to the Cable Television Consumer Protection and Competition Act, enacted by Congress on October 5, 1992.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 18th day of May, 1994, and referred to the following committee composed of Mayor Jones and Councilman Hawkins Jr. for recommendation; thereafter the said committee reported favorably on said amended ordinance on the 15th day of June, 1994, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as amended and adopted by the following vote:

VOTING "AYE" Councilmen: Adamsen, Higginson, Hawkins Jr., Bross and Mayor Jones
VOTING "NAY" Councilmen: NONE
ABSENT: Councilman: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: June 18, 1994
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

ANDREA DAVIS

, being first duly sworn, deposes and says:

That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of JUNE 18, 1994 to JUNE 18, 1994, on the following days:

JUNE 18, 1994

Signed: Andrea Davis

Subscribed and sworn to before me this

22

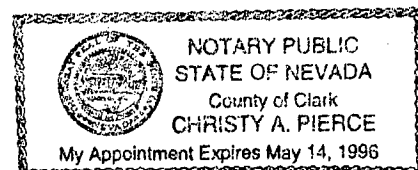
day of

June

19 94

Christy A. Pierce

Notary Public



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BILL NO. 94-47

AN ORDINANCE RELATING TO COMMUNITY ANTENNA TELEVISION SYSTEMS; AMENDING TITLE 6, CHAPTER 20, SECTION 10 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY REDESIGNATING THE CABLE ADMINISTRATOR; AMENDING SECTION 20 OF SAID TITLE AND CHAPTER BY ADDING RATE SETTING OF BASIC CABLE SERVICE AND RELATED EQUIPMENT TO THE PURPOSE OF THE CHAPTER; BY ADDING NEW SECTIONS THERE TO ADOPTING AND INCORPORATING THE RULES PROMULGATED BY THE FCC PURSUANT TO THE TELEVISION CONSUMER PROTECTION AND COMPETITION ACT ADOPTED BY CONGRESS ON OCTOBER 5, 1992; AUTHORIZING THE CITY COUNCIL TO SET RATES FOR BASIC CABLE SERVICE AND RELATED EQUIPMENT IN ACCORDANCE WITH FCC RULES; REQUIRING PUBLIC NOTICE AND PUBLIC HEARINGS ON RATE CHANGE APPLICATIONS FOR BASIC CABLE SERVICE AND RELATED EQUIPMENT; ESTABLISHING PROCEDURES FOR FILING RATE CHANGE APPLICATIONS; REQUIRING APPROVED RATES FOR BASIC CABLE SERVICE AND RELATED EQUIPMENT TO BE ADOPTED BY ORDINANCE; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY: Mayor

Jon Laverly Jones
SUMMARY: Authorizes the City of Las Vegas, as a franchising authority, to set rates for basic cable service and related equipment in accordance with FCC rules adopted pursuant to the Cable Television Consumer Protection and Competition Act, enacted by Congress on October 5, 1992.

At a City Council meeting
MAY 18, 1994

BILL NO. 94-47 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE:

Mayor Jones AND Councilman Hawkins Jr.

COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: May 20, 1994
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

ANDREA DAVIS, being first duly sworn, deposes and says:

That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of MAY 20, 1994 to MAY 20, 1994, on the following days:

MAY 20, 1994

Signed: Andrea Davis

Subscribed and sworn to before me this

25 day of May, 19 94

Peggy D. Barron

Notary Public



PEGGY D. BARRON
Notary Public - Nevada
Clark County
My appt. exp. Feb. 17, 1998

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BILL NO. 94-47
ORDINANCE NO. 3818

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SPONSORED BY: Mayor

Jan Lavery Jones

SUMMARY: Authorizes the City of Las Vegas, as a franchising authority, to regulate rates for basic cable service and related equipment in accordance with FCC rules adopted pursuant to the Cable Television Consumer Protection and Competition Act, enacted by Congress on October 5, 1992.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 18th day of May, 1994, and referred to the following committee composed of Mayor Jones and Councilman Hawkins Jr. for recommendation; thereafter the said committee reported favorably on said amended ordinance on the 15th day of June, 1994, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as amended and adopted by the following vote:

VOTING "AYE" Councilmen: Adamsen, Higginson, Hawkins Jr., Brass and Mayor Jones
VOTING "NAY" Councilmen: NONE
ABSENT: Councilman: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: June 18, 1994
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

ANDREA DAVIS

, being first duly sworn, deposes and says:

That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of JUNE 18, 1994 to JUNE 18, 1994, on the following days:

JUNE 18, 1994

Signed: Andrea Davis

Subscribed and sworn to before me this

22

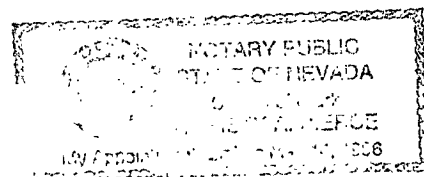
day of

June

19

94

Christy A. Pierce
Notary Public



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BILL NO. 94-47

AN ORDINANCE RELATING TO COMMUNITY ANTENNA TELEVISION SYSTEMS; AMENDING TITLE 6, CHAPTER 20, SECTION 10 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY REDESIGNATING THE CABLE ADMINISTRATOR; AMENDING SECTION 20 OF SAID TITLE AND CHAPTER BY ADDING RATE SETTING OF BASIC CABLE SERVICE AND RELATED EQUIPMENT TO THE PURPOSE OF THE CHAPTER; BY ADDING NEW SECTIONS THERE TO ADOPTING AND INCORPORATING THE RULES PROMULGATED BY THE FCC PURSUANT TO THE TELEVISION CONSUMER PROTECTION AND COMPETITION ACT ADOPTED BY CONGRESS ON OCTOBER 3, 1992; AUTHORIZING THE CITY COUNCIL TO SET RATES FOR BASIC CABLE SERVICE AND RELATED EQUIPMENT IN ACCORDANCE WITH FCC RULES; REQUIRING PUBLIC NOTICE AND PUBLIC HEARINGS ON RATE CHANGE APPLICATIONS FOR BASIC CABLE SERVICE AND RELATED EQUIPMENT; ESTABLISHING PROCEDURES FOR FILING RATE CHANGE APPLICATIONS; REQUIRING APPROVED RATES FOR BASIC CABLE SERVICE AND RELATED EQUIPMENT TO BE ADOPTED BY ORDINANCE; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERE TO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY: Mayor Jan Lavery Jones
SUMMARY: Authorizes the City of Las Vegas, as a franchising authority, to set rates for basic cable service and related equipment in accordance with FCC rules adopted pursuant to the Cable Television Consumer Protection and Competition Act, enacted by Congress on October 3, 1992.

At a City Council meeting MAY 18, 1994
BILL NO. 94-47 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: Mayor Jones AND Councilman Hawkins Jr.
COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: May 20, 1994
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

ANDREA DAVIS, being first duly sworn, deposes and says:

That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of MAY 20, 1994 to MAY 20, 1994, on the following days:

MAY 20, 1994

Signed: Andrea Davis

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25 day of May, 19 94

Peggy D. Barron

Notary Public



PEGGY D. BARRON
Notary Public - Nevada

Clark County
My appt. exp. Feb. 17, 1998



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