

CITY OF LOOKOUT MOUNTAIN, GEORGIA

ORDINANCE NO. 82

AN ORDINANCE to amend Ordinances No. 70, the Community Antenna Television Company Franchise Ordinance, and No. 80, an amendment thereto, to allow the Grantee additional time to commence construction within the City; to provide for a performance bond; and to amend the rates.

BE IT ORDAINED by the City of Lookout Mountain, Georgia and IT IS HEREBY ORDAINED:

Section 1. Paragraph (d) of Section 1 of Ordinance No. 80 is hereby amended by deleting the same in its entirety and inserting in lieu thereof the following:

"(d) The Grantee shall begin construction hereunder in the City of Lookout Mountain, Georgia within twenty (20) months after receiving Federal Communications Commission certification and shall make service available to all residents who request such service within three (3) years after receiving Federal Communications Commission certification."

Section 2. Section 6 of Ordinance No. 70 is hereby amended by adding, as paragraph (f), the following:

"(f) The Grantee shall obtain, at its expense a bond in the amount of Five Thousand Dollars (\$5,000) to secure the Grantee's commencement of construction within the time permitted by paragraph (d) of this Section 6, as the same may be from time to time amended. Such bond shall be in form approved by the City Attorney and shall be delivered to the Clerk of the City of Lookout Mountain, Georgia within thirty (30) days of the effective date of this paragraph (f). The Clerk shall return the bond to the Grantee following the latter's full performance of the conditions hereby secured."

Section 3. Section 29 of Ordinance No. 70 is hereby amended by deleting the same in its entirety and inserting in lieu thereof the following:

"SECTION 29. RATES.

(a) Rates charged by the Grantee for services hereunder shall be fair and reasonable and no higher than necessary to meet all costs of service including fair return on the assets and properties devoted to such services.

(b) Until January 1, 1985, and subject to the exception in (c) the Grantee shall set its rates according to the following table and the adjustments provided herein:

Standard installation, relocation reconnection of initial and additional outlet (located in residences, including single family dwellings, individual apartment units, and individual condominium units)
..... \$25.00 each

Monthly Services (Residential) - One Set (herein referred to as a "residential primary outlet")
..... \$10.45 each

Additional Outlet (Monthly)
..... \$ 2.50 each

FM Outlet (Monthly) with cable service
..... \$ 1.50 each

FM Outlet (Monthly) without cable service
..... \$ 7.50 each

(1) The Grantee shall have the authority to adjust any of the rates provided in the table -- or as subsequently adjusted hereunder -- upon the effective date of any adjustment to the rate charged for the same service within the City of Chattanooga, Tennessee. Provided however, that such adjustment may be made only if the City of Lookout Mountain, Georgia is given written notice of any request for a rate adjustment filed with the City of Chattanooga by the Grantee, such notice to be given simultaneously with the filing of such request; provided further that the amount of any adjustment imposed within the City of Lookout Mountain shall not be greater than the difference between the rate for the equivalent service which existed with the City of Chattanooga immediately prior to its most recent adjustment, and the rate established by said adjustment.

(2) When the Grantee serves at least Eight Hundred Nineteen (819) but less than Nine Hundred Sixty Nine (969) residential primary outlets within both the City of Lookout Mountain, Georgia and the Town of Lookout Mountain, Tennessee, the then-existing rate for residential primary outlets shall henceforth be reduced by One Dollar (\$1.00).

(3) When the Grantee serves at least Nine Hundred Sixty Nine (969) residential primary outlets within both the City of Lookout Mountain, Georgia and the Town of Lookout Mountain, Tennessee, the then-existing rate for residential primary outlets shall henceforth be reduced by an additional One Dollar (\$1.00).

(c) The Grantee shall have the right to petition the City of Lookout Mountain, Georgia for a rate structure different from that provided in subparagraph (b) if there are fewer than six hundred sixty nine (669) active residential primary outlets within the City of Lookout Mountain, Georgia and the Town of Lookout Mountain Tennessee; provided however, such petition cannot be based upon the number of active residential primary outlets in service for a period of six months following the first residential primary outlet becoming active in either City.

(d) Effective January 1, 1985, the rates charged by the Grantee for services hereunder shall thenceforth be equal to the rates charged upon that date, and as subsequently adjusted, within the City of Chattanooga, Tennessee. Provided, however, that subsequent adjustments shall not affect the rates charged within the City of Lookout Mountain, Georgia unless the Grantee has given, to the City of Lookout Mountain, Georgia, written notice of any request for a rate adjustment filed with the City of Chattanooga, such notice to be given simultaneously with the filing of such request.

(e) All monthly service fees are due and payable in advance, and a late charge, not to exceed ten percent (10%) of the delinquency, may be charged for any payment received after the due date.

(f) The Grantee shall be entitled to receive a reasonable security deposit or advance payment from any subscriber or potential subscriber to secure the payment of the rates described above. However, such security deposit or advance payment shall not exceed in any case two times the applicable monthly service-rate charge.

(g) The rates and charges described above do not include any sales or use taxes or any other taxes or charges which may be imposed upon the equipment and/or services provided by the Grantee. The Grantee shall have the right to increase any of the rates and charges described above by the amount of any such sales and use taxes or other taxes or charges imposed upon such equipment and/or services.

(h) The Grantee shall have the right to charge amounts in excess of the rates and charges set forth above to cover such additional costs as it may incur in performing custom or unusual installation or other services hereunder. Commercial custom installations and commercial monthly services shall be at negotiated fees.

(i) Except as provided in subparagraph (h), the Grantee shall never collect a rate within the City of Lookout Mountain, Georgia higher than the rate charged for the same service in the Town of Lookout Mountain, Tennessee. "

Section 4. This Ordinance shall be effective ten (10) days after its adoption and approval by at least three (3) members of the Council of the City after two (2) readings at least one (1) week apart.

Approved on first reading on December 21, 1978.

John Amato
Member of City Council
W. H. Peterson Jr
Member of City Council
Sam N. Smith
Member of City Council
D. H. Petty
Member of City Council
B. W. Ramey
Member of City Council

James Finnes
Mayor of Lookout Mountain,
Georgia

Approved and adopted on second reading on January 18,
1979.

W. H. Peterson Jr
Member of City Council
John Amato
Member of City Council
D. H. Petty
Member of City Council
B. W. Ramey
Member of City Council

Member of City Council

James Finnes
Mayor of Lookout Mountain,
Georgia

ATTEST:

City Clerk of Lookout Mountain,
Georgia

(SEAL)