

91-020

BEFORE THE BOARD OF COMMISSIONERS

FOR LINCOLN COUNTY, OREGON

ORDINANCE # 338

Relating to cable television; amending LCC 4.330; and declaring an emergency.

The Lincoln County Board of Commissioners ordains as follows:

**SECTION 1.**

LCC 4.330 is amended to read:

**4.330 Exercise of Cable Television Rate Regulation Authority**

(1) In accordance with the requirements of 47 USC § 543(a)(3)(A) and 47 CFR § 76.910(e)(1)(i), in exercising its regulatory authority over the rates of cable television operators, Lincoln County will follow the regulations adopted by the Federal Communications Commission pursuant to 47 USC § 543(b).

(2) In accordance with FCC Order number 94-40, MM Docket number 92-266, ¶ 62, the Lincoln County Board of Commissioners designates the Office of Lincoln County Legal Counsel as the Lincoln County Cable Administrator, and delegates authority to the Administrator to conduct cable rate regulation proceedings, and issue appropriate orders and determinations, in accordance with federal and state law and regulations.

~~[(2)]~~ (3) In accordance with the requirements of 47 USC § 543(a)(3)(C) and 47 CFR § 76.910(e)(1)(ii), before exercising its regulatory authority over the rates of a cable television operator, the *[Lincoln County Board of Commissioners]* Administrator will first hold an open public meeting in accordance with the Oregon public meetings law, ORS 192.610 to 192.690, that will provide a reasonable opportunity for consideration of

Lincoln County Legal Counsel  
Lincoln County Courthouse  
225 W. Olive Street  
Newport, Oregon 97365  
Phone: 263-4108

NOTE: Matter in boldfaced type in an amended section is new; matter *[italic and bracketed]* is existing ordinance to be omitted; new sections are in boldfaced type.

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the views of interested parties, including, but not limited to, the cable operator and subscribers of the cable operator.

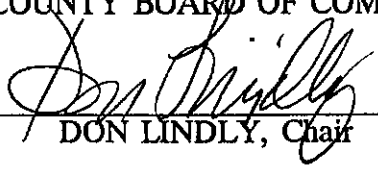
(4) A party aggrieved by a determination or order of the Administrator may appeal to the Board of Commissioners within 15 days of the issuance of the determination or order. An appeal filed with the Board under this subsection will be heard *de novo* by the Board, but the review will be confined to the evidence and information on the record that was before the Administrator. No further evidence or information, other than legal argument by written memorandum, will be received by the Board. A party aggrieved by the Board's determination or order in an appeal under this subsection may appeal that determination or order to the FCC in accordance with 47 CFR § 76.944.


**SECTION 2.**

This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this Ordinance shall take effect upon its passage.


DATED this 22nd day of June, 1994.

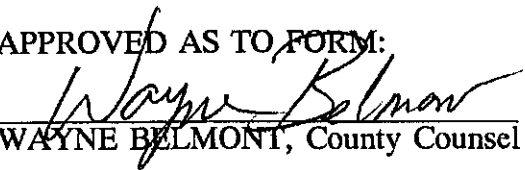
LINCOLN COUNTY BOARD OF COMMISSIONERS

  
DON LINDLY, Chair

  
JEAN COWAN, Commissioner

  
NANCY E. LEONARD, Commissioner

ATTESTED TO:  
  
SUSAN KAYS, Recorder

APPROVED AS TO FORM:  
  
WAYNE BELMONT, County Counsel

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