

July 3, 1996

OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON  
700 Central Building  
810 Third Avenue  
Seattle, Washington 98104

SUPPLEMENTAL REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL.

SUBJECT: King County Office of Cable Communications  
File No. **TCI96387**  
Proposed Ordinance No. **96-511**

Rate Proceeding for

**TCI CABLEVISION OF WASHINGTON, INC.**  
(Cable Systems WA0253, WA0082 & WA0083)

PRELIMINARY REPORT:

The King County Office of Cable Communications Report on Items Nos. WA0253, WA0082 and WA0083 for rate adjustments was received by the Hearing Examiner on April 24, 1996.  
A Supplemental Report was received by the Hearing Examiner on May 31, 1996.

PUBLIC HEARING:

After reviewing the Report and examining available information on file with the Request for Cable Rate Approval, the Examiner conducted a public hearing on the subject as follows:

The hearing on Items No. WA0253, WA0082, and WA0083, was opened by the Examiner at 1:30 p.m., May 2, 1996, in Room No. 1, Department of Development and Environmental Services, 3600 - 136th Place SE, Bellevue, Washington, and adjourned at 2:05 p.m. The hearing was administratively continued to enable the applicant to submit citation of authority. On May 2, 1996, the Examiner received a facsimile transmission from the applicant and declared the public hearing to be closed.

The hearing was reopened at 9:17 a.m., June 26, 1996, in Room No. 230, Central Building, 810 Third Avenue, Seattle, Washington, and closed at 9:22 a.m. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner makes the following findings, conclusions and recommendation.

FINDINGS:

1. The Examiner adopts and incorporates herein the Findings and Conclusions contained in the May 31, 1996 Report to the Hearing Examiner by the King County Office of Cable Communications (Exhibit No. 8 in the record of this proceeding), a copy of which is attached to this Report and Recommendation.
2. King County has agreed with the applicant's computation of maximum authorized charges for equipment and installation services for the one-year period beginning June 1, 1996, as follows:

Equipment

|                                 |         |
|---------------------------------|---------|
| Remote Control - Monthly        | \$ 0.20 |
| Standard Converter - Monthly    | \$ 0.96 |
| Addressable Converter - Monthly | \$ 2.63 |

Installation Services

|                               |         |
|-------------------------------|---------|
| Installation of unwired home  | \$35.01 |
| Installation of prewired home | \$17.51 |

|  |         |
|--|---------|
| Additional outlet - initial installation | \$11.67 |
| Additional outlet - separate trip        | \$17.51 |
| Relocate outlet - separate trip          | \$17.51 |
| Connect VCR - initial installation       | \$ 5.84 |
| Connect VCR - separate trip              | \$11.67 |
| Tier change - addressable                | \$ 2.01 |
| Tier change - nonaddressable             | \$11.67 |
| <u>Hourly Service Charge</u>             | \$23.35 |

The foregoing maximum permitted charges include the Washington State Business and Occupation Tax computed at a rate of 0.471%.

3. The foregoing maximum charges are computed in a manner consistent with the U.S. Cable Act, as amended, and applicable regulations of the Federal Communications Commission.

#### CONCLUSIONS:

1. The maximum charges for television cable equipment and installation services within the franchise areas for Cable Systems WA0082, WA0083, and WA0253 should be the amounts set forth in Finding No. 2, above, until such time as revised charges are authorized.

#### RECOMMENDATION:

APPROVE the maximum permissible charges for equipment and installation services for Cable Systems WA0082, WA0083, and WA0253 as set forth in Finding No. 2, above.

RECOMMENDED this 3rd day of July, 1996.

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James N. O'Connor  
King County Hearing Examiner

TRANSMITTED this 3rd day of July, 1996, to the following parties and interested persons:

Marie Fulghum

Deborah Grindle

Marlin Blizinsky, Manager, Office of Cable Communications

Chris Jaramillo, Office of Cable Communications

#### NOTICE OF RIGHT TO APPEAL AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) **on or before July 17, 1996**. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council **on or before July 23, 1996**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further

consideration.

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless appealed to the Federal Communications Commission pursuant to Title 47, Code of Federal Regulations, §766.944, or within twenty (20) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken if review does not depend upon determining whether King County has acted consistently with the Cable Act or §§76.922 and 76.923 of the FCC Regulations.

**MINUTES OF THE MAY 2, 1996 PUBLIC HEARING ON OFFICE OF CABLE COMMUNICATIONS  
FILE NO. TCI96387 - TCI CABLEVISION:**

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing were Chris Jaramillo, Deborah Grindle, and Marie Fulghum.

The following exhibits were offered and entered into the record:

|               |  |
|---------------|--|
| Exhibit No. 1 | March 1, 1996 Filing for Systems 082 & 083   |
| Exhibit No. 2 | March 1, 1996 Filing for System 253  |
| Exhibit No. 3 | Form 1240, Part I, dated January 1996  |
| Exhibit No. 4 | April 24, 1996 Cable Office Report to the Examiner for the May 2, 1996 Public Hearing  |
| Exhibit No. 5 | Copy of April 29, 1996 letter to Marlin Blizinsky from Marie Fulghum   |
| Exhibit No. 6 | May 1, 1996 memo to Marie Fulghum from Deborah Grindle   |
| Exhibit No. 7 | Faxed transmission dated May 2, 1996, from applicant to Examiner re: excerpts from FCC 13th Order on Reconsideration relating to annual rate adjustment system |

**MINUTES OF THE JUNE 26, 1996 PUBLIC HEARING ON OFFICE OF CABLE  
COMMUNICATIONS FILE NO. TCI96387 - TCI CABLEVISION:**

James N. O'Connor was the Hearing Examiner in this matter. Chris Jaramillo participated in the hearing.

The following exhibits were offered and entered into the record:

|               |   |
|---------------|---|
| Exhibit No. 8 | May 31, 1996 Cable Office Report to the Examiner for the June 26, 1996 Public Hearing                               |
| Exhibit No. 9 | April 29, 1996 letter to Marlin Blizinsky from Marie Fulghum, enclosing amended FCC Form 1205 and schedule of rates |

JNOC:gb  
Attachment  
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