A RESOLUTION BY:

02- R-1299

COUNCILPERSON CLAIR MULLER

A RESOLUTION RECOGNIZING THE CABLE FRANCHISEE'S OBLIGATION TO ADHERE TO THE FEDERAL COMMUNICATIONS COMMISSION CUSTOMER SERVICE STANDARDS WHEN PROVIDING CABLE SERVICES TO THE CITIZENS OF ATLANTA

WHEREAS, on January 1, 1995, a Cable Franchise was granted to Southern Multimedia Communications, Inc., a predecessor of MediaOne Group, Inc. d/b/a MediaOne of Colorado ("Franchisee") for the construction, reconstruction, operation and maintenance of a cable communications system within the City of Atlanta for a period of fifteen (15) years expiring January 1, 2010 (the "Cable Franchise"); and

WHEREAS, on November 15, 1999, the City consented to the change of control of the Franchisee from Media One to AT&T Corp.; and

WHEREAS, AT&T Broadband intends to merge with Comcast Corporation to create a new corporation to be known as AT&T Comcast Corporation ("AT&T Comcast"); and

WHEREAS, on February 28, 2002, AT&T Corp. and AT&T Comcast filed all necessary materials, including an FCC Form 394 with the City of Atlanta seeking the City's consent to the proposed transaction whereby AT&T Comcast Corporation will have ultimate control over the Franchisee and the cable communications system serving the City of Atlanta; and

WHEREAS, Franchisee will operate the system and continue to hold and be responsible for performance of the Cable Franchise; and

WHEREAS, the Federal Communications Commission authorizes local franchising authorities to establish customer service obligations; and

WHEREAS, pursuant to Section 11.0 Of the City of Atlanta Cable Communications Ordinance and Section 12.2 of the Cable Franchise Agreement, the Franchisee shall meet the customer service standards established by the Federal Communications Commission; and

WHEREAS, the City recognizes the receipt of past complaints of customer service from its citizens;

WHEREAS, for the benefit of the citizens of Atlanta, the City hereby sets forth the Customer Service Standards as established by the Federal Communications Commission.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1. Franchisee will maintain a local, toll-free or collect call telephone access line which will be available to its subscribers 24 hours a day, seven days a week.

SECTION 2. Trained company representatives of the Franchisee will be available to respond to customer telephone inquiries during normal business hours.

SECTION 3. After normal business hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received after normal business hours must be responded to by a trained company representative on the next business day.

SECTION 4. Under normal operating conditions, telephone answer time by a customer representative of the Franchisee, including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. These standards shall be met no less than ninety (90) percent of the time under normal operating conditions, measured on a quarterly basis.

SECTION 5. The Franchisee will not be required to acquire equipment or perform surveys to measure compliance with the telephone answering standards above unless an historical record of complaints indicates a clear failure to comply.

SECTION 6. Under normal operating conditions, the customer will receive a busy signal less than three (3) percent of the time.

SECTION 7. Customer service center and bill payment locations will be open at least during normal business hours and will be conveniently located.

SECTION 8. Installations, outages and service calls. Under normal operating conditions, each of the following four standards will be met no less than ninety five (95) percent of the time measured on a quarterly basis:

SECTION 9. Standard installations will be performed within seven (7) business days after an order has been placed. "Standard" installations are those that are located up to 125 feet from the existing distribution system.

SECTION 10. Excluding conditions beyond the control of the operator, the Franchisee will begin working on "service interruptions" promptly and in no event later than 24 hours after the interruption becomes known. The cable operator must begin actions to correct other service problems the next business day after notification of the service problem.

SECTION 11. The "appointment window" alternatives for installations, service calls, and other installation activities will be either a specific time or, at maximum, a four-hour time block during normal business hours. (The Franchisee may schedule service calls and other installation activities outside of normal business hours for the express convenience of the customer.)

SECTION 12. A Franchisee representative may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment.

SECTION 13. If the Franchisee Representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer will be contacted. The appointment will be rescheduled, as necessary, at a time which is convenient for the customer.

SECTION 14. Refund checks will be issued promptly, but no later than either the customer's next billing cycle following resolution of the request or thirty (30) days, whichever is earlier, or the return of the equipment supplied by the cable operator if service is terminated.

SECTION 15. Credits for service will be issued no later than the customer's next billing cycle following the determination that a credit is warranted.

SECTION 16. Customers will be notified of any changes in rates, programming services or channel positions as soon as possible in writing. Notice must be given to subscribers a minimum of thirty (30) days in advance of such changes if the change is within the control of Franchisee. In addition, the cable operator shall notify subscribers 30 days in advance of any significant changes in the other information.

SECTION 17. In addition to the requirements set for the in Section 1 of this Resolution Franchisee shall give 30 days written notice to both subscribers and local franchising authorities before implementing any rate or service change. Such notice shall state the precise amount of any rate change and briefly explain in readily understandable fashion the cause of the rate change (e.g., inflation, change in external costs or the addition/deletion of channels). When the change involves the addition or deletion of channels, each channel added or deleted must be separately identified. For purposes of the carriage of digital broadcast signals, the operator need only identify for subscribers, the television signal added and not whether that signal may be multiplexed during certain dayparts.

SECTION 18. Franchisee shall provide written notice to a subscriber of any increase in the price to be charged for the basic service tier or associated equipment at least 30 days before any proposed increase is effective. The notice should include the name and address of the local franchising authority.

SECTION 19. To the extent the Franchisee is required to provide notice of service and rate changes to subscribers, the operator may provide such notice using any reasonable written means at its sole discretion.

SECTION 20. Notwithstanding any other provision of this Resolution Franchisee shall not be required to provide prior notice of any rate change that is the result of a regulatory fee, franchise fee, or any other fee, tax, assessment, or charge of any kind imposed by any Federal agency, State, or franchising authority on the transaction between the operator and the subscriber.

SECTION 21. Bills must be clear, concise and understandable. Bills must be fully itemized, with itemizations including, but not limited to, basic and premium service charges and equipment charges. Bills will also clearly delineate all activity during the billing period, including optional charges, rebates and credits.

SECTION 22. In case of a billing dispute, the Franchisee must respond to a written complaint from a subscriber within 30 days.

SECTION 23. The City hereby notifies Franchisee of its intent to enforce FCC Customer Service standards.

SECTION 24. That all resolutions in conflict herewith are-hereby repealed.