

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ESTABLISHING A SCHEDULE OF PENALTIES FOR STATE FRANCHISED VIDEO SERVICE PROVIDERS THAT BREACH CUSTOMER SERVICE AND PRIVACY STANDARDS

WHEREAS, the Digital Infrastructure and Video Competition Act of 2006 (“DIVCA”), authorizes the state of California Public Utilities Commission to grant franchises to video providers for the provision of video services in local jurisdictional areas;

WHEREAS, DIVCA establishes statewide standards for video service providers, including customer service and privacy standards;

WHEREAS, Public Utilities Code Section 5900 requires local entities to enforce customer service and protection standards with respect to complaints received from residents within the local entities’ jurisdiction; and

WHEREAS, Public Utilities Code Section 5900 requires local entities to establish a schedule of penalties for material breaches of such customer service and protection standards by holders of state franchises.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT:

Section 1. Pursuant to Public Utilities Code Section 5900(d), the Council hereby establishes the following schedule of penalties for material breaches of customer service and protection standards:

A. First Offense:

For the first material breach of Public Utilities Code Section 5900, a penalty of up to five hundred dollars (\$500) shall be assessed for each day of each material breach, not to exceed one thousand five hundred dollars (\$1,500) for each occurrence of a material breach.

B. Second Offense:

If the City has provided notice and a fine or penalty has been assessed for a material breach of Public Utilities Code Section 5900, and a subsequent material breach of the same nature occurs within 12 months, the penalty for the subsequent material breach shall be increased to a maximum of one thousand dollars (\$1,000) for each day of each material breach, not to exceed three thousand dollars (\$3,000) for each occurrence of the material breach.

C. Third or Additional Offense:

If the City has provided notice and a fine or penalty has been assessed for two or more material breaches of Public Utilities Code Section 5900, and a third or additional material breach of the same nature occurs within 12 months, the penalty shall be increased to a maximum of two thousand five hundred dollars (\$2,500) for each day of each material breach, not to exceed seven thousand five hundred dollars (\$7,500) for each occurrence of the material breach.