

RESOLUTION NO. 9-09

A RESOLUTION REVISING THE INTERNET SERVICES RATE SCHEDULE OF THE UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA, RESCINDING ALL RESOLUTIONS, OR PORTIONS THEREOF, IN CONFLICT HERewith, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Utilities Commission, City of New Smyrna Beach, Florida, in an effort to diversify and compete in the evolving communications industry, deemed it desirable to provide Internet Services within the County of Volusia and established a rate schedule accordingly; and

WHEREAS, the Utilities Commission, the City of New Smyrna Beach, and Micro Products, Incorporated (company later known as Volaris), entered into a tri-party agreement, dated September 16, 1997, and established a rate schedule for dial-up service and associated charges, effective October 1, 1997;

WHEREAS, Volaris is no longer in existence, was bought out by another company, and a new contract for Wholesale Internet service was negotiated with 01 Communications, Inc. and subsequently, with Dialup USA, and this new provider, Dialup USA, offered an additional product, high speed dial up internet service since 2004; and

WHEREAS, the Utilities Commission declared and continued the provisions of communications services (Internet - Dial Up, Wireless, Fiber) in accordance with Florida Statute 350.91(2)(1) on June 15, 2009; and

WHEREAS, the Utilities Commission deemed it necessary, through the budget process, a revision (increase) to the Internet Rate Schedule and presented said proposed rate to the customers of the Utilities Commission, and to other parties of interest, at two public hearings which were duly noticed and advertised; preliminary public hearing held on September 21, 2009 and final public hearing held October 19, 2009.

NOW, THEREFORE, BE IT RESOLVED BY THE UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA, AS FOLLOWS:

SECTION 1: That the following rate schedule has been established and revised as shown on Exhibit A and attached hereto and made a part of this resolution.

SECTION 2: If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3: Resolution Nos. 1-03, 4-04, and 6-05, are rescinded in their entirety, and all other Resolutions, or portions thereof, in conflict herewith are hereby rescinded and superseded.

SECTION 4: After adoption by the Utilities Commission, this Resolution shall take effect November 1, 2009* (*the first billing cycle subsequent to 11-1-09).

THE ABOVE AND FOREGOING RESOLUTION was introduced at a regular meeting of the Utilities Commission, City of New Smyrna Beach, Florida, held on October 19, 2009, by Commissioner Zeller, who moved its adoption, which motion was seconded by Commissioner Diesen, and upon roll call vote of the Commission was as follows:

CHAIRMAN	<u>Kate Allen</u>	<u>yes</u>
VICE CHAIRMAN	<u>William Hall</u>	<u>Absent</u>
SECY.-TREAS.	<u>Wendy Reynolds</u>	<u>yes</u>
ASST. SECY.-TREAS.	<u>David Zeller</u>	<u>yes</u>
COMMISSIONER	<u>George A. Wissen</u>	<u>yes</u>

APPROVED:

ATTEST:

Kate Allen
CHAIRMAN

Wendy Reynolds
SECRETARY-TREASURER

S E A L

APPROVED AS TO FORM AND CORRECTNESS:

Will P. L.
Utilities Commission Attorney

UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA

RATES, CHARGES AND FEES
INTERNET SERVICES RATE SCHEDULE

This service is available, but not limited, to all customers within the Utilities Commission service area in accordance with applicable policies of the Commission.

MONTHLY RATE:

Economy Internet Dial-up Service Only. \$7.95/Month*
(Does Not Include E-Mail, Tech Support or Web Page)

***This rate was suspended on May 15, 2006 (Agenda Item 8-a); only provided to existing customers as of May 15, 2006.**

Standard Unlimited Internet Dial-up Service \$10.95/Month
(Includes One E-Mail Address, Unlimited Access and
Two Technical Support Sessions)

Deluxe Unlimited Internet Dial-up Service \$13.95/Month
(Includes Five E-Mail Addresses, Unlimited Access and
Unlimited Technical Support, Personal Web Page and
Users' Group Meetings)

Standard Broadband Wireless Internet Service \$30.95/Month
(Includes Five E-Mail Addresses, Unlimited Access and
Unlimited Technical Support, and User Group Mtgs.,
Data Rate Up To: 384 Kbps/128Kbps – downstream/upstream)

Business Broadband Wireless Internet Service \$70.95/Month
(Includes Five E-Mail Addresses, Unlimited Access and
Unlimited Technical Support, Data Rate Up To:
1.1 Mbps/128 Kbps (Downstream/Upstream)

Fiber-Optic Wireless Internet Service \$30.95/Month
(Includes Five E-Mail Addresses, Unlimited Access and
Unlimited Technical Support, Personal Web page and User Group Mtgs.)

Terms of Payment:

The terms of payment shall be in accordance with the payment policies of the Commission. A \$2.00 late charge will be added to "Internet Only" accounts not paid as stated above.

Customer Deposit:

For persons residing outside the Utilities Commission's electric service territory, a deposit equal to two times the monthly bill is required. Deposits may be waived for eligible accounts participating in the AFT payment program or with good credit ratings or who pay by credit card .

EFFECTIVE: November 1, 2009*

*Effective 1st Billing Cycle