

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
TWFanch-One, Co.)	CUID No. NC0540 (Liberty)
)	
Complaint Regarding Cable Programming)	
Services Tier Rate Increase)	

ORDER

Adopted: June 10, 2000

Released: June 13, 2000

By the Acting Chief, Financial Analysis and Compliance Division, Cable Services Bureau:

1. In this Order we consider a complaint against the rate the above-referenced operator ("Operator") was charging for its cable programming services tier ("CPST") in the community referenced above. A single complaint was filed with the Commission on January 30, 1995 against Operator's proposed March 1, 1995 CPST rate increase.

2. Under the Communications Act,¹ the Federal Communications Commission ("Commission") is authorized to review the CPST rates of cable systems not subject to effective competition to ensure that rates charged are not unreasonable. The local franchising authority ("LFA") for the franchise area referenced above filed a complaint with the Commission on January 30, 1995. At the time the complaint was filed, Section 623 (c) (3) of the Communications Act required that complaints be filed within "a reasonable period of time" following a change in rates.² We determined that a "reasonable period of time" is forty-five days.³ An LFA must file a complaint within 45 days from the date the rate increase becomes effective.

3. In this case, the Commission received a complaint on January 30, 1995 concerning a proposed CPST rate increase scheduled to occur on March 1, 1995. Based on our review of the record, we find that the complaint filed on January 30, 1995 was not timely filed within 45 days of a rate change. Therefore, we will dismiss the complaint because it was not timely filed.

¹ Communications Act, Section 623(c), *as amended*, 47 U.S.C. §543(c) (1996).

² 47 U.S.C. §543 (c) (3) (1995).

³ See Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992: Rate Regulation, First Order on Reconsideration, Second Report and Order, and Third Notice of Proposed Rulemaking, MM Docket No. 92-266, 9 FCC Rcd 1164 at n.314 (1994) ("First Reconsideration Order").

4. Accordingly, IT IS ORDERED, pursuant to Section 623 (c) (3) of the Communications Act of 1934, as amended, 47 U.S.C. Section 543 (c) (3) (1995) and Section 0.321 of the Commission's rules, 47 C.F.R. §0.321, that the above-referenced complaint IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

Kathleen F. Costello
Acting Chief, Financial Analysis and Compliance Division
Cable Services Bureau