

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

In the Matter of ) CUID No. SC0094 (Clinton)  
)  
Charter Communications )  
)  
Complaint Regarding )  
Cable Programming Services Tier Rates )

ORDER

Adopted: June 12, 2000

Released: June 14, 2000

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

1. In this Order we consider a complaint against the rate charged by the above-referenced operator ("Operator") for its cable programming services tier ("CPST") in the community referenced above.<sup>1</sup> We have already issued a separate order addressing the reasonableness of Operator's CPST rates in effect through May 14, 1994 ("Prior Order").<sup>2</sup> In our Prior Order, we stated that our findings "do not in any way prejudice the reasonableness of the price for CPS service after May 14, 1994 under our new rate regulations."<sup>3</sup> This Order addresses only the reasonableness of Operator's CPST rates in effect after May 14, 1994.

2. Under the Communications Act,<sup>4</sup> 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. If the Commission finds a rate to be unreasonable, it shall determine the correct rate and any refund liability.<sup>5</sup> At the time the complaint was filed, the Cable Television Consumer Protection and Competition Act of 1992 ("1992 Cable Act")<sup>6</sup> required the Commission to review CPST rates upon the filing of a valid complaint by a subscriber or local franchise authority.

<sup>1</sup> The complaint was filed with the Federal Communications Commission on January 3, 1994.

<sup>2</sup> See In the Matter of Cencom Cable Entertainment, Inc., 10 FCC Rcd 6037 (1995).

<sup>3</sup> *Id.* at n. 1.

<sup>4</sup> Communications Act, Section 623(c), *as amended*, 47 U.S.C. §543(c) (1996).

<sup>5</sup> See Section 76.957 of the Commission's Rules, 47 C.F.R. §76.957.

<sup>6</sup> Pub. L. No. 102-385, 106 Stat. 1460 (1992).

3. To justify rates for the period beginning May 15, 1994, operators must use the FCC Form 1200 series.<sup>7</sup> Upon review of Operator's FCC Form 1200, we find Operator's actual CPST rate of \$14.22, effective May 15, 1994, to be reasonable.<sup>8</sup>

4. Accordingly, IT IS ORDERED, pursuant to Section 0.321 of the Commission's rules, 47 C.F.R. § 0.321 that the CPST rate charged by Operator in the community referenced above, effective May 15, 1994, IS REASONABLE.

5. IT IS FURTHER ORDERED, pursuant to Section 0.321 of the Commission's rules, 47 C.F.R. § 0.321, that the complaint referenced herein against the rate charged by Operator in the community referenced above, effective May 15, 1994, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

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<sup>7</sup> See Section 76.922 of the Commission's Rules, 47 C.F.R. §76.922.

<sup>8</sup> These findings are based solely on the representations of Operator. Should information come to our attention that these representations were materially inaccurate, we reserve the right to take any appropriate action. This Order is not to be construed as a finding that we have accepted as correct any specific entry, explanation or argument made by any party to this proceeding not specifically addressed herein.