

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

In the Matter of)	CUID No. GA0298 (City of Eatonton)
)	CSR No. 4352-R
James Cable Partners, L.P.)	
)	
Small System Filing to Support)	
Basic Cable Service Tier)	

ORDER

Adopted: March 15, 2000

Released: March 17, 2000

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

1. In this Order we consider the rate that the above-captioned operator ("Operator") was charging for its basic service tier ("BST") in the community referenced above. On September 13, 1994, the City of Eatonton ("City") petitioned the Federal Communications Commission ("Commission") requesting assistance in reviewing Operator's BST cost of service showing. The Commission granted the City's request on February 14, 1995, and agreed to review Operator's showing regarding its BST rate.¹ On November 13, 1995 Operator filed an FCC Form 1230, seeking to justify its BST rate through the simplified small system cost of service procedures pursuant to the Commission's *Sixth Report and Order and Eleventh Order on Reconsideration* ("Small Systems Order").² In this Order, we grant Operator's request for small system relief under the Small Systems Order and, based on our review of Operator's FCC Form 1230 filing, find its BST rate to be reasonable.

2. The Commission's original rate regulations took effect on September 1, 1993.³ The Commission subsequently revised its rate regulations effective May 15, 1994.⁴ In a further effort to offer small cable companies administrative relief from rate regulation, the Commission amended the definition of small cable companies and small systems and introduced a simplified form of small system rate relief in the Small Systems Order. Operators attempting to justify their rates through small system relief must file FCC

¹ See Letter dated February 14, 1995 from Jacqueline Spindler, Deputy Chief, Consumer Protection Division, to the Honorable James P. Marshall, Mayor, City of Eatonton, GA.

² Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992: Rate Regulation; Sixth Report and Order and Eleventh Order on Reconsideration, MM Docket Nos. 92-266 and 93-215, FCC 95-196, 10 FCC Rcd 7393 (1995).

³ Order in MM Docket No. 92-266, Implementation of Sections of the Cable Consumer Protection and Competition Act of 1992: Rate Regulation, FCC 93-372, 58 Fed. Reg. 41042 (Aug. 2, 1993).

⁴ 47 C.F.R. Section 76.922 (b). See also Second Order on Reconsideration, Fourth Report and Order, and Fifth Notice of Proposed Rulemaking, MM Docket No. 92-266, 9 FCC Rcd 4119, 4190 (1994) ("Second Order on Reconsideration").

Form 1230.⁵ FCC Form 1230 requires that the Operator Selected Per Subscriber Monthly Programming Rate Per Channel (FCC Form 1230, Line A11) not exceed the Per Subscriber, Per Channel Monthly Programming Costs (FCC Form 1230, Line A6).⁶ If the maximum rate established on FCC Form 1230 does not exceed \$1.24 per channel, the rate shall be presumed reasonable.⁷ Cable systems serving 15,000 or fewer subscribers, and owned by a company having 400,000 or fewer subscribers, may elect to use the small system rate mechanism found in FCC Form 1230 in lieu of other Commission rate processes, provided the Commission has not reached a final resolution on the rate complaints filed against the system.⁸

3. Operator asserts that it is a company with fewer than 400,000 total subscribers and that the system in question serves fewer than 15,000 subscribers, making it eligible for small system relief. We find that as of the effective date of the Small Systems Order,⁹ Operator was a company with fewer than 400,000 total subscribers and that the system in question served fewer than 15,000 subscribers, thereby making it eligible for small system relief.¹⁰ Further, Operator's filings show that the Operator Selected Per Subscriber Monthly Programming Rate Per Channel (FCC Form 1230, Line A11) does not exceed \$1.24 per channel. Therefore, we find Operator's actual BST rate of \$6.57 to be reasonable.¹¹

4. Accordingly, IT IS ORDERED, pursuant to Section 0.321 of the Commission's rules, 47 C.F.R. § 0.321, that Operator's request for small system relief, for the system in the community referenced above, IS GRANTED.

5. IT IS FURTHER ORDERED, pursuant to Section 0.321 of the Commission's rules, 47 C.F.R. § 0.321, that the monthly BST rate of \$6.57 charged by Operator in the community referenced above IS REASONABLE.

⁵ The FCC Form 1230 is a one-page form "on which the system inserts its expense, rate base, rate of return, channel count and subscriber count figures and then calculates its permitted rate." Small Systems Order at ¶ 64.

⁶ See Instructions for Line A11, FCC Form 1230, page 3.

⁷ See 47 C.F.R. Section 76.934(h) (1996).

⁸ Small Systems Order at ¶ 75.

⁹ August 21, 1995.

¹⁰ We have previously found that Operator is a company with fewer than 400,000 total subscribers. See In the Matter of James Cable Partners, L.P., DA 99-1960 (released September 24, 1999).

¹¹ These findings are based solely on the representations of the operator. Should information come to our attention that these representations were materially inaccurate, we reserve the right to take 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.

6. IT IS FURTHER ORDERED, pursuant to Sections 76.933(d) and 0.321 of the Commission's rules, 47 C.F.R. §§ 76.933(d) and 0.321, that this decision is binding on the local franchising authority, the City of Eatonton, Georgia, and the cable operator, James Cable Partners, L.P.

FEDERAL COMMUNICATIONS COMMISSION

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