

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

In the Matter of :	)	
	)	
Time Warner Inc.	)	
	)	CSR 4998-X
Petition for Special Relief	)	
Requesting Waiver of	)	
47 C.F.R. § 76.501(a)	)	
	)	
	)	

**MEMORANDUM OPINION AND ORDER**

**Adopted: April 24, 2000**

**Released: April 27, 2000**

By the Chief, Cable Services Bureau:

1. In connection with Time Warner Inc.'s ("TWI") merger with Turner Broadcasting System, Inc. ("Turner"), TWI applied to the Commission for consent to transfer the license of television broadcast station WTBS(TV), channel 17, Atlanta, Georgia, from Turner to TWI. TWI's application requested a temporary waiver of the Commission's cable/broadcast television cross-ownership rule<sup>1</sup> to enable it to divest a cable system serving three Georgia counties that fall within the predicted Grade B contour of WTBS(TV).<sup>2</sup> The Commission granted TWI a twelve-month waiver to divest the cable system.<sup>3</sup> In the temporary waiver grant, the Commission instructed TWI to take actions necessary to divest itself of its media properties that would be inconsistent with Section 76.501(a) of the Commission's rules.<sup>4</sup> Thereafter, TWI filed a petition for special relief seeking a permanent waiver or, alternatively, an extension of the temporary waiver of the cable/broadcast television cross-ownership rule granted on October 9, 1996. The Bureau denied both waiver requests.<sup>5</sup>

2. TWI next requested that the Bureau stay enforcement of Section 76.501(a) of the Commission's rules. The Bureau granted TWI's request for stay.<sup>6</sup> TWI thereafter filed a petition for

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<sup>1</sup>47 C.F.R. § 76.501(a). Section 76.501(a) of the Commission's rules prohibits cross-ownership of a cable system and a television broadcast station when the station's predicted Grade B contour overlaps some or all of the cable system's service area.

<sup>2</sup>TWI directly or indirectly owned and controlled Summit Communications Group which served in excess of 68,000 cable subscribers in Cherokee, Cobb and Fulton counties in Georgia.

<sup>3</sup>*Turner Broadcasting System, Inc. and Time Warner, Inc.*, 11 FCC Rcd 19595 (1996).

<sup>4</sup>*Id.* at 19613, 19615.

<sup>5</sup>*Time Warner Inc. Petition for Special Relief Requesting Waiver of 47 C.F.R. § 76.501(a)*, 12 FCC Rcd 15300 (CSB 1997).

<sup>6</sup>*Time Warner Inc. Emergency Request for Stay Pending Action on Petition for Reconsideration*, 13 FCC (continued...)

reconsideration seeking review of the Bureau's decision denying its request for permanent or extended waiver. TWI has now filed a letter stating that it has sold the cable system at issue to MediaOne Group, Inc.<sup>7</sup> The letter requests that TWI's petition for reconsideration be withdrawn as a result of its sale.

3. Accordingly, **IT IS ORDERED**, pursuant to Sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 405, authority delegated by Section 0.321 of the Commission's Rules, 47 C.F.R. § 0.321, and Section 1.106 of the Commission's Rules, 47 C.F.R. § 1.106, that the Petition for Reconsideration and the associated stay requests filed by Time Warner Inc., **ARE DISMISSED**.

FEDERAL COMMUNICATIONS COMMISSION

Deborah A. Lathen  
Chief, Cable Services Bureau

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Rcd 7934 (CSB 1997).

<sup>7</sup>Letter from Arthur H. Harding, Counsel for Time Warner Inc. to Magalie Roman Salas, Secretary, dated September 21, 1999. We note that TWI retained the otherwise prohibited interests from the date of the merger in 1996 until the cable system was sold in 1999.