

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

In the Matter of:)	
)	
Comcast Cablevision of New Mexico, Inc.)	
)	CSR-5508-A
Prime Time Christian Broadcasting, Inc. v.)	CSR-5486-M
Comcast Cablevision of New Mexico, Inc.)	
)	
Petition for Reconsideration)	

ORDER ON RECONSIDERATION

**Adopted: June 8, 2001
2001**

Released: June 13,

By the Deputy Chief, Cable Services Bureau:

I. INTRODUCTION

1. Prime Time Christian Broadcasting, Inc., licensee of television broadcast station KRPV (Ch. 27), Roswell, New Mexico (“KRPV”), has requested reconsideration of the Bureau’s decision granting the market modification request of Comcast Cablevision of New Mexico, Inc. (“Comcast”) to exclude KRPV from the communities served by five of its cable systems.¹ An opposition to this petition was filed on behalf of Comcast to which KRPV replied. Subsequently, KRPV filed a supplement to its reply to which Comcast responded.²

II. BACKGROUND

2. In its request for modification, Comcast sought to exclude the communities served by five of its cable systems from KRPV’s market. Both Comcast’s cable systems and KRPV’s city of license are

¹*Comcast Cablevision of New Mexico, Inc.*, 15 FCC Rcd 7922 (2000)(“Bureau Order”).

²In filing its supplement, KRPV stated that it had new and relevant facts which needed to be presented in this proceeding (i.e., the fact that the community of Rio Rancho, whose cable system carried KRPV, shared one of the multiple zip codes assigned to Albuquerque, New Mexico). However, it is evident that the information contained in this supplement was available to KRPV at the time its reconsideration was filed. Therefore, pursuant to Section 1.106(c)(2) of the Commission’s rules, we do not accept this supplement as part of this proceeding. 47 C.F.R. §1.106(c)(2). It should be noted in any event that the fact that only one other community carrying KRPV’s signal shares one of the same zip codes with Albuquerque does not show carriage throughout the general area. Moreover, the same arguments raised in KRPV’s supplement were recently discussed and rejected in a similar case involving KRPV. See *TCI Cablevision of New Mexico, Inc.*, DA 01-339 (released February 9, 2001) at paragraph 21.

considered to be part of the Albuquerque-Santa Fe, New Mexico designated market area (“DMA”). The Bureau granted Comcast’s request, finding that Comcast demonstrated that KRPV failed to adequately meet the four statutory market modification factors. Based on the information provided by Comcast, KRPV was found to be geographically distant, with no history of carriage, no Grade B contour, no locally-focused programming, and no viewership in the subject communities.

III. DISCUSSION

3. In support of its request, KRPV asserts that the Bureau has developed a “cookie-cutter” approach for evaluating market modification cases. KRPV argues, however, that the situation herein is not a “run-of-the-mill” case and the *Bureau Order* should be reversed. KRPV requests that, in accordance with Section 1.106(c) of the Commission’s rules, the Bureau should take into account decisionally-significant facts which have changed since the original decision. In addition, KRPV states that the Bureau should re-examine three matters raised by KRPV in the original opposition to Comcast’s petition for special relief. Those issues are: 1) whether in light of the local-into-local provisions of the Satellite Home Viewer Improvement Act of 1999 (“SHVIA”), satellite delivery of a market station requires that such station be treated as “local,” even if its Grade B contour does not reach the cable system headend;³ 2) whether a station which offers 24-hour a day religious programming is providing a unique local programming service to the local cable subscribers; and 3) whether a cable system that discriminates against broadcast television stations in favor of non-broadcast station program services can be required to give mandatory carriage to a qualifying local station, instead of a non-broadcast service.⁴

4. KRPV states that Comcast’s allegation in its petition that KRPV has no history of carriage in the instant communities nor has any neighboring cable system ever carried the station is in error.⁵ KRPV points out that it is being carried, or soon will be carried, by 36 cable systems in the Albuquerque DMA.⁶ KRPV states that it is currently being carried, or soon will be, by five cable companies other than Comcast in the Comcast-served counties of Bernalillo, Santa Fe and Valencia.⁷ KRPV states that this information is verified by the Year 2000 edition of the *Television and Cable Factbook* which was not available at the time of Comcast’s original petition.⁸ KRPV maintains that the submitted exhibits fall squarely within the “new facts” requirements of Section 1.106(c) of the Commission’s rules and should therefore be given decisional weight. KRPV states that, to date, it has requested mandatory carriage on 36 cable systems in its DMA and it has been carried, as of July 1, 2000, by 24 of those cable systems.⁹ KRPV states that it is working with the remaining 12 systems on which it is seeking carriage and expects to achieve mandatory carriage within the next few months.¹⁰ KRPV argues that the above information places a new perspective on KRPV’s historical carriage in the Albuquerque market. KRPV asserts that the

³Pub. Law, 106-113, 113 Stat. 1501 (Nov. 29, 1999).

⁴47 C.F.R. §76.56(b)(2).

⁵*Bureau Order*, 15 FCC Rcd at 7926.

⁶Petition at 3. KRPV states that these 36 systems comprise 162,731 subscribers.

⁷*Id.* KRPV states that the 32,125 subscribers of these five systems are served by AT&T, CableOne, USA Media, Eldorado and Jim Cloud.

⁸*Id.* at Exhibits 1-5. KRPV states that its carriage in some instances did not become a reality until April 2000, one month after the end of the pleading cycle for filing its opposition to Comcast’s petition.

⁹*Id.* at 4.

¹⁰*Id.*

Bureau Order's reliance on Comcast's misinformation in this regard, as well as its outdated reliance on 1997 Nielsen information regarding viewership, makes Comcast's petition fatally defective under Section 76.59(c) of the Commission's rules and that Comcast's petition should be dismissed.¹¹

5. KRPV states that both Comcast's petition and the *Bureau Order* gave significant weight to KRPV's lack of Grade B coverage and geographic distance and totally discounted KRPV's ability to deliver its signal via satellite. KRPV points out that in its *Review of Commission's Regulations Governing Television Broadcasting*, the Commission specifically recognized that a station's over-the-air reach can be extended by satellite transmission.¹² KRPV argues that, contrary to the *Bureau Order*, its arguments with regard to SHVIA's local-into-local provisions assert that because of SHVIA, satellite-delivered in-market broadcast stations must be treated as "local" in modification proceedings.¹³ KRPV contends that both SHVIA and the *Report and Order* modified the meaning of "other local service" for purposes of the second factor of Section 614(h)(1)(C) of the Communications Act and that therefore KRPV qualifies as a local station for Comcast's systems.¹⁴

6. KRPV maintains that Comcast's petition and the *Bureau Order* also mistakenly minimized the significance of KRPV's religious programming by maintaining that none of the station's programming was specifically targeted to its viewers. While KRPV recognizes that the Commission generally shies away from program content judgments, it nevertheless asks the Bureau to reconsider its refusal to declare its full-time religious format as inherently unique, educational, and morally edifying; thus establishing a specific market connection with Comcast's communities.

7. Finally, KRPV questions the *Bureau Order's* failure to address KRPV's contention that Comcast illegally discriminates against the carriage of broadcast station signals, including KRPV, in favor of non-broadcast cable program services in violation of Section 76.59(b)(2) of the Commission's rules.¹⁵ For instance, KRPV points out that Comcast's Albuquerque system channel line-up card lists 63 non-digital activated cable channels, only 12 of which appear to be used for Commission-licensed broadcast stations.¹⁶ KRPV argues that because Section 76.59(b)(2) requires that one-third of Comcast's channels (or 21 channels) be allocated for must carry use, it should be given carriage priority over non-broadcast cable program services, especially if, as in this case, a station carried by Comcast, the Eternal Work Television Network ("EWTN"), is offering similar programming as a must carry station. KRPV points out that the Commission has held that "[t]he fact that [the cable system] may have to drop television broadcast stations or satellite delivered programming services that do not have mandatory carriage rights is not grounds to further delay [a station's] right to mandatory carriage."¹⁷

8. In opposition, Comcast argues that given the fact that KRPV did not meet any of the

¹¹47 C.F.R. §76.59(c).

¹²14 FCC Rcd 12903, 12926-27 and n. 87 (1999) ("*Report and Order*").

¹³*Bureau Order* at 7929.

¹⁴47 U.S.C. §534(h)(1)(C).

¹⁵47 C.F.R. §76.59(b)(2).

¹⁶Petition at 9. *See also* Exhibit B of Comcast's petition for special relief.

¹⁷*See Implementation of the Cable Television Consumer Protection and Competition Act of 1992, Broadcast Signal Carriage Issues ("Must Carry Order")*, 8 FCC Rcd 2965, 2988 (1993); *see also Christian Faith Broadcast, Inc.*, 10 FCC Rcd 5483, 5384 (1995).

market modification factors, the Bureau correctly concluded that KRPV was separate and distinct from the subject communities and did not warrant carriage on the cable systems in question. Comcast asserts that KRPV's "new evidence" lacks any relevance to the instant proceeding while the three issues KRPV raises have no basis in law or fact.¹⁸ Comcast contends that KRPV's petition for reconsideration fails to sustain any grounds for review and should therefore be dismissed.

9. Comcast argues that KRPV's historical carriage and viewership evidence is without merit. Comcast states that in its original petition it demonstrated that KRPV had never been voluntarily carried in either the subject communities or other nearby areas during its 14 years of existence, a fact undisputed by KRPV.¹⁹ Comcast states that KRPV admits that evidence of the carriage of its signal on other cable systems did not become evident "until April 2000 or later."²⁰ Since this information could not have been known at the time it filed its petition for special relief, Comcast argues that it is illogical for KRPV to charge that Comcast was distorting facts.²¹ In addition, Comcast questions KRPV's criticism of the Bureau's reliance on 1997 Nielsen data, particularly as KRPV made no effort to provide more current data to enhance the viewership criterion. Even if KRPV had provided its "new evidence" earlier, however, Comcast maintains that the Bureau should have disregarded it as irrelevant to this proceeding. Comcast points out that Congress directed the Commission to consider patterns of voluntary carriage as evidence of the proper scope of a station's market. As a result, Comcast states that the Commission and the Bureau have repeatedly held that carriage of a short duration or carriage under the mandate of the 1992 Cable Act or the Commission's must carry regulations do not satisfy the historic carriage criterion.²² In effect, Comcast maintains, KRPV seeks to have the Bureau substitute its "new evidence" of forced carriage since January 1, 2000 in lieu of the evidence establishing the station's 14-year history of non-carriage. Regardless, Comcast states that it is undisputed that cable operators serving communities in proximity to the subject communities have never chosen to carry KRPV except as a result of the must carry requirements. Comcast argues that this fact, coupled with the fact that no other Roswell area station has been carried, provides convincing evidence as to the real geographic limits of KRPV's local service area and its local appeal.

10. Comcast further argues that the Bureau need not reach the substance of the three issues KRPV raises in its petition. Comcast points out that the Commission has repeatedly made it clear that reconsideration is appropriate only where the petitioner shows that there is a material error or omission in the original order or where it raises additional facts not known or existing until after the petitioner's last opportunity to present such matters.²³ The Commission has also stated that reconsideration will not be

¹⁸Opposition at 2.

¹⁹Petition for Special Relief at 3.

²⁰Petition at 4.

²¹Comcast points out that this is not the first time KRPV has misrepresented the record or leveled unsubstantiated charges against Comcast in this proceeding. Accordingly, Comcast contends that the Bureau should consider imposing appropriate sanctions against KRPV, including an award of attorney's fees. See 47 C.F.R. §1.17.

²²See e.g., *Dynamic Cablevision of Florida, Ltd.*, 12 FCC Rcd 9952, 9954 & 9957 (1997); *Comcast Cable of Santa Maria, Inc.*, 13 FCC Rcd 24192, 24197 (1998); *Adelphia Cable Partners, L.P.*, 13 FCC Rcd 4047, 4056 (1997); and *Rifkin/Narrangansett of South Florida*, 11 FCC Rcd 21090, 21105 (1996).

²³See e.g., *WWIZ, Inc.*, 37 FCC 685, 686 (1964), *aff'd sub nom., Lorain Journal Co. v. FCC*, 351 F. 2d 824 (D.C. Cir. 1965).

granted for the purposes of debating matters on which it has already deliberated or spoken.²⁴ In this instance, Comcast asserts that KRPV does not allege any facts supporting these three issues, but instead simply wishes to re-litigate them.

11. Comcast points out that neither the text nor the legislative history of the SHVIA contain any reference to the “local service” component of Section 614(h) of the Act.²⁵ Rather, Comcast states that the SHVIA reflects Congress’ reaffirmation of its own 1988 determination that protection of a network television station’s market from importation of distant network signals should extend no further than the areas that actually receive a Grade B intensity signal from the network station at issue.²⁶ Thus, even in the satellite context, Comcast states that Congress declined to protect a network station in areas that cannot receive an off-air signal.²⁷ Comcast contends that Congress based this conclusion, in part, on the Commission’s long-standing recognition that a television station’s Grade B contour generally establishes the area that the station serves and competes for viewers.²⁸ Comcast states that Congress imposed mandatory carriage rights and provided for a market modification process to ensure that television stations obtain carriage in the areas they actually serve.²⁹ Comcast states that it was for this reason that the Second Circuit upheld the Commission’s use of a station’s Grade B contour as evidence of the station’s “local service” for market modification purposes.³⁰ Similarly, Comcast points out that the Commission has twice upheld the Bureau’s refusal to excuse a station’s inability to provide technical service to cable communities even though the station relayed its signal to those areas through a translator.³¹

12. In any event, Comcast argues that to equate satellite delivery with terrestrial delivery of a station’s signal, as KRPV urges, effectively removes the “local service” criterion from the statute since the satellite retransmitting KRPV’s signal could possibly also be received by cable operators in other communities coast-to-coast, thus potentially making KRPV a local commercial television station for every cable community in the country. Comcast contends, therefore, that in light of the statutory requirements and binding precedent, the *Bureau Order* could only conclude that KRPV’s ability to deliver its signal via satellite failed to excuse the station’s inability to provide an off-air signal to the subject communities.

13. With regard to religious programming, Comcast states that KRPV is similarly mistaken in its claim that the Bureau erred in not deeming its religious programming as local. Comcast states that, contrary to KRPV’s assertion, Congress fully considered programming content in crafting the must carry

²⁴See *Isis Broadcasting Group*, 8 FCC Rcd 24 (1992).

²⁵Opposition at 5.

²⁶See *Satellite Home Viewer Act of 1988*, codified at 17 U.S.C. §119.

²⁷17 U.S.C. §119(d)(2)(A).

²⁸See e.g., *Orlando-Daytona Beach-Melbourne and Cocoa, Florida*, 102 FCC 2d 1062, 1070 (1997)(“We believe that television stations actually do or logically can rely on the area within their Grade B contours for economic support.”).

²⁹H.R. Rep. No. 628, 102d Cong., 2d Sess 97 (1992).

³⁰See *Market Modifications and the New York Area of Dominant Influence*, 12 FCC Rcd 12262 (1997)(“*New York ADI Order*”), affirmed, *WLNY-TV, Inc. v. FCC*, 163 F. 3d 137 (2d Cir. 1998).

³¹Opposition at 6, citing *New York ADI Order*, 12 FCC Rcd 12262, 12269 (coverage of a translator does not excuse the inability of a full power station to provide technical service to the communities at issue in a market modification proceeding); *Dynamic Cablevision of Florida, Ltd.*, 12 FCC Rcd 9952, 9958 (1997); and *KBL Cable Systems of the Southwest*, 12 FCC Rcd 21,923, 21,928 (1997).

regulations. Comcast states that while Congress did specify that cable carriage rights would differ between commercial and noncommercial stations, it did not craft any special rules for religious broadcasters or otherwise exempt such broadcasters from the requirements applicable to all other commercial stations.³² Comcast points out that the Bureau has repeatedly explained that “[t]he fact that a station is of specialized appeal does not mean that its logical market is without limits or that it should be exempt from the Section 614(h) market modification process.”³³ Moreover, Comcast states, the Bureau has on numerous occasions modified the market of religious broadcast stations, regardless of the extent of the “inherently unique, educational and morally edifying” programming which might be provided.³⁴

14. Finally, Comcast states that KRPV’s arguments with regard to the channel cap are an inaccurate interpretation of the cable must carry requirements. Comcast acknowledges that both the Communications Act and the Commission’s rules place a one-third cap on the number of “local commercial television stations” that a cable operator must carry pursuant to the mandatory carriage requirements.³⁵ However, Comcast points out that provisions in both the Act and the Commission’s rules explicitly authorize the Commission to modify a television station’s market, upon petition, to include or exclude specific communities.³⁶ As a result of the *Bureau Order*, Comcast states that it is under no obligation to carry KRPV and there is no basis for KRPV’s contention that Comcast is violating Section 76.56(b)(2) of the rules by failing to carry its signal.

15. In reply, KRPV states that Section 76.59(b)(5) of the rules requires that a modification petition include exhibits establishing historical carriage. KRPV states that, despite its pre-1993 carriage in eight cable systems in the market, Comcast’s petition erroneously maintained and the *Bureau Order* accepted that “KRPV has no history of carriage in the instant communities nor has any neighboring cable system ever carried this station.”³⁷ KRPV states that Comcast’s only justification for this error in its opposition was that it was unable to obtain the information and that the carriage was, in any event, irrelevant because it was mandated by the 1992 Cable Act.³⁸ However, KRPV points out that Comcast overlooks the fact that its carriage in five of the eight systems was pre-1992. Moreover, in *Dynamic Cablevision of Florida, Ltd.*, the Commission held that it will not presume that carriage is “involuntary,” but that that fact must be demonstrated by the petitioning cable system.³⁹ KRPV maintains that Comcast has presented no such evidence. Since Comcast has defaulted on its evidentiary burden, KRPV argues that the Commission must therefore assume that all of KRPV’s DMA carriage is voluntary.

16. Further, contrary to Comcast’s assertions, KRPV states that it is not arguing that the

³²Opposition at 7, citing *Turner Broadcasting System v. FCC*, 512 U.S. 622 (1994)(upholding cable must carry requirements as content neutral regulations).

³³See e.g., *Comcast Cable of Santa Maria, Inc.*, 13 FCC Rcd 24192, 24197 (1997); *Dynamic Cablevision of Florida, Ltd.*, 12 FCC Rcd 9952, 9954 & 9957 (1997); *Rifkin/Narrangansett*, 11 FCC Rcd 21090, 21104; and *Jones Cable TV Fund 12-A, Ltd.*, 14 FCC Rcd 2808, 2817 (1999).

³⁴See e.g., *New York ADI Order*, 12 FCC Rcd 12262; *Jones Cable*, 14 FCC Rcd 2808; *Time Warner Entertainment-Advance/Newhouse Partnership*, 13 FCC Rcd 17913 (1998).

³⁵47 U.S.C. §534(b)(1)(B) and 47 C.F.R. §76.56(b)(2).

³⁶47 U.S.C. §534(h)(1)(C) and 47 C.F.R. §76.55(e).

³⁷*Bureau Order*, 15 FCC Rcd at 7926.

³⁸Opposition at 3.

³⁹11 FCC Rcd 9880, 9884 n. 11 (1996); *aff’d*, 12 FCC Rcd 9952 (1997).

combined effect of SHVIA and the *Report and Order* is to make KRPV a local commercial television station for every cable community in the United States. Rather, KRPV states, in a situation, as here, where an in-market local commercial broadcast station is being delivered by satellite to an in-market cable system, the fact of satellite delivery should override the fact that the station does not place a predicted Grade B contour over the cable communities and should qualify it as a local station.

17. With respect to its religious programming, KRPV states that a declaration from its president points out that KRPV's most popular weekly show is performed by a Christian attorney, who lives and works in Albuquerque.⁴⁰ KRPV asserts that this program therefore has relevance to the Albuquerque area, particularly when combined with advertising on Comcast's Rio Rancho cable system and mailing lists including families in the Albuquerque area.⁴¹ If its station is allowed to be carried, KRPV maintains that it intends to target more of its programming specifically to Comcast's communities.⁴²

18. A review of the pleadings indicates that KRPV has not presented sufficient evidence to alter our original decision to grant Comcast's request for exclusion. In our earlier decision, we noted that the cable communities in question were, on average, 200 miles from KRPV's city of license and that there was no history of carriage on Comcast's systems.⁴³ KRPV has provided nothing to lead us to alter our original decision and it devotes little argument to counter the Bureau's initial determination that KRPV failed to meet the market modification criteria. Instead, the main thrust of KRPV's arguments appear to be the conclusion that, despite the fact that KRPV fails to meet any of the market modification criteria, these factors should be overlooked because KRPV is a 24-hour religious station providing "unique" programming; it is able to deliver its signal via satellite; its carriage and viewership is increasing throughout the Albuquerque DMA; and Comcast should be prevented from discriminating against an over-the-air market station in favor of nonbroadcast programming. First, it should be noted that the must carry rules, as written, are content neutral. Because the rules are explicitly content neutral, carriage cannot be either granted or denied based solely on factors related to the type of programming that a particular station carries. While religious stations, as well as foreign-language stations, are considered to be "specialty stations," Comcast correctly pointed out that the Commission has held that "[t]he fact that a station is of specialized appeal does not mean that its logical market is without limits or that it should be exempt from the Section 614(h) market modification process."⁴⁴ Although less reliance is put on audience with regard to specialty stations, simply because of their status, in all other respects they are subject to the same rights and restrictions as any other television broadcast station.

19. Second, despite KRPV's assertions, the SHVIA did not alter the definition of what constitutes a local station under the must carry requirements. Any such alteration would require a rulemaking specifically amending the existing must carry regulations. While the SHVIA Report and Order may indeed have discussed certain aspects of must carry, the issues addressed in that document were focused on matters specifically dealing with the effect of distant network stations' satellite delivery into a local network station's market. The reliance on Grade B coverage as an indicator of local service in market modification cases remains a valid criterion. In this instance, KRPV's ability to deliver its signal via

⁴⁰Reply, Declaration of Albert O. Cooper.

⁴¹*Id.*

⁴²Reply at 6.

⁴³*Bureau Order*, 15 FCC Rcd at 7929-7930.

⁴⁴*See e.g., Continental Cablevision of Jacksonville, Inc.*, 11 FCC Rcd 14904, 14921 (1996); and *Time Warner New York City Cable Group*, 12 FCC Rcd 13094, 13104 (1996).

satellite is no different from another station's transmission of its signal via microwave or translator; types of transmission which also do not bestow local status on a station. Stations are entitled to employ alternative forms of signal delivery, other than over-the-air, particularly when they wish to ensure the receipt of a good quality signal, but such methods are not considered to be indicators of local service.⁴⁵

20. Third, with regard to increasing carriage throughout the market, we note upon review that of the 36 communities referenced by KRPV, there appears to be actual carriage on only 9 systems. Four of those listed were included in the grant of a recent modification request to exclude KRPV from carriage.⁴⁶ Another modification request was filed within the last 2 months to exclude 4 more of these communities.⁴⁷ Only 4 of the 36 total communities are actually within any of the counties where Comcast's systems are located and out of those 4 communities, only 1 shows actual carriage. For the remainder, carriage has not been shown, but merely that negotiations are in progress. We find such evidence to be neither conclusive nor compelling. Prospective or potential carriage alone cannot be taken as an indicator of a station's impact within a market.

21. Fourth, while it is true that Section 76.56(b)(2) of the Commission's rules requires a cable system to set aside one-third of its channel capacity for the carriage of must carry signals, there is no restriction on a cable operator using channel space not currently occupied by a must carry channel for alternative programming, particularly if there is an insufficient number of must carry channels eligible to be carried. A cable operator is only obligated to commence carriage of a particular station within its market when the station meets all of the requirements for carriage (i.e., minimum signal strength, nonduplicating programming etc.). In instances such as here, where a request for modification to exclude an otherwise eligible station is granted, that station loses its must carry rights with respect to the particular cable system requesting the modification. Based on the *Bureau Order*, KRPV currently has no must carry rights on the subject Comcast cable systems. As a result, Comcast cannot be considered to be discriminating against KRPV for its refusal to carry the station in lieu of nonbroadcast programming.

22. In view of the foregoing, we find that a grant of KRPV's petition for reconsideration is not in the public interest.

IV. ORDERING CLAUSES

23. Accordingly, **IT IS ORDERED**, that the petition for reconsideration filed by Prime Time Christian Broadcasters, Inc. **IS DENIED**.

24. This action is taken pursuant to authority delegated by Sections 0.321 and 1.106 of the Commission's rules.⁴⁸

FEDERAL COMMUNICATIONS COMMISSION

William H. Johnson, Deputy Chief

⁴⁵See *Dynamic Cablevision of Florida, Ltd., et al.*, 12 FCC Rcd 9952 (1997).

⁴⁶See *TCI Cablevision of New Mexico, Inc.*, DA 01-339 (released February 9, 2001).

⁴⁷See Petition of TCI Cablevision of New Mexico, Inc. (CSR-5654-A), filed February 2/27/01.

⁴⁸47 C.F.R. §§0.321 and 1.106.

Cable Services Bureau