

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

In the Matter of)	
)	
Monroe Cablevision, Inc.)	CUID No. MI1239 (Frenchtown)
)	
Petition for Reconsideration)	

ORDER ON RECONSIDERATION

Adopted: September 7, 2001

Released: September 14, 2001

By the Deputy Chief, Cable Services Bureau:

1. In this Order we consider a petition for reconsideration ("Petition") of our Order, DA 97-1534 ("Prior Order"),¹ filed with the Federal Communications Commission ("Commission") on August 22, 1997 by the above-referenced operator ("Operator"). Our Prior Order resolved complaints against Operator's cable programming service tier ("CPST") rates in effect beginning September 1, 1993. On August 22, 1997, Operator also filed a request for stay ("Request") of our Prior Order. In this Order, we reconsider and modify our Prior Order and dismiss Operator's Petition and Request as moot.

2. Under the Communications Act,² the Commission was authorized, at the time the referenced complaint was filed, to review the CPST rates of cable systems not subject to effective competition to ensure that rates charged are not unreasonable. The Cable Television Consumer Protection and Competition Act of 1992³ ("1992 Cable Act") required the Commission to review CPST rates upon the filing of a valid complaint by a subscriber or local franchising authority ("LFA"). The Telecommunications Act of 1996 ("1996 Act")⁴ and our rules implementing the legislation ("Interim Rules"),⁵ required that a complaint against the CPST rate be filed with the Commission by an LFA that has received more than one subscriber complaint.⁶ The filing of a complete and timely complaint triggers an obligation upon the cable operator to file a justification of its CPST rates.⁷ The Operator has the

¹ In the Matter of Monroe Cablevision, Inc., DA 97-1534, 12 FCC Rcd 23535 (1997).

² Communications Act, Section 623(c), *as amended*, 47 U.S.C. §543(c) (1996).

³ Pub. L. No. 102-385, 106 Stat. 1460 (1992).

⁴ Pub. L. No. 104-104, 110 Stat. 56 (1996).

⁵ *See* Implementation of Cable Act Reform Provisions of the Telecommunications Act of 1996, 11 FCC Rcd 5937 (1996).

⁶ *See* Communications Act, Section 623(c), *as amended*, 47 U.S.C. Section 543(c) (1996).

⁷ *See* Section 76.956 of the Commission's rules, 47 C.F.R. §76.956.

burden of demonstrating that the CPST rates complained about are reasonable.⁸ If the Commission finds a rate to be unreasonable, it shall determine the correct rate and any refund liability.⁹

3. In response to Operator's Petition, we reviewed our Prior Order and found that Operator justified its actual CPST rate through July 14, 1994. As there were no valid complaints received against Operator's CPST rates in effect after that time period, we will modify our Prior Order to exclude the finding of any refund liability for any time periods beginning after July 14, 1994. Because the arguments raised by Operator in its Petition concern only our calculation in the Prior Order of refund liability for time periods beginning after July 14, 1994, we will dismiss Operator's Petition and Request as moot, without addressing the merits of Operator's arguments.

4. Accordingly, IT IS ORDERED, pursuant to Section 1.106 of the Commission's rules, 47 C.F.R. § 1.106, that In the Matter of Monroe Cablevision, Inc., DA 97-1534, 12 FCC Rcd 23535 (1997) IS MODIFIED TO THE EXTENT INDICATED HEREIN.

5. IT IS FURTHER ORDERED, pursuant to Section 1.106 of the Commission's rules, 47 C.F.R. § 1.106, that Operator's Petition for Reconsideration and Request for Stay ARE DISMISSED AS MOOT.

FEDERAL COMMUNICATIONS COMMISSION

William H. Johnson
Deputy Chief
Cable Services Bureau

⁸ *Id.*

⁹ *See* Section 76.957 of the Commission's rules, 47 C.F.R. § 76.957.