

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

In the Matter:	)	
	)	
TCI CABLEVISION OF HAYWARD, INC.	)	Cuid No. CA0099
	)	
Motion to Withdraw Appeal of Local Rate Order	)	File Nos. CSB-A-0019
Setting Basic Service and Equipment Rates in	)	CSB-A-0517
Foster City, CA	)	

**ORDER**

**Adopted: October 31, 2001**

**Released: November 5, 2001**

By the Chief, Consumer Protection and Competition Division, Cable Services Bureau:

1. TCI Cablevision of Hayward, Inc. (“TCI-H”), filed with the Commission on February 16, 1995 an appeal of a local rate order adopted by Foster City, California (“City”). The City’s order prohibited TCI-H from charging subscribers separately for its optional Inside Wiring Maintenance Plan (“IWMP”). TCI-H also filed a request for emergency stay of the local rate order.

2. On October 10, 2001, TCI-H filed a Motion to Withdraw Appeal of Local Rate Order. In its motion, TCI-H states that it has decided not to contest the local ruling on this issue and will comply with the City’s rate order. As a result, the issue is moot. TCI-H requests that the appeal and related stay request be withdrawn.

3. TCI-H also requests that the IWMP issue addressed in its March 19, 1998 appeal of the local rate order adopted by the City be regarded as moot and withdrawn from further consideration. In all other issues, however, the appeal should remain pending and await substantive Commission review.

4. Accordingly, **IT IS ORDERED** that the Motion to Withdraw Appeal of Local Rate Order filed by TCI Cablevision of Hayward, Inc. on October 10, 2001 **IS GRANTED**.

5. **IT IS FURTHER ORDERED** that the appeal filed by TCI Cablevision of Hayward, Inc. on February 16, 1995 and the related request for emergency stay **ARE DISMISSED**, and the appeal filed by TCI Cablevision of Hayward, Inc. on March 19, 1998 **IS DISMISSED IN PART** regarding the optional Inside Wiring Maintenance Plan issue.

6. This action is taken pursuant to authority delegated by Section 0.321 of the Commission's rules. 47 C.R.F. § 0.321.

FEDERAL COMMUNICATIONS COMMISSION

Deborah E. Klein  
Chief, Consumer Protection and Competition Division  
Cable Services Bureau