

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

In the Matter of)
) CUID No. MI0055 (Monroe)
Monroe Cablevision, Inc.)
)
Petition for Reconsideration)

ORDER ON RECONSIDERATION

Adopted: November 9, 2001

Released: November 14, 2001

By the Deputy Chief, Cable Services Bureau:

1. In this Order we consider a petition for reconsideration ("Petition") of our Order, DA 97-2111 ("Prior Order"),¹ filed with the Federal Communications Commission ("Commission") by the above-referenced operator ("Operator"). Our Prior Order resolved a complaint against Operator's CPST rates in the above-referenced community through May 14, 1994, and found Operator's cable programming services tier ("CPST") rates to be reasonable. In our Prior Order, we stated that our findings "do not in any way prejudice the reasonableness of the price for CPS service after May 14, 1994 under our new rate regulations."² We ordered Operator to file an FCC Form 1200 to justify its CPST rates for the period beginning May 15, 1994. In this Order, we grant Operator's Petition and vacate our Prior Order.

2. Under the Communications Act, the Commission is authorized to review the CPST rates of cable systems not subject to effective competition to ensure that rates charged are not unreasonable.³ The Cable Television Consumer Protection and Competition Act of 1992 ("1992 Cable Act"),⁴ and our rules in effect at the time the complaint was filed, required the Commission to review CPST rates upon the filing of a valid complaint by a subscriber. The filing of a valid complaint triggers an obligation upon the cable operator to file a justification of its CPST rates.⁵ If the Commission finds the rate to be unreasonable, it shall determine the correct rate and any refund liability.⁶

3. In its Petition, Operator argues that the sole complaint filed against its CPST rates was invalid. Our review of the record reveals that a single complaint was filed against Operator's CPST rates in the above-referenced community. That complaint was filed on November 9, 1993 and returned to the

¹ In the Matter of Monroe Cablevision, Inc., DA 97-2111, 13 FCC Rcd 7080 (1998).

² Prior Order at n. 3.

³ 47 U.S.C. §543(c) (1996).

⁴ Pub. L. No. 102-385, 106 Stat. 1460 (1992).

⁵ 47 C.F.R. §76.956.

⁶ 47 C.F.R. §76.957.

complainant on December 1, 1993 because it was incomplete. On December 15, 1993, complainant resubmitted its same complaint with an additional attachment containing the missing information. However, our instructions to complainant required complainant to submit a new complaint form and follow all of the notifications requirements contained in the instructions to the form. Because complainant failed to do this, Operator was not notified that there was a pending complaint. We agree with Operator that this lack of notice makes the complaint invalid. Therefore, we will vacate our Prior Order, thereby relieving Operator of its obligation to file an FCC Form 1200.

4. Accordingly, IT IS ORDERED, pursuant to Section 1.106 of the Commission's rules, 47 C.F.R. §1.106, that Operator's Petition for Reconsideration IS GRANTED.

5. IT IS FURTHER ORDERED, pursuant to Section 0.321 of the Commission's rules, 47 C.F.R. §0.321, that In the Matter of Monroe Cablevision, Inc., DA 97-2111, 13 FCC Rcd 7080 (1998) IS VACATED.

6. IT IS FURTHER ORDERED, pursuant to Section 0.321 of the Commission's rules, 47 C.F.R. §0.321, that the complaint referenced herein against the CPST rates charged by Operator in the community referenced above IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

William H. Johnson, Deputy Chief
Cable Services Bureau