

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

In the Matter of:)	
)	
Frank J. Vitale, d/b/a Falcomm Communications)	
)	CSR 5590-L
v.)	
)	
MediaOne of Metropolitan Detroit, Inc.)	
)	
For Commercial Leased Access)	

ORDER

Adopted: March 1, 2001

Released: March 5, 2001

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

1. On August 30, 2000, Frank J. Vitale d/b/a Falcomm Communications ("Falcomm") filed the above-captioned petition pursuant to Section 76.975 of the Commission's rules,¹ alleging unlawful discrimination by Comcast Cable Communications, Inc. ("Comcast") in the provision of commercial leased access service in Detroit, Michigan. Falcomm alleges that Comcast during 1998 and 1999 unlawfully discriminated against Falcomm by requiring maintenance of insurance policies protecting Comcast from liabilities arising from carriage of Falcomm's leased access programming, while not requiring similar insurance protection from other leased access programmers. Falcomm's petition will be dismissed as untimely filed because it was not filed within the sixty day filing period provided in Section 76.975(d) of the Commission's rules.²

2. Accordingly, **IT IS HEREBY ORDERED**, pursuant to authority delegated by Section 0.321 of the Commission's rules that the petition for relief filed by Frank J. Vitale d/b/a Falcomm Communications in File No. CSR 5590-L **IS DENIED**.³

FEDERAL COMMUNICATIONS COMMISSION

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

¹47 C.F.R. §76.975.

²47 C.F.R. §76.975(d) (Petitions not concerning unreasonable leased access rates must be filed within sixty days of the alleged violation).

³47 C.F.R. § 0.321.