

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

In the Matter of)	File No. EB-02-TC-046
)	
Century Communications)	CUID No. CA1226 (Chino)
)	
Refund Plan)	

ORDER

Adopted: May 6, 2002

Released: May 8, 2002

By the Chief, Enforcement Bureau:¹

1. In this Order we consider the refund plan filed by the above-referenced operator ("Operator") in the above-referenced community pursuant to the Order, DA 97-842² ("Refund Order").³ Our review of Operator's refund plan⁴ reveals that the refund plan does not fulfill the requirements of the Refund Order. Operator did not calculate the correct overcharge for the first three months of refund liability and began its refund liability calculation at a later date than required by the Refund Order. We calculate Operator's refund liability as follows: For the period from June 3, 1996⁵ through August 31, 1996, we calculate an overcharge of \$0.18 per month per subscriber; for the period from September 1, 1996 through May 31, 1997 we calculate an overcharge of \$0.04 per month per subscriber. Our total calculation, including five percent franchise fees plus interest on the overcharges and franchise fees through April 30, 2002, equals \$9,630.94. We order Operator to refund this amount, plus any additional interest accrued to the date of refund, to its CPST subscribers within 60 days of the release of this Order.

2. Accordingly, IT IS ORDERED that Operator's refund plan IS NOT APPROVED.

3. IT IS FURTHER ORDERED, pursuant to Section 76.962 of the Commission's rules, 47 C.F.R. § 76.962, that Operator shall refund to subscribers in the franchise area referenced above the total amount of \$9,630.94, plus interest accruing from April 30, 2002 to the date of refund, within 60 days of the release of this Order.

¹ Effective March 25, 2002, the Commission transferred responsibility for resolving cable programming services tier rate complaints from the former Cable Services Bureau to the Enforcement Bureau. *See Establishment of the Media Bureau, the Wireline Competition Bureau and the Consumer and Governmental Affairs Bureau, Reorganization of the International Bureau and Other Organizational Changes*, FCC 02-10, 17 FCC Rcd 4672 (2002).

² *In the Matter of Century Communications*, DA 97-842, 12 FCC Rcd 24465 (CSB 1997). In the Refund Order, the CUID No. for Chino Hills was listed as CA1227. The correct CUID No. is CA1226.

³ The Refund Order required Operator to determine the overcharges to cable programming service tier ("CPST") subscribers for the period stated in the Refund Order and file a report with the Chief, Cable Services Bureau, stating the cumulative refund amount determined (including franchise fees and interest), describing the calculation thereof, and describing its plan to implement the refund within 60 days of Commission approval of the plan.

⁴ Operator calculated a total refund liability of \$3,709.37.

⁵ June 3, 1996 is the date the first valid subscriber complaint against the June 1, 1996 CPST rate increase was filed with the local franchising authority.

4. IT IS FURTHER ORDERED, pursuant to Section 76.962 of the Commission's rules, 47 C.F.R. § 76.962, that Operator shall file a certificate of compliance with the Chief, Enforcement Bureau, within 90 days of the release of this Order certifying its compliance with this Order.

5. This action is taken pursuant to Sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111 and 0.311.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon,
Chief, Enforcement Bureau