

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

In the Matter of) CUID No. CO0030 (Colorado Springs)
)
Century Communications Corporation)
)
Refund Plan)

ORDER

Adopted: February 21, 2002

Released: February 26, 2002

By the Deputy Chief, Cable Services Bureau:

1. In this Order we consider the refund plan filed on March 11, 1999 by the above-referenced operator ("Operator") in the above-referenced community pursuant to our Order, DA 99-300¹ ("Refund Order").² Our review of Operator's refund plan³ reveals that the refund plan does not fulfill the requirements of the Refund Order. Operator compared unsubstantiated revenue figures with a revenue figure generated by multiplying its subscriber count by the maximum permitted rate for the period under review. The methodology used by Operator resulted in a calculation of negative refund liability for time periods in which Operator was overcharging for its two cable programming services tiers. The proper methodology for calculating refund liability is to multiply the number of subscribers by the overcharge (the actual rate minus the maximum permitted rate) for the period in issue.

2. We calculated Operator's refund liability as follows: For the period from May 15, 1994 through March 31, 1995, we calculated an overcharge of \$0.45 per month per subscriber for the Standard Service Tier and \$0.23 per month per subscriber for the Preferred Service Tier in accordance with the Refund Order. Our total calculation, including interest through March 31, 2002, equals \$819,847.60. We will order Operator to refund this amount, plus any additional interest accrued to the date of refund, plus franchise fees, if any, and interest on the franchise fee principal amount, to its CPST subscribers within 60 days of the release of this Order.

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

¹ See In the Matter of Century Colorado Springs Partnership d/b/a Colorado Springs Cablevision, DA 99-300, 14 FCC Rcd 2787 (1999).

² 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.

³ Operator calculated a total refund liability of \$355,878.42.

4. 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 \$819,847.60, plus interest accruing from March 31, 2002 to the date of refund, plus franchise fees, if any, and interest on the franchise fee principal amount within 60 days of the release of this Order.

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

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

FEDERAL COMMUNICATIONS COMMISSION

William H. Johnson, Deputy Chief
Cable Services Bureau