

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

In the Matter of)	
)	
Mediacom Southeast LLC)	CUID No. M00260 (Anderson)
)	
Small System Filing to Support)	
Cable Programming Services Tier Rates)	

ORDER

Adopted: March 14, 2002

Released: March 20, 2002

By the Deputy Chief, Cable Services Bureau:

1. In this Order we consider a complaint filed with the Federal Communications Commission ("Commission") on January 22, 1996, against the rate charged by the above-referenced operator ("Operator")¹ for its cable programming services tier ("CPST") in the community referenced above. In response to the complaint, Operator filed FCC Form 1230, seeking to justify its CPST rates through the simplified small system cost of service procedures pursuant to the *Small Systems Order*.² In this Order, we grant Operator's request for small system relief and find Operator's CPST rates to be reasonable, effective January 22, 1996.

2. In an effort to offer small cable companies administrative relief from rate regulation, the Commission introduced a simplified form of small system rate relief in the Small Systems Order. Operators attempting to justify their rates through small system relief must file FCC Form 1230.³ FCC Form 1230 requires that Operator's Selected Per Subscriber Monthly Programming Rate Per Channel (FCC Form 1230, Line A11) not exceed its per Subscriber, Per Channel Monthly Programming Costs (FCC Form 1230, Line A6).⁴ If the maximum permitted rate for bundled programming and equipment costs (FCC Form 1230, Line A10) does not exceed \$1.24 per channel, the rate shall be presumed reasonable.⁵ Cable systems serving 15,000 or fewer subscribers, and owned by a company having

¹ The term "Operator" as used in this Order includes Operator's predecessors and successors in interest.

² Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992: Rate Regulation; Sixth Report and Order and Eleventh Order on Reconsideration, MM Docket Nos. 92-266 and 93-215, FCC 95-196, 10 FCC Rcd 7393 (1995).

³ The FCC Form 1230 is a one-page form "on which the system inserts its expense, rate base, rate return, channel count and subscriber count figures and then calculates its permitted rate." Small Systems Order at ¶ 64.

⁴ See Instructions for FCC Form 1230, Line A 11, page 3.

⁵ See 47 C.F.R. Section 76.934(h) (1996).

400,000 or fewer subscribers, may elect to use the FCC Form 1230 in lieu of other Commission rate processes.⁶

3. Operator asserts that it meets the Commission's requirements to file the FCC Form 1230.⁷ Operator serves fewer than 400,000 subscribers in total and fewer than 15,000 in the referenced community. We have previously found that Operator qualifies for small system relief.⁸ Upon review of Operator's FCC Form 1230, we find Operator's actual CPST rate to be reasonable, effective January 22, 1996.⁹

4. Accordingly, IT IS ORDERED, pursuant to Section 0.321 of the Commission's rules, 47 C.F.R. § 0.321, that the referenced complaint IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

William H. Johnson
Deputy Chief
Cable Services Bureau

⁶ Small Systems Order at ¶ 75.

⁷ See Letter dated October 15, 1999 from Regina Famiglietti Pace, Counsel for Mediacom Southeast LLC.

⁸ See In the Matter of Mediacom Southeast LLC, DA 98-1701, 13 FCC Rcd 18428 (1998).

⁹ These findings are based solely on the representations of the operator. Should information come to our attention that these representations were materially inaccurate, we reserve the right to take appropriate action. This Order is not to be construed as a finding that we have accepted as correct any specific entry, explanation or argument made by any party to this proceeding not specifically addressed herein.