

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

In the Matter of	)	
	)	
MediaOne of Fayette County, Inc.	)	CUID No. GA0388 (Tyrone)
	)	
Petition for Reconsideration	)	

**ORDER ON RECONSIDERATION**

**Adopted: March 14, 2002**

**Released: March 20, 2002**

By the Deputy Chief, Cable Services Bureau:

1. In this Order we consider a petition for reconsideration ("Petition") of our Order, DA 98-941 ("Prior Order"),<sup>1</sup> filed with the Federal Communications Commission ("Commission") on June 19, 1998 by the above-referenced operator ("Operator"). Our Prior Order resolved a complaint filed against Operator's cable programming service tier ("CPST") rate. In this Order, we reconsider and vacate our Prior Order and dismiss Operator's Petition as moot.

2. Under the Communications Act,<sup>2</sup> the Commission was authorized, at the time the referenced complaint was filed, to review the CPST rates of cable systems not subject to effective competition to ensure that rates charged are not unreasonable. In a Memorandum Opinion and Order released July 28, 2000 ("Competition Order"), the Commission found that Operator's system serving the community referenced above is subject to effective competition.<sup>3</sup> Based on our finding of effective competition in our Competition Order, Operator's system in the franchise area in the community referenced above is not subject to rate regulation. Therefore, on our own motion, we vacate our Prior Order and dismiss Operator's Petition as moot.

3. Accordingly, IT IS ORDERED, pursuant to Section 0.321 of the Commission's rules, 47 C.F.R. § 0.321, that In the Matter of MediaOne of Fayette County, Inc., DA 98-941, 13 FCC Rcd 13195 (1998) IS VACATED.

4. IT IS FURTHER ORDERED, pursuant to Section 1.106 of the Commission's rules, 47 C.F.R. § 1.106, that Operator's petition for reconsideration IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

William H. Johnson, Deputy Chief  
Cable Services Bureau

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<sup>1</sup> In the Matter of MediaOne of Fayette County, Inc., DA 98-941, 13 FCC Rcd 13195 (1998).

<sup>2</sup> Communications Act, Section 623(c), *as amended*, 47 U.S.C. § 543(c) (1996).

<sup>3</sup> *See* In the Matter of MediaOne of Colorado, Inc., CSR 5413-E, DA 00-1672, 15 FCC Rcd 13287 (2000).