

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

|                                       |   |            |
|---------------------------------------|---|------------|
| In the Matter of:                     | ) |            |
|                                       | ) |            |
| Jack Still                            | ) |            |
|                                       | ) |            |
| v.                                    | ) | CSR 6125-L |
|                                       | ) |            |
| Adelphia Cable Communications         | ) |            |
|                                       | ) |            |
| Petition For Commercial Leased Access | ) |            |

**ORDER**

**Adopted: February 10, 2004**

**Released: February 13, 2004**

By the Deputy Chief, Policy Division, Media Bureau:

1. Jack Still ("Still") filed the captioned Complaint pursuant to Section 76.975 of the Commission's rules,<sup>1</sup> alleging that Adelphia Cable Communications ("Adelphia") failed to respond to a contract for a leased access channel on Adelphia's cable system serving several communities in Wise County, Virginia, which he had signed, notarized and returned to them. He further alleges that Adelphia has refused to negotiate with him in the matter. Adelphia filed a response to the complaint in which it provided a copy of the agreement returned them by Still. In this contract Still had entered, as the amount of compensation he would agree to "\$ 00.00 per month."<sup>2</sup> Adelphia also provided a copy of an unsatisfied judgment of the U.S. District Court for the Western District of Virginia for \$6,000 in favor of Adelphia, which represents, according to Adelphia, resolution of its claim for payment under its previous and recently terminated program carriage contract with Still.<sup>3</sup>

2. Still's complaint will be dismissed. A complaint alleging that a cable operator refused to enter into a contract for a leased access channel, in which the leased access programmer offered to pay "\$ 00.00 per month," fails to establish that the cable operator has violated the Commission's leased access regulations, as required by Section 76.975(g) of the Commission's rules.<sup>4</sup> We further note that Still's complaint was not supported by relevant documentation or affidavit as required by Section 76.6(a)(3) of the Commission's Rules<sup>5</sup>

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<sup>1</sup>47 C.F.R. §76.975.

<sup>2</sup> Response, Exhibit F at 4.

<sup>3</sup> Adelphia had filed a counterclaim in a suit originally filed by Still in a Virginia state court ultimately removed to the Federal court. Response at 4 & Exhibit B.

<sup>4</sup> See 47 C.F.R. § 76.975(g).

<sup>5</sup> See 47 C.F.R. § 76.6(a)(3).

3. Accordingly, **IT IS HEREBY ORDERED**, pursuant to authority delegated by Section 0.283 of the Commission's rules that the petition for relief filed by Jack Still in File No. CSR 6125-L **IS HEREBY DISMISED**.<sup>6</sup>

FEDERAL COMMUNICATIONS COMMISSION

Steven A. Broeckaert,  
Deputy Chief, Policy Division  
Media Bureau

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<sup>6</sup>47 C.F.R. § 0.283.