

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

In the Matter of)	
)	CUID No. TX1340 (City of Azle)
Charter Communications, LLC)	
)	
Cost of Service Showing in Support)	CSR No. 4365-R
Basic Service Tier Rate)	

ORDER

Adopted: February 13, 2004

Released: February 18, 2004

By the Deputy Chief, Policy Division, Media Bureau:

1. The above-referenced operator ("Operator")¹ filed an FCC Form 1200 and an FCC Form 1220 with the local franchising authority ("LFA") for the City of Azle to justify its rate for its basic service tier ("BST"), effective May 15, 1994. The LFA filed a petition for special relief pursuant to the Commission's rules,² requesting that the Commission review the BST rate justification because it included an FCC Form 1220 cost of service filing. The Commission granted the LFA's request and agreed to review Operator's showing regarding its BST rate.³ This Order addresses only the reasonableness of Operator's BST rate of \$20.54, effective May 15, 1994.⁴

2. To justify rates for the period beginning May 15, 1994, operators must use the FCC Form 1200 series.⁵ Cable operators attempting to justify their rates through a cost of service showing must complete and file FCC Form 1220.⁶ Upon review of Operator's FCC Form 1200 and FCC Form 1220, we find Operator's actual BST rate of \$20.54, effective May 15, 1994, to be reasonable.

¹ The term "Operator" includes Operator's predecessors and successors in interest.

² See Section 76.933(d) of the Commission's Rules, 47 C.F.R. § 76.933(d).

³ See Letter from Jacqueline Spindler, Deputy Chief, Financial Analysis and Compliance Division, Cable Services Bureau, to Ms. Analeslie Muncy, counsel for City of Azle.

⁴ Our finding in this Order applies only to the rate period under review. Subsequent to this rate period, the Media Bureau determined that Operator was subject to effective competition in this community and revoked the LFA's certification to regulate basic cable service. See *In the Matter of Charter Communications d/b/a/ Marcus Cable Associates, LLC*, CSR 5915-E, DA 02-1919, 17 FCC Rcd 15491 (MB 2002).

⁵ See Section 76.922 of the Commission's Rules, 47 C.F.R. §76.922.

⁶ See Section 76.922(l) of the Commission's Rules, 47 C.F.R. §76.922(l). See also, Second Report and Order, First Order on Reconsideration, and Further Notice of Proposed Rulemaking, MM Docket No. 93-215 and CS Docket No. 94-28, FCC 95-502, 11 FCC Rcd 2220 (1996) ("*Final Cost Order*").

3. Accordingly, IT IS ORDERED, pursuant to Sections 0.283 and 76.933(d) of the Commission's rules, 47 C.F.R. § 0.283 and § 76.933(d), that the BST rate of \$20.54 charged by Operator in the franchise areas referenced above, effective May 15, 1994, IS REASONABLE.

4. IT IS FURTHER ORDERED pursuant to Sections 0.283 and 76.933(d) of the Commission's rules, 47 C.F.R. § 0.283 and § 76.933(d), that this Order is binding on the community referenced above and Operator.

FEDERAL COMMUNICATIONS COMMISSION

John B. Norton, Deputy Chief
Policy Division
Media Bureau