

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

In the Matter of
Mediacom Minnesota, LLC
Appeal of Local Rate Order of
Lake Minnetonka Cable Commission
CSB-A-0724

ORDER

Adopted: September 29, 2005

Released: October 3, 2005

By the Deputy Chief, Policy Division, Media Bureau:

1. On October 27, 2004, Mediacom Minnesota, LLC ("Mediacom") filed an appeal of a local rate order adopted by the Lake Minnetonka Communications Commission ("LMCC") on September 27, 2004.

2. The Communications Act provides that, where effective competition is absent, cable rates for the BST are subject to regulation by franchising authorities.

3. In a supplement to its appeal of the local rate order, Mediacom indicates that it filed its effective competition petition on September 5, 2003, that effective competition existed in the referenced communities at the time of its filing, and argues that the LMCC's certification to regulate Mediacom's BST rates in those communities should be revoked as of the effective competition petition filing date.

1 The local rate order was effective in the following Minnesota communities: Minnebrisha (MN0562), St. Bonifacius (MN0563), Spring Park (MN0564), Minnetonka Beach (MN0565), Excelsior (MN0566), Orono (MN0567), Medina (MN0568), Shorewood (MN0570), Tonka Bay (MN0571), Long Lake (MN0572), Greenwood (MN0573), Deephaven (MN0574), Woodland (MN0575) and Victoria (MN0576).

2 Mediacom's petition for a finding of effective competition was filed on September 5, 2003.

3 See Mediacom Minnesota LLC, Petition for Determination of Effective Competition and Revocation of Certification in Sixteen Minnesota Communities, CSR 6241-E, 20 FCC Rcd 4984 (MB 2005). ("Mediacom Minnesota LLC").

4 47 U.S.C. § 543(a)(2).

5 See 47 C.F.R. §76.905.

6 See Mediacom Minnesota LLC, 20 FCC Rcd 4984, 4989 (MB 2005).

petition was filed.

4. The Commission has previously recognized the filing date of a petition submitted in support of a finding of effective competition as the effective date that a cable operator is subject to effective competition.⁷ We do so here as well. The LMCC cannot regulate Mediacom's rates in the respective communities identified herein. The revocation of certification removed the LMCC's jurisdiction to issue the rate order under appeal here. Accordingly, the LMCC's rate order with respect to Mediacom for the communities identified herein is without force or effect.

5. Accordingly, **IT IS ORDERED** that the Appeal of Mediacom Minnesota, LLC from the September 27, 2004 rate order issued by the Lake Minnetonka Communications Commission **IS GRANTED** to the extent indicated herein and the local rate order **IS HEREBY VACATED AND SET ASIDE**.

6. This action is taken pursuant to authority delegated by § 0.283 of the Commission's rules.⁸

FEDERAL COMMUNICATIONS COMMISSION

John B. Norton
Deputy Chief, Policy Division
Media Bureau

⁷ See *Alert Cable T.V. of North Carolina, Inc.*, 19 FCC Rcd 80, 81 (MB 2004); *Falcon Cablevision*, 12 FCC Rcd 8229, 8234 (CSB 1997); *Rifkin & Associates, Inc.*, 17 FCC Rcd 14233, 14234 (2002).

⁸ 47 C.F.R. § 0.283.