

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

In the Matter of)
)
Comcast Cable of Dallas, L.P.)
Order Setting Basic Service,) CSB-A-0745
Equipment and Installation Rates)
Dallas TX (TX0726))

ORDER

Adopted: November 30, 2005

Released: December 1, 2005

By the Deputy Chief, Policy Division, Media Bureau:

1. On June 24, 2005, Comcast Cable of Dallas, L.P. ("Comcast") filed this appeal of a local rate order adopted by the City Council of the City of Dallas, Texas ("the City") on May 25, 2005.¹ Earlier, Comcast had challenged the City's certification to regulate Comcast's rates. Specifically, on November 15, 2004, Comcast filed a petition asserting that it was subject to effective competition in Dallas.² The Commission recently granted Comcast's petition, finding that Comcast faced effective competition in Dallas.³

2. The Communications Act provides that, where effective competition is absent, cable rates for the Basic Service Tier are subject to regulation by franchising authorities such as the City.⁴ The Commission's finding of effective competition in Dallas, however, revoked the City's certification to regulate Comcast's BST rates⁵ and thus exempted Comcast from the City's rate regulation.⁶

3. The Commission, when it grants a cable operator's petition for a finding of effective competition, has recognized the filing date of the petition as the date on which the cable operator was subject to effective competition.⁷ We do so here. Therefore, since November 15, 2004, the City has

¹ Ordinance No. 25997, which is Attachment A to Comcast's Appeal of Local Rate Order, filed June 24, 2005.

² Petition for Special Relief, filed by Comcast in CSR 6445-E.

³ *Comcast of Dallas, L.P.*, DA 05-2950 (rel. Nov. 14, 2005), available at 2005 WL 3041351.

⁴ 47 U.S.C. § 543(a)(2).

⁵ *Comcast of Dallas, L.P.*, *supra* n.3, at ¶ 12.

⁶ *See* 47 C.F.R. § 76.905.

⁷ *Mediacom Minnesota, LLC*, DA 05-2637 at ¶ 4 (rel. Oct. 3, 2005); *Alert Cable T.V. of North Carolina, Inc.*, 19 FCC Rcd 80, 81 (2004) ¶ 5; *Rifkin & Associates, Inc.*, 17 FCC Rcd 14233, 14234 (2002) ¶ 5.

lacked authority to regulate Comcast's rates in Dallas. The City's May 25, 2005, rate order with respect to Comcast Cable of Dallas, L.P., is without force or effect.

4. Accordingly, **IT IS ORDERED** that the Appeal of Comcast Cable of Dallas, L.P., from the May 25, 2005 rate order issued by the City Council of the City of Dallas, Texas **IS GRANTED** to the extent indicated herein and the local rate order **IS HEREBY VACATED AND SET ASIDE**.

5. This action is taken pursuant to authority delegated by Section 0.283 of the Commission's rules. 47 C.F.R. § 0.283.

FEDERAL COMMUNICATIONS COMMISSION

John B. Norton
Deputy Chief, Policy Division, Media Bureau