

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

|   |   |                       |
|---|---|-----------------------|
| Texas and Kansas City Cable Partners, L.P., d/b/a | ) |                       |
| Time Warner Cable,                                | ) |                       |
|   | ) |                       |
| Complainant,                                      | ) |                       |
|   | ) | File No. EB-05-MD-008 |
| v.  | ) |                       |
|   | ) |                       |
| CenterPoint Energy Houston Electric, LLC,         | ) |                       |
|   | ) |                       |
| Respondent.                                       | ) |                       |

**MEMORANDUM OPINION AND ORDER**

**Adopted:** January 6, 2006

**Released:** January 9, 2006

By the Chief, Market Disputes Resolution Division, Enforcement Bureau:

1. On December 21, 2005, the complainant, Texas and Kansas City Cable Partners, L.P. d/b/a Time Warner (“Time Warner Cable”), and the respondent, CenterPoint Energy Houston Electric, LLC (“CenterPoint”), filed a motion to withdraw with prejudice<sup>1</sup> the Complaint that Time Warner Cable filed against CenterPoint on May 23, 2005.<sup>2</sup> In short, the Complaint alleges that the pole attachment rates that CenterPoint imposed, as well as CenterPoint’s practices regarding charges for back rentals for allegedly “unreported attachments,” are unjust and unreasonable in violation of section 224 of the Communications Act.<sup>3</sup> The Motion states that the parties “have reached a mutually-acceptable resolution of their disputes,” and that, as part of that settlement, they agreed to dismiss the Complaint with prejudice.<sup>4</sup>

2. We are satisfied that dismissing the Complaint will serve the public interest by promoting the private resolution of disputes and by eliminating the need for further litigation and the expenditure of further time and resources of the parties and this Commission.

3. Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i), 4(j), and 224 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), and 224, and the authority delegated in sections 0.111, 0.311, and 1.1401-1.1418 of the Commission’s rules, 47 C.F.R. §§ 0.111,

<sup>1</sup> Joint Motion to Dismiss with Prejudice, File No. EB-05-MD-008 (filed Dec. 21, 2005) (“Motion”).

<sup>2</sup> Complaint, File No. EB-05-MD-008 (filed May 23, 2005) (“Complaint”).

<sup>3</sup> Complaint at 1-3; 20-32, ¶¶ 38-53; 47 U.S.C. § 224.

<sup>4</sup> Motion at 1-2, ¶ 6.

0.311, and 1.1401-1.1418, that the Motion is GRANTED, and that the Complaint is DISMISSED with prejudice.

FEDERAL COMMUNICATIONS COMMISSION

Alexander P. Starr  
Chief, Market Disputes Resolution Division