

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

In the Matter of)
)
Comcast of California/Colorado/Illinois/)
Texas, Inc.) CSB-A-0726
Order Setting Basic Service, Equipment)
and Installation Rates)
McKinney TX (TX0712))

ORDER

Adopted: January 18, 2006

Released: January 20, 2006

By the Deputy Chief, Policy Division, Media Bureau:

1. On November 4, 2004, Comcast of California/Colorado/Illinois/Texas, Inc. ("Comcast"), filed this appeal of a local rate order adopted by the City Council of the City of McKinney, Texas (the "City") on October 5, 2004.1 Earlier, Comcast had challenged the City's certification to regulate Comcast's rates. Specifically, on September 3, 2004, a Comcast affiliate filed a petition asserting that it was subject to effective competition in McKinney.2 The Commission recently granted the petition, finding that Comcast faced effective competition in McKinney.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 McKinney, 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 September 3, 2004, the City has lacked

1 Ordinance No. 2004-10-107, which is Attachment A to Comcast's Appeal of Local Rate Order.

2 Petition for Special Relief, filed by a Comcast affiliate in CSR 6400-E.

3 Comcast Cable Communications, LLC, DA 05-3328 (rel. Dec. 28, 2005), available at 2005 WL 3543449.

4 47 U.S.C. § 543(a)(2).

5 Comcast Cable Communications, LLC, supra n.3, at ¶ 16.

6 See 47 C.F.R. § 76.905(a).

7 Comcast Cable of Dallas, L.P., DA 05-3127 at ¶ 3 (rel. Dec. 1, 2005); 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, (continued....)

authority to regulate Comcast's rates in McKinney. The City's October 5, 2004, rate order with respect to Comcast is without force or effect.

4. Accordingly, **IT IS ORDERED** that the appeal of Comcast of California/Colorado/Illinois/Texas, Inc., from the October 5, 2004, rate order issued by the City Council of the City of McKinney, 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

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Inc., 17 FCC Rcd 14233, 14234 (2002) ¶ 5.