

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

In the Matter of	)	
	)	
Petition for Declaratory Ruling Regarding	)	MB Docket No. 09-13
Primary Jurisdiction Referral in <i>City of</i>	)	
<i>Dearborn et al. v. Comcast of Michigan III Inc.</i>	)	CSR-8128
<i>et al.</i>	)	
	)	
	)	

**ORDER**

**Adopted: March 16, 2010**

**Released: March 16, 2010**

By the Chief, Media Bureau:

1. On December 9, 2008, the City of Dearborn, Michigan; the Charter Township of Meridian, Michigan; the Charter Township of Bloomfield, Michigan; and the City of Warren, Michigan (collectively, “Petitioners”) filed a Petition for Declaratory Ruling (“Petition”) seeking Commission guidance regarding carriage of public, educational and governmental (“PEG”) channels.<sup>1</sup> The Petition was filed by order of the United States District Court for the Eastern District of Michigan (“District Court”), which directed Petitioners to file the Petition with the Commission under the doctrine of primary jurisdiction.<sup>2</sup> On February 6, 2009, the Media Bureau issued a Public Notice seeking comment on the Petition.<sup>3</sup>

2. On February 24, 2010, Petitioners and Comcast of the South, Inc.; Comcast of Warren, Inc.; and Comcast of Macomb, Inc. jointly filed a “Motion to Withdraw Petition for Declaratory Ruling.”<sup>4</sup> The parties state that they have settled the litigation underlying the Petition, the District Court has entered a

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<sup>1</sup> See Petition for Declaratory Ruling Regarding Primary Jurisdiction Referral in *City of Dearborn et al. v. Comcast of Michigan III, Inc. et al.* of the City of Dearborn, Michigan; the Charter Township of Meridian, Michigan; the Charter Township of Bloomfield, Michigan; and the City of Warren, Michigan (filed December 9, 2008).

<sup>2</sup> *Id.*

<sup>3</sup> See *Entities File Petitions for Declaratory Ruling Regarding Public, Educational and Governmental Programming* Public Notice, 24 FCC Rcd 1340 (2009).

<sup>4</sup> See Motion to Withdraw Petition for Declaratory Ruling Regarding Primary Jurisdiction Referral in *City of Dearborn et al. v. Comcast of Michigan III, Inc. et al.* of the City of Dearborn, Michigan; the Charter Township of Meridian, Michigan; the Charter Township of Bloomfield, Michigan; the City of Warren, Michigan; and Comcast Corporation (filed February 24, 2010).

Consent Judgment and Order of Dismissal, and, therefore, the Commission need not address the issues raised in the Petition.<sup>5</sup> In view of the foregoing, we grant the request.

3. Accordingly, **IT IS ORDERED** that the City of Dearborn *et al.*'s Motion to Withdraw Petition for Declaratory Ruling **IS GRANTED**. **IT IS FURTHER ORDERED** that the Petition for Declaratory Ruling filed by the City of Dearborn *et al.* is **DISMISSED**.

4. This action is taken pursuant to authority delegated by Section 0.283 of the Commission's rules.<sup>6</sup>

FEDERAL COMMUNICATIONS COMMISSION

William T. Lake  
Chief, Media Bureau

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<sup>5</sup> *Id.* at 2.

<sup>6</sup> 47 C.F.R. § 0.283.