

Bureau's orders addressed the restructured service offerings implemented in these communities beginning September 1, 1993, in which Century eliminated its CPS tiers and offered instead only a basic service tier and a few a la carte channels. In each of these orders, the Bureau found that Century's restructured service offerings do not constitute a clear evasion of our rate rules. Specifically, the Bureau found that Century did not avoid rate regulation of most of its previous CPS channels because it moved those channels into a rate-regulated basic tier. With regard to the other channels, the orders permit Century to treat its a la carte packages as new product tiers that may be priced at market levels under the *Going Forward Order*.

5. Since the LOI orders found that the elimination of Century's PCPS tiers did not constitute a clear evasion of rate regulation and those channels not placed on the basic service tier could be treated as a new product tier, there were no CPS tiers in those communities, as of September 1, 1993, that were subject to rate regulation pursuant to Section 76.922 of our rules. Therefore, the Bureau subsequently dismissed all FCC Form 329 complaints filed against Century in each of those seven communities.¹⁵

III. DISCUSSION

6. The rate cards and channel line-up cards submitted by MultiVision for each of the subject communities indicate that MultiVision restructured its service offerings in the subject communities on September 1, 1993 in essentially the same way that Century did for the seven areas mentioned above where LOI orders have been issued. MultiVision discontinued its CPS offerings and placed all of its channels into a single basic service tier, except for five channels which it offered on an a la carte basis. Four of these channels (WTBS, TNT, The Nashville Channel and The Discovery Channel) were previously offered on MultiVision's basic service tier; the fifth channel (The Sci-Fi Channel) was not available in these communities prior to September 1, 1993.¹⁶

7. We feel that we have sufficient information regarding MultiVision's restructured offerings in the subject communities to conclude, in accord with the *Going Forward Order*, that they should be treated the same way that we treated Century's restructured offerings in the seven communities where we issued LOI orders. As in these latter communities, although the instant restructuring resulted in the elimination of Century's CPS tiers, the small number of channels that were offered in the a la carte packages did not constitute an evasion of our then existing rules. Therefore, consistent with the action taken in the LOI orders, we will allow MultiVision to treat its a la carte packages in the subject communities as new product tiers even though they would not qualify as new product tiers under the *Going Forward Order* because one of the conditions for a new product tier is that channels may not be removed from a basic service tier or a CPS tier. Thus, we need not rule on the FCC Form 329 complaints filed against MultiVision in

the subject communities because there were no CPS tiers subject to rate regulation pursuant to Section 76.922 of our rules as of September 1, 1993. In addition, nothing in these complaints indicates that MultiVision's new product tiers violate any of the conditions for establishing those tiers outlined in the *Going Forward Order*.¹⁷

IV. CONCLUSION

8. Accordingly, IT IS ORDERED that the a la carte packages created by ML Media Partners, L.P., Trading as MultiVision Cable TV in the communities listed in the attached Appendix may be treated as new product tiers under our *Going Forward Order*.

9. IT IS FURTHER ORDERED that all FCC Form 329 complaints pending against the CPS rates of ML Media Partners, L.P., Trading as MultiVision Cable TV in each of the communities listed in the attached Appendix are DISMISSED.

10. This action is taken pursuant to delegated authority under Section 0.321 of the Commission's Rules, 47 C.F.R. § 0.321.

FEDERAL COMMUNICATIONS COMMISSION

Gregory J. Vogt
Deputy Chief, Cable Services Bureau

¹⁵ See *Century Cable TV*, CUID Nos. IN0094, WV0156, WV0378, KY0120, AZ0019, DA 94-1422 (Cab. Serv. Bur., released Dec. 12, 1994); *Cable TV of Greater San Juan, San Juan, Puerto Rico*, CUID No. PR0001, DA 94-1530 (Cab. Serv. Bur., released Dec. 20, 1994); *Century Cable TV, Brunswick, Georgia*, CUID No.

GA0040, DA 94-1531 (Cab. Serv. Bur., released Dec. 20, 1994).

¹⁶ MultiVision also discontinued the Preview Guide Channel, which it had previously offered on the basic service tier.

¹⁷ We have excused one violation, i.e., migrating channels from rate-regulated tiers, in only those situations where, as here, the new product tier is established as an outgrowth of our change in our a la carte policy. See *Going Forward Order* at Para. 51.

APPENDIX

CUID	Community	8/31/93 <i>Pre-Regulation</i>		9/1/93 <i>Post Regulation</i>		
		Basic	Tiers	Basic	Tiers	A la Carte
CA0305	Calistoga	16	18	29	0	5
CA0306	Cotati	16	18	29	0	5
CA0317	Sonoma	16	18	29	0	5
CA0318	Rohnert Park	16	18	29	0	5
CA0319	St. Helena	16	18	29	0	5
CA0619	Sebastopol	16	18	29	0	5