

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

In the Matter of)	
)	
Robin Cable Systems, L.P.,)	
d/b/a InterMedia)	CUID No. GA0362 (City of Edison)
)	
Complaint Regarding)	
Cable Programming Services Tier)	
Rate Increase)	

ORDER

Adopted: July 8, 1996

Released: July 8, 1996

By the Chief, Financial Analysis and Compliance Division, Cable Services Bureau:

1. In this Order we consider a complaint filed concerning the January 1, 1996 rate increase of Robin Cable Systems, L.P., d/b/a ("InterMedia") for its cable programming service ("CPS") tier in the City of Edison, Georgia, CUID No. GA0362. InterMedia filed its response to this complaint with the Federal Communications Commission ("Commission") on May 31, 1996. This Order addresses only the reasonableness of InterMedia's rate increase in the amount of \$0.63 that became effective on January 1, 1996.

2. Under the Cable Television Consumer Protection and Competition Act of 1992 (the "1992 Cable Act"),¹ the Commission is authorized to review the CPS tier rates of cable systems not subject to effective competition to ensure that rates charged are not unreasonable. If the Commission finds the rate unreasonable, it shall determine the correct rate and any refund liability.² The Telecommunications Act of 1996³ and our rules implementing the new legislation,⁴

¹ Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460 (1992).

² See 47 U.S.C. Section 543(c)(1993).

³ Telecommunications Act of 1996, Pub. L. No. 104-104, 11 Stat. 56 (February 8, 1996) ("the 1996 Act").

changed the process by which the Commission reviews complaints concerning rates charged for a CPS tier.

3. Under the 1992 Cable Act and our rules implementing it, subscribers, franchising authorities, or other relevant state or local government entities were permitted to file complaints concerning CPS tier rates directly with the Commission.⁵ The receipt of one valid complaint was sufficient to trigger the Commission's review jurisdiction, and imposed an obligation on the operator to file a justification of its CPS tier rates.⁶ Under the 1996 Act and our Interim Rules implementing the new legislation, complaints against the CPS tier rates are to be filed with the Commission by a franchising authority that has received subscriber complaints.⁷ A franchising authority may not file a CPS tier rate complaint unless, within 90 days after such increase becomes effective, it receives subscriber complaints.⁸ This standard requires more than one subscriber rate complaint.⁹ The provisions under the 1996 Act became effective upon its enactment on February 8, 1996.¹⁰

4. On April 8, 1996, the City of Edison filed a complaint with the Commission regarding the increase in InterMedia's CPS tier rate in the above-referenced franchise area.¹¹ The rate increase complained of went into effect on January 1, 1996. This complaint is thus subject to the requirements of the 1996 Act. The City of Edison asserts that it has received more than one complaint against InterMedia's CPS tier rate increase, thereby triggering the Commission's

⁴ See Implementation of Cable Act Reform Provisions of the Telecommunications Act of 1996, FCC 96-154 (released April 9, 1996)("Interim Rules").

⁵ 47 C.F.R. Section 76.950.

⁶ 47 C.F.R. Section 76.956.

⁷ See Communications Act, Section 623(c), *as amended*, 47 U.S.C. Section 543(c)(3) (1996); and 47 C.F.R. Section 76.1402.

⁸ *Id.*

⁹ See 47 C.F.R. Section 76.1402.

¹⁰ The Commission's Interim Rules became effective April 30, 1996, upon publication in the Federal Register, 61 Fed. Reg. 19013. Complaints filed between February 8, 1996 and the effective date of our Interim Rules will be handled on a case-by-case basis.

¹¹ In a letter dated April 1, 1996 to the Federal Communications Commission, Reeves Lane, Mayor of the City of Edison, refiled the FCC Form 329 complaint dated January 11, 1996, stating that even though the City did not believe that its complaint dated January 11, 1996 was defective, it was obvious that the City's complaint was in response to notification dated November 29, 1995 from the cable operator and that the operator intended to increase cable programming tier rates on January 1, 1996. The refiled complaint was received by the Commission on April 8, 1996.

jurisdiction to review this complaint.¹² The complaint from the local franchising authority triggers an obligation on behalf of the cable operator to file a justification of its CPS tier rates.¹³ Thus, in this case, InterMedia is required to justify the increase in its CPS tier rate which is the subject of the City of Edison's complaint.

5. In its response, InterMedia asserts that its January 1, 1996 rate increase is justified by an amended FCC Form 1240 covering the period of January 1, 1996 to December 31, 1996 filed with the Commission on May 31, 1996.¹⁴

6. On May 3, 1996, InterMedia filed a Motion to Dismiss the rate complaint filed on January 11, 1996 by the City of Edison, Georgia. We find it unnecessary to rule on InterMedia's motion, as City of Edison withdrew its January 11, 1996 complaint and refiled its complaint against InterMedia rate increase on April 8, 1996.

7. Upon review of InterMedia's amended FCC Form 1240 we find no apparent errors in InterMedia's calculation of its CPS tier rate increase.¹⁵ We conclude, therefore, that InterMedia's rate increase, which went into effect on January 1, 1996, is justified.

8. Accordingly, IT IS ORDERED, pursuant to Section 0.321 of the Commission's Rules, 47 C.F.R. § 0.321, that the complaint referenced herein against the January 1, 1996 CPS tier rate increase charged by InterMedia in CUID No. GA0362, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Elizabeth W. Beaty
Chief, Financial Analysis and Compliance Division
Cable Services Bureau

¹² In a letter dated June 18, 1996 to Debbie Byrd, Cable Services Bureau, Mickey Williams, City Clerk of the City of Edison, verified that more than one complaint had been received within the 90 day statutory time frame.

¹³ 47 C.F.R. Section 76.956.

¹⁴ On May 3, 1996 the Commission received an initial FCC Form 1240 from InterMedia. On Line A1, of the initial FCC Form 1240, the current maximum rate should have been listed as the current retail rate which InterMedia was charging before the rate increase in January 1, 1996. InterMedia, therefore submitted an amended FCC Form 1240 on May 31, 1996.

¹⁵ This finding is based solely on the representations of InterMedia in its rate filings. Should information come to our attention that these representations were materially inaccurate, we reserve the right to take appropriate action. This Order is not to be construed as a finding that we have accepted as correct any specific entry, explanation or argument made by any party to this proceeding not specifically addressed herein.