

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

In the Matter of:)
)
PARAGON CABLE MANHATTAN)
)
Motion to Dismiss Appeal of Order)
Setting Basic Service and Equipment)
Rates by the City of New York, New York)

ORDER

Adopted: July 29, 1996

Released: August 7, 1996

By the Chief, Consumer Protection and Competition Division, Cable Services Bureau:

INTRODUCTION

1. On October 31, 1994, Paragon Cable of New York City ("Paragon") filed with the Commission a petition to appeal a local rate order adopted on September 30, 1994, by the City of New York (the "City"). The City filed its opposition to the appeal on November 15, 1994. The rate order established Paragon's rates for basic cable service, equipment, installations and hourly service charges, as allowed by the Cable Television Consumer Protection and Competition Act of 1992.¹

2. On July 19, 1996, Paragon filed with the Commission a motion to dismiss its earlier-filed appeal. No opposition to the motion has been filed. Therefore, Paragon's motion to dismiss its appeal is granted.

II Ordering Clause

3. Accordingly, **IT IS ORDERED THAT** Paragon's motion to dismiss its appeal of the rate order issued by the City of New York **IS GRANTED** and the appeal **IS DISMISSED**.

¹ Under the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460 (1992) ("1992 Cable Act"), Communications Act of 1934, § 623(b), 47 U.S.C. § 543(b), and the Commission's implementing regulations, local franchising authorities may regulate rates for basic cable service and associated equipment.

4. This action is taken by the Chief, Consumer Protection and Competition Division, Cable Services Bureau, pursuant to authority delegated by section 0.321 of the Commission's rules. 47 C.F.R. § 0.321 (1993).

FEDERAL COMMUNICATIONS COMMISSION

Gary Laden
Chief, Consumer Protection and Competition Division
Cable Services Bureau

ORDER

Adopted August 7, 1996

Released July 23, 1996

By the Chief, Consumer Protection and Competition Division, Cable Services Bureau

INTERNETWORK

The Commission, in its 1995 Report on the Cable Industry (Report), stated that the Commission's primary concern is the protection of the public interest in the cable service industry. The Commission is particularly concerned with the impact of the industry's practices on the availability of service to all areas of the country, including rural and inner city areas.

On July 12, 1996, the Commission adopted this Order. The Commission's action is necessary to ensure that the industry's practices do not result in a net loss of service to the public interest.

The Commission hereby orders that the industry's practices be discontinued in order to ensure that the public interest is protected.

Under the Cable Television Consumer Protection and Competition Act of 1992, Title II, Public Law 102-321, the Commission is authorized to issue rules and regulations to carry out the purposes of the Act.