

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

	)	CUID Nos:
	)	MD0222 (Rockville)
	)	MD0223 (Chevy Chase)
	)	MD0224 (Silver Spring)
	)	MD0225 (Washington Grove)
	)	MD0226 (Takoma Park)
	)	MD0227 (Somerset)
	)	MD0228 (Poolesville)
In the Matter of	)	MD0229 (Barnesville)
	)	MD0230 (Brookeville)
	)	MD0231 (Garrett Park)
SBC Media Ventures, Inc. t/a	)	MD0233 (Glen Echo)
Montgomery Cable TV	)	MD0234 (Kensington)
	)	MD0235 (Laytonsville)
	)	MD0236 (Montgomery)
Complaints Regarding	)	MD0274 (Chevy Chase)
Cable Programming Services Tier Rates	)	MD0275 (Chevy Chase SecIV)
	)	MD0276 (Chevy Chase SecV)
	)	MD0277 (Chevy Chase VIII)
	)	MD0340 (Germantown)
	)	MD0341 (Burtonsville)
	)	MD0342 (Potomac)
	)	MD0343 (Boys)
	)	MD0344 (Wheaton)
	)	MD0345 (Derwood)
	)	MD0346 (Olney)
	)	MD0347 (Cabin John)
	)	MD0348 (Bethesda)
	)	MD0349 (West Bethesda)

ORDER

Adopted: August 6, 1996

Released: August 16, 1996

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

1. In this Order we consider complaints about the rates the above-captioned operator ("Operator") was charging for its cable programming services tier ("CPST") in the communities

referenced above.¹ Operator's response includes benchmark justifications filed on FCC Form 1200, multiple FCC Form 1210s, the latest FCC Form 1210 filed for the period ending in the first quarter of 1996 and FCC Form 1240. This Order addresses only the reasonableness of Operator's rates after May 14, 1994. The Federal Communications Commission ("Commission") has already issued a separate order addressing the reasonableness of Operator's rates prior to that date.²

2. Under the Communications Act,³ the Commission is authorized to review CPST rates of cable systems not subject to effective competition to ensure that rates charged are not unreasonable. If the Commission finds rates to be unreasonable, it shall determine correct rates and any refund liability.

3. Pursuant to the Cable Television Consumer Protection and Competition Act of 1992,⁴ and our rules implementing it, 47 C.F.R. Part 76, Subpart N, Operator filed its FCC Forms 1200, 1210 and 1240 for the period starting May 15, 1994 through June 30, 1997 in response to complaints referenced herein. Upon review of Operator's FCC Form 1200, FCC Form 1210s and FCC Form 1240 we conclude that Operator has justified its CPST rates charged during the period under review. Therefore, we find that Operator's CPST rates in the above-referenced communities are justified and not unreasonable.⁵

4. Accordingly, IT IS ORDERED, pursuant to Section 0.321 of the Commission's rules, 47 C.F.R. § 0.321, that complaints referenced herein against the cable programming services tier rates charged by Operator in the franchise area referenced in the caption during the period May 15, 1994 through June 30, 1997 ARE DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

¹ The first valid complaint received by the Commission for each CUID number was September 2, 1993.

² See SBC Media Ventures, Inc., 10 FCC Rcd 11056 (1995).

³ Communications Act, Section 623(c), *as amended*, 47 U.S.C. Section 543(c) (1996).

⁴ Pub. L. No. 102-385, 106 Stat. 1460 (1992) ("1992 Cable Act"); Communications Act, Section 623(c), *as amended*, 47 U.S.C. Section 543(c) (1993).

⁵ This finding is based solely on the representations of Operator. 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.