

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

In the Matter of)	
)	
Comcast Cablevision of Middletown, Inc.)	CUID Nos. CT0044 (Middletown)
)	CT0045 (Middlefield)
)	CT0046 (Cromwell)
)	CT0047 (East Hampton)
)	CT0048 (Portland)
)	
Benchmark Filing to Support)	
Cable Programming Services Rate)	

ORDER

Adopted: August 6, 1996

Released: August 21, 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. Operator has chosen to attempt to justify its rates through benchmark showings filed on FCC Form 1200 and multiple FCC Form 1210s, the last one filed for the period ending in the fourth quarter of 1994. This Order addresses the reasonableness of Operator's rates only after May 14, 1994. We have already issued a separate order addressing the reasonableness of the rate prior to that date.¹

2. Under the Cable Television Consumer Protection and Competition Act of 1992,² the Federal Communications Commission ("Commission") is authorized to review CPST rates of a cable system 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

¹ See Comcast Cable Communications, Inc., FCC 95-482 (released December 1, 1995) ("*Comcast Resolution*").

² Communications Act, Section 623(c), *as amended*, 47 U.S.C. § 543(c) (1996).

³ *Id.*

3. Pursuant to the Cable Television and Consumer Protection and Competition Act of 1992,⁴ Operator filed FCC Forms 1200 and 1210s. Operator asserts that its monthly CPST rates are justified because the rates are equal to or lower than the maximum permitted charge. Upon review of Operator's FCC Form 1200 series filings in accordance with the terms of the *Comcast Resolution*,⁵ we agree. We found no apparent errors in Operator's calculation of its maximum permitted CPST rates.⁶ Therefore, Operator's FCC Form 1200 series CPST rates for the period under review are justified.

4. Accordingly, IT IS ORDERED, pursuant to Section 0.321 of the Commission's rules, 47 C.F.R. § 0.321, that the complaints referenced herein against the CPST rates charged by Operator in the franchise areas referenced in the caption during the period following May 14, 1994 ARE DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

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

⁵ Pursuant to the *Comcast Resolution*, the Commission has accepted as proper Comcast's March 31, 1994 channel counts for the cable franchises in which Comcast filed benchmark rate justifications, as listed on Exhibit 2 to the Resolution. See *Comcast Resolution*, Attachment A, IV. 12(f).

⁶ This finding is based solely on the representations of Operator in its CPST 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.