

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

In the Matter of	)	
	)	
Comcast Cable Communications, Inc.	)	CUID Nos. NJ0165 (West Orange)
	)	NJ0221 (Bloomfield)
	)	NJ0249 (Westfield)
	)	NJ0323 (Berkeley Heights)
	)	NJ0329 (Woodbridge)
	)	NJ0350 (Perth Amboy)
Complaints Regarding	)	NJ0369 (Fanwood)
Cable Programming Services Tier Rates	)	

**ORDER**

**Adopted: August 22, 1996**

**Released: September 4, 1996**

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

1. In this Order we consider complaints about rates the above-captioned operator ("Operator") was charging for its cable programming services tier ("CPST") in the communities referenced above.<sup>1</sup> Operator's response includes benchmark justifications filed on FCC Form 1200 and multiple FCC Form 1210s, the latest FCC Form 1210 filed for the period ending in the fourth quarter of 1995. 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.<sup>2</sup>

2. Under the Communications Act,<sup>3</sup> 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.

<sup>1</sup> The Commission received the first valid complaint filed against the Operator on October 13, 1993.

<sup>2</sup> See *Suburban Cablevision*, 10 FCC Rcd 10503 (1995). Comcast Cable Communications, Inc. has since acquired the Suburban Cablevision systems addressed in our earlier order.

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

3. Pursuant to the Cable Television Consumer Protection and Competition Act of 1992,<sup>4</sup> and our rules implementing it, 47 C.F.R. Part 76, Subpart N, Operator filed its FCC Forms 1200 and 1210 for the period starting May 15, 1994 through December 31, 1995 in response to complaints referenced herein. Upon review of Operator's FCC Form 1200 and FCC Form 1210s, 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.<sup>5</sup>

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 CPST rates charged by Operator in the franchise area referenced in the caption during the period May 15, 1994 to December 31, 1995 ARE DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

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<sup>4</sup> 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).

<sup>5</sup> 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.