

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

In the Matter of)	
)	
Post-Newsweek Cable, Inc.)	CUID No. TX0045 (Odessa)
)	
)	
Complaint Regarding)	
Cable Programming Services Tier Rates)	

ORDER

Adopted: September 20, 1996

Released: September 25, 1996

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

1. In this Order we consider a complaint concerning the rates the above-captioned operator ("Operator") was charging for its cable programming services tier ("CPST") in the community referenced above.¹ 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 first 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.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 and 1210 for the period from May 15, 1994 to March 31, 1995 in response to the complaint referenced herein. Although we have made certain adjustments to Operator's FCC Form 1200

¹ The Commission received one valid complaint filed against the Operator on October 14, 1993.

² See Post-Newsweek Cable Inc., 10 FCC Rcd 9324 (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).

and FCC Form 1210s,⁵ upon review of Operator's filings, 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 community are justified.⁶

4. Accordingly, **IT IS ORDERED**, pursuant to Section 0.321 of the Commission's rules, 47 C.F.R. § 0.321, that Operator's CPST rates in effect during the period from May 15, 1996 to March 31, 1996 **ARE NOT UNREASONABLE**.

5. **IT IS FURTHER ORDERED**, pursuant to Section 0.321 of the Commission's rules, 47 C.F.R. § 0.321, that the complaint referenced herein against CPST rates charged by Operator in the franchise area referenced in the caption during the period May 15, 1994 to March 31, 1995 **IS DENIED**.

FEDERAL COMMUNICATIONS COMMISSION

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

⁵ Information regarding the specific adjustments made to Operator's FCC Forms 1200 and 1210s can be found in the public file for CUID TX0045 which is available in the Cable Services Bureau's public reference room, or through the Commission's copy contractor, International Transcription Services (ITS), 1919 M Street N.W., Washington, DC 20554, or by calling ITS at (202) 857-3800.

⁶ 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.