

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

In the Matter of	)	
	)	
Cablevision of New York	)	CUID Nos. NY1413 (Brooklyn)
	)	NY1414 (Bronx)
Complaint Regarding	)	
Cable Programming Services Tier	)	
Rate Increase	)	

ORDER

Adopted: September 20, 1996

Released: September 26, 1996

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

1. In this Order we consider complaints concerning the June 1, 1996 rate increase of Cablevision of New York ("Cablevision") for its cable programming services tier ("CPST") in the communities designated above. This Order addresses only the reasonableness of Cablevision's rate increase of \$1.42 that became effective on June 1, 1996.<sup>1</sup> We conclude that Cablevision's June 1, 1996 CPST rate increase is not unreasonable.

2. Under the Communications Act,<sup>2</sup> the Federal Communications Commission ("Commission") is authorized to review the CPST rates of cable systems not subject to effective competition to ensure that rates charged are not unreasonable. If the Commission finds the rate unreasonable, it shall determine the correct rate and any refund liability.<sup>3</sup> The Telecommunications Act of 1996<sup>4</sup> ("1996 Act") and our rules implementing the new legislation,<sup>5</sup> require that complaints against the CPST rates be filed with the Commission by a local

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<sup>1</sup> The Cable Services Bureau has already issued an Order addressing the reasonableness of Cablevision's rates. See *In the Matter of Cablevision of New York*, 10 FCC Rcd 8150 (1995). Because Cablevision's CPST rate for these communities, for the period September 1, 1993 through May 14, 1994 is under review by the Commission due to a Petition for Reconsideration filed by Cablevision on June 5, 1995, we reserve the right to make further adjustments to Cablevision's underlying CPST rates upon completion of our review. In this Order, we address only the rate increase which is the subject of the complaint in this proceeding.

<sup>2</sup> Communications Act, Section 623(c), as amended, 47 U.S.C. Section 543(c)(3) (1996).

<sup>3</sup> See 47 U.S.C. Section 543(c) (1993).

<sup>4</sup> Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (February 8, 1996) ("1996 Act").

<sup>5</sup> See Implementation of Cable Act Reform Provisions of the Telecommunications Act of 1996, 11 FCC Rcd 5937 ("Interim Rules").

franchising authority ("LFA") that has received subscriber complaints. An LFA may not file a CPST rate complaint unless, within 90 days after such increase becomes effective, it receives subscriber complaints. This standard requires more than one subscriber rate complaint. The provisions under the 1996 Act became effective upon its enactment on February 8, 1996.<sup>6</sup>

3. The City of New York ("City") filed a complaint on August 5, 1996 regarding the June 1, 1996 increase in Cablevision's CPST rate in the above-referenced communities. The City has certified that it has received subscriber complaints regarding the CPST rate increase within 90 days after the date the increase first appeared on the subscriber's cable bill.<sup>7</sup> Cablevision submitted FCC Form 1210 to justify the rate increase that went into effect June 1, 1996.

4. Upon review of Cablevision's FCC Form 1210, we find no apparent errors in Cablevision's calculation of its CPST rate increase.<sup>8</sup> We conclude, therefore, that Cablevision's CPST rate increase, which went into effect on June 1, 1996, is justified.

5. 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 June 1, 1996 CPST rate increase charged by Cablevision of New York in the communities designated above, ARE DENIED.

#### FEDERAL COMMUNICATIONS COMMISSION

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

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<sup>6</sup> See Communications Act, Section 623(c), *as amended*, 47 U.S.C. Section 543(c)(3) (1996).

<sup>7</sup> See FCC Form 329 complaint filed by the City dated June 18, 1996 to Cablevision; *see also* letter from Cablevision to City dated July 18, 1996.

<sup>8</sup> This finding is based solely on the representations of Cablevision in its 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.