

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

In the Matter of	)	
	)	
Time Warner Cable	)	CUID No. WI0321 (City of Franklin)
	)	
	)	
	)	
Complaint Regarding	)	
Cable Programming Services Tier Rates	)	

**ORDER**

**Adopted: November 8, 1996**

**Released: November 13, 1996**

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

1. In this Order we consider a complaint about the rates the above-captioned operator ("Operator") was charging for its cable programming services tier ("CPST") in the community 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 second quarter of 1994. 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.

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, Operator filed its FCC Form 1200 and

<sup>1</sup> The Commission received one valid complaint filed against the Operator on February 25, 1994.

<sup>2</sup> See Time Warner Cable, 10 FCC Rcd 7336 (1995).

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

<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).

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FCC Form 1210s for the period starting May 15, 1994 through July 15, 1994 in response to the complaint 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 community 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 the CPST rates charged by Operator in the above-referenced franchise area during the period from May 15, 1994 through July 15, 1994 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 the CPST rates charged by Operator in the above-referenced franchise area during the period from May 15, 1994 through July 15, 1994 IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

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

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<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.