

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

In the Matter of)		
)		
Cable Satellite of South Miami, Inc.)	CUID Nos.	FL0529 (Miami)
)		FL0914 (Miami)
)		
Order Denying Jurisdiction)		

ORDER

Adopted: December 2, 1996

Released: December 6, 1996

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

1. In this Order we dismiss complaints against the rate Cable Satellite of South Miami, Inc. ("Cable Satellite") was charging for its cable programming service tier ("CPST") in Miami, FL, CUID Nos. FL0529 and FL0914, on the ground that the complaints concern rates that are outside the jurisdiction and authority of this Commission.¹ Pursuant to the Communications Act, the Commission regulates the CPST rates of cable systems not subject to effective competition upon the filing of a valid complaint.² Our review reveals that the complaints filed against Cable Satellite, while asserting that they challenge CPST rates, challenge only rates for basic service, not for CPST. The complaints therefore do not trigger the Commission's jurisdiction, and are accordingly dismissed.

2. Accordingly, IT IS ORDERED, pursuant to Section 623(a)(2)(A)and(B) of the Communications Act of 1934, *as amended*, 47 U.S.C. Section 543(c) (1996), that the complaints filed between October 15, 1993 and October 20, 1993, against the CPST rate charged by Cable Satellite, CUID Nos. FL0529 and FL0914, ARE DISMISSED.

¹ The local franchising authority, Metropolitan Dade County, has withdrawn two CPST rate complaints that it filed against Cable Satellite on November 10, 1993, in the above referenced community. See Letter dated January 20, 1996 from Mario E. Goderich, Cable Television Coordinator, Metropolitan Dade County, to the Federal Communications Commission, Office of the Secretary.

² Pub. L. No. 102-385, 106 Stat. 1460 (1992); Communications Act, § 623(c), *as amended*, 47 U.S.C. § 543(c) (1993) (1992 Cable Act).

3. This action is taken pursuant to delegated authority under Section 0.321 of the Commission's rules, 47 C.F.R. § 0.321.

FEDERAL COMMUNICATIONS COMMISSION

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