

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

In the Matter of)	
)	CUID No. IL0618 (Glen Ellyn)
Jones Growth Partners, L.P.)	
d/b/a Jones Intercable, Inc.)	
)	
Complaint Regarding)	
Cable Programming Services Tier)	
Rate Increase)	

ORDER

Adopted: June 18, 1996

Released: June 19, 1996

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

1. In this Order we dismiss a complaint against the February 21, 1996 rate increase of Jones Growth Partners, L.P. d/b/a Jones Intercable, Inc. (the "Operator") for its cable programming services ("CPS") tier in Glen Ellyn, Illinois, CUID No. IL0618. The complaint does not meet the statutory requirements of the Telecommunications Act of 1996 Act ("the 1996 Act")¹ necessary to trigger the Federal Communications Commission's (the "Commission") jurisdiction to review the Operator's CPS tier rate.

2. The 1996 Act requires that complaints against the CPS tier rates be filed with the Commission by a franchising authority that has received subscriber complaints. A franchising authority may not file a CPS tier 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, 1996.²

3. On April 8, 1996, the Village of Glen Ellyn (the "Village") filed a complaint with the Commission regarding an increase in the CPS tier rate that the Operator was charging its customers in the above-referenced franchise area. In response, on April 22, 1996, the Operator filed a request for the dismissal of the Village's complaint. The Operator argues that it is not evident from the complaint that the Village received more than one subscriber complaint as required by the 1996 Act.³ The Village has not opposed the Operator's request to dismiss the

¹ Telecommunications Act of 1996, Pub. L. No. 104-104, 11 Stat. 56 (February 8, 1996).

² See Communications Act, Section 623(c), *as amended*, 47 U.S.C. Section 543(c)(3) (1996).

³ See letter dated April 16, 1996 from Brad Amman, Manager of Regulatory Affairs, Jones Intercable, Inc.

complaint. On April 18, 1996 and April 25, 1996, our staff requested verification from the Village concerning the number of subscriber complaints that it had received in response to Operator's CPS tier rate increase.⁴ To date, we have not received a response to our requests from the Village. Thus, our review of this case confirms that the Village has not verified that it has received more than one subscriber rate complaint. As a result, the complaint does not trigger our jurisdiction and we dismiss the Village's complaint in this proceeding.

4. Accordingly, IT IS ORDERED, pursuant to Section 0.321 of the Commission's Rules, 47 C.F.R. § 0.321, that the complaint referenced herein filed by the Village against the CPS tier rate charged by Operator in CUID No. IL0618, Glen Ellyn, Illinois IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

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

⁴ See letters dated April 18, 1996 and April 25, 1996 to Mr. David E. Cox, Village of Glen Ellyn.