

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

In the Matter of)	
)	
Tele-Media Company)	CUID No. MD0136 (Perryville)
)	
Complaint Regarding)	
Cable Programming Service Tier)	
Rate Increase)	

ORDER

Adopted: February 4, 1997

Released: February 12, 1997

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

1. In this Order we dismiss a complaint against the rates that the above captioned operator ("Operator") was charging for its cable programming service tier ("CPST") in the community referenced above. Operator has chosen to file a Motion to Dismiss the Cable Programming Services Rate Complaint ("Motion") asserting that it is subject to effective competition and thus its cable programming service rate is not subject to regulation by the Commission.¹ Operator did not file an FCC Form 393 as required by the Commission.²

2. In its Motion, Operator asserts that its cable system is subject to effective competition because it serves fewer than 30 per cent of the households in the community, its franchise area. Operator also filed a Motion for Reconsideration on March 22, 1994, which fully outlines its arguments challenging the certification of the community to regulate basic service rates on the basis of effective competition.³

3. In a Memorandum Opinion and Order released February 9, 1995, the Commission reviewed the Operator's March 22, 1994 Motion for Reconsideration and found that the Operator's system serving the community is subject to effective competition.⁴ Based on our findings in our February 9, 1995, Memorandum Opinion and Order of effective competition, Operator's Cecil

¹ 47 C.F.R. §76.905

² 47 C.F.R. §76.956; *see also Cable Operators' Rate Justification Filings*, 9 FCC Rcd 7752 (1994).

³ *See Motion for Reconsideration of Tele-Media Company, Inc.*, CUID No. MD0136 (filed March 22, 1994).

⁴ *See Tele-Media Company, Petition for Reconsideration*, CUID No. MD0136, Memorandum Opinion and Order, 10 FCC Rcd 2815 (1995).

County system is not subject to rate regulation and we therefore dismiss the pending complaint for this system.⁵

4. Accordingly, IT IS ORDERED, pursuant to Section 0.321 of the Commission's Rules, 47 C.F.R. § 0.321, the complaint against the CPST rate increase charged by Operator, in the community referenced above, IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

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

⁵ The Commission's rules provide that only the rates of cable systems that are not subject to effective competition may be regulated. The Commission's rules further provide that a cable system is subject to effective competition if fewer than 30 per cent of the households in the system's franchise area subscribe to the system's cable service. 47 C.F.R. §76.905(a) and (b)(1).