

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

In the Matter of:)	
)	
Continental Cablevision of Jacksonville, Inc.	)	CSR-4762-A
d/b/a Continental Cablevision of Broward)	
County, Inc.)	
Comcast of Broward County, Inc.)	
Dynamic Cablevision of Florida, Ltd. and)	
Advocate Communications, Inc. d/b/a Coral)	
Springs Cable TV)	
Rifkin/Narragansett South Florida, CATV	)	CSR-4776-A
Limited Partnership, d/b/a Gold Coast)	
Cablevision)	
Complaint of Hispanic Keys Broadcasting	)	CSR-4809-M
Corp.)	
Gulf & Pacific Communications L.P.	)	CSR-5101-A
Complaint of Hispanic Keys Broadcasting	)	CSR-5085-M
Corp.)	
Cable Satellite of South Miami, Inc.	)	CSR-5121-A
Complaint of Hispanic Keys Broadcasting	)	CSR-5080-M
Corp.)	
Adelphia Cable Partners, L.P. d/b/a	)	CSR-4857-A
Adelphia Cable Communications)	
Complaint of WEYS Television Corp.	)	CSR-4838-M
Adelphia Cable Partners, L.P. d/b/a	)	CSR-5609-A
Adelphia Cable Communications)	
)	
Petitions for Reconsideration)	

ORDER ON RECONSIDERATION

Adopted: November 28, 2001

Released: December 5, 2001

By the Commission:

1. Before the Commission are three petitions, two seeking reconsideration of a consolidated application for review adopted by the Commission and one seeking reconsideration of a market modification order adopted by the Cable Services Bureau.¹

¹ We consolidate consideration of these petitions because they all involve the Miami television market; the legal arguments presented by the parties are nearly identical; and the interests of administrative efficiency will be advanced by doing so.

2. The following orders and petitions are involved: petitions for reconsideration filed by WWFD-TV and WEYS of the decision in *Continental Cablevision of Jacksonville, Inc. d/b/a Continental Cablevision of Broward County, Inc., et al.*,² and a petition for reconsideration filed by WWTU(TV)(formerly WWFD-TV) of the Cable Services Bureau's decision in *Adelphia Cable Partners, L.P., d/b/a Adelphia Cable Communications*.³

3. WWTU(TV)(formerly WWFD-TV) and WEYS request that the Commission reverse its decision affirming the Cable Services Bureau's grant of the cable operators' petitions to delete various communities in the Miami, Florida ADI for must carry purposes.⁴ WWTU(TV) also requests that the Commission reconsider the Bureau's grant of Adelphia Cable Partners' petition to exclude its signal from the Miami DMA for must carry purposes.⁵

4. We affirm the Order adopted by the Commission in the above-captioned matters and the Order adopted by the Cable Services Bureau and deny the associated petitions. The facts, applicable law, arguments of the parties, and the Bureau's detailed analyses were fully set forth in the underlying decisions and the Bureau's and Commission's actions herein. Petitioners herein have raised no new arguments or facts in support of their petitions, as required under Section 1.106(b)(3) of the Commission's rules.⁶ Further, on April 9, 2001, the United States Court of Appeals for the Eleventh Circuit upheld the Commission's decision in *Continental Cablevision Of Jacksonville* relative to Dynamic Cablevision of Florida, Ltd. and Continental Cablevision of Jacksonville, Inc. et al.⁷ In view of the Court's affirmation of that decision of the parties which addressed nearly identical issues to those raised by the parties in this proceeding, and the failure to introduce any new evidence in support of their petitions, we affirm the Commission's decision in *Continental Cablevision* and the Bureau's decision in *Adelphia Cable Partners*.

5. Accordingly, **IT IS ORDERED**, that the captioned petitions for reconsideration **ARE DENIED**.

² 14 FCC Rcd 13783 (1999).

³ DA 01-606 (rel. Mar. 9, 2001).

⁴ The Bureau decisions referred to in this Order are the following: *Continental Cablevision of Jacksonville, Inc. d/b/a Continental Cablevision of Broward County, Inc. et al.*, 11 FCC Rcd 14909 (CSB 1996); *Rifkin/Narragansett South Florida CATV Limited Partnership, d/b/a Gold Coast Cablevision/Complaint of Hispanic Keys Broadcasting Corp.*, 11 FCC Rcd 21090 (CSB 1996); *Adelphia Cable Partners, L.P.*, 13 FCC Rcd 4047 (CSB 1997); *Gulf & Pacific Communications, L.P.*, 12 FCC Rcd 21986 (CSB 1997); and *Cable Satellite of South Miami, Inc.*, 13 FCC Rcd 298 (CSB 1998).

⁵ *Adelphia Cable Partners, L.P. d/b/a Adelphia Cable Communications*, DA 01-606 (rel. Mar. 9, 2001).

⁶ See 47 C.F.R. § 1.106(b)(3).

⁷ *WEYS TV Corp. v. FCC*, No. 99-13499 (11th Cir. Apr. 9, 2001)(per curium)(unpublished). See also 14 FCC Rcd 13783 (1999); *Dynamic Cablevision of Florida et al.*, 12 FCC Rcd 9952 (1997); and *Dynamic Cablevision of Florida et al.*, 11 FCC Rcd 9880 (CSB 1996).

6. This action is taken pursuant to statutory authority found in Sections 1, 4(i), 5(c), 405, and 614(h)(1)(C) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 155(c), 405, 534(h)(1)(C).

FEDERAL COMMUNICATIONS COMMISSION

Magalie Roman Salas
Secretary