

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

In the Matter of	)	
	)	File No. EB-02-TC-031
Comcast Cablevision of Indiana, LP	)	
	)	CUID No. IN0114 (St. Joseph)
Petition for Reconsideration	)	

**ORDER ON RECONSIDERATION**

**Adopted: May 6, 2002**

**Released: May 8, 2002**

By the Chief, Enforcement Bureau:<sup>1</sup>

1. In this Order we consider a petition for reconsideration ("Petition") of Order, DA 99-794 ("Prior Order"),<sup>2</sup> filed with the Federal Communications Commission ("Commission") on June 1, 1999 by the above-referenced operator ("Operator").<sup>3</sup> The Prior Order resolved a complaint against Operator's November 1, 1998 cable programming services tier ("CPST") rate increase. Operator also filed a refund plan in response to the Prior Order. In this Order, we grant Operator's Petition in part and dismiss Operator's refund plan as moot.

2. Under the provisions of the Communications Act<sup>4</sup> that were in effect at the time the complaint was filed, the Commission is authorized to review the CPST rates of cable systems not subject to effective competition to ensure that rates charged are not unreasonable. The Cable Television Consumer Protection and Competition Act of 1992 ("1992 Cable Act")<sup>5</sup> and the Commission's rules required the Commission to review CPST rates upon the filing of a valid complaint by a local franchising authority ("LFA"). The Telecommunications Act of 1996 ("1996 Act"),<sup>6</sup> and the Commission's rules implementing the legislation ("Interim Rules"),<sup>7</sup> required that a complaint against the CPST rate be filed with the Commission by an LFA that has received more than one subscriber complaint. The filing of a valid

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<sup>1</sup> Effective March 25, 2002, the Commission transferred responsibility for resolving cable programming services tier rate complaints from the former Cable Services Bureau to the Enforcement Bureau. *See Establishment of the Media Bureau, the Wireline Competition Bureau and the Consumer and Governmental Affairs Bureau, Reorganization of the International Bureau and Other Organizational Changes*, FCC 02-10, 17 FCC Rcd 4672 (2002).

<sup>2</sup> *In the Matter of Comcast Cablevision of Indiana, LP*, DA 99-794, 14 FCC Rcd 6837 (CSB 1999).

<sup>3</sup> The term "Operator" includes Operator's predecessors and successors in interest.

<sup>4</sup> 47 U.S.C. §543(c) (1996).

<sup>5</sup> Pub. L. No. 102-385, 106 Stat. 1460 (1992).

<sup>6</sup> Pub. L. No. 104-104, 110 Stat. 56 (1996).

<sup>7</sup> *See Implementation of Cable Act Reform Provisions of the Telecommunications Act of 1996*, 11 FCC Rcd 5937 (1996).

complaint triggers an obligation upon the cable operator to file a justification of its CPST rates.<sup>8</sup> If the Commission finds the rate to be unreasonable, it shall determine the correct rate and any refund liability.<sup>9</sup>

3. In its Petition, Operator raises several issues, only one of which is addressed herein. Operator argues that in our Prior Order, the Cable Services Bureau failed to consider the March 31, 1999 date for the sunset of CPST rate regulation in determining Operator's refund liability period.<sup>10</sup> We agree. Our review of our Prior Order and the record reveals that Operator's total overcharge for the period under review is *de minimus* and it would not be in the public interest to order a refund. Because our resolution of this issue disposes of Operator's refund liability, we need not address any other issue raised by Operator in its Petition. We modify the Prior Order to exclude any refund liability and dismiss Operator's refund plan as moot.

4. Accordingly, IT IS ORDERED, pursuant to Section 1.106 of the Commission's rules, 47 C.F.R. § 1.106, that Operator's Petition for Reconsideration IS GRANTED IN PART TO THE EXTENT INDICATED HEREIN.

5. IT IS FURTHER ORDERED, pursuant to Sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111 and 0.311, that In the Matter of Comcast Cablevision of Indiana, LP, DA 99-794, 14 FCC Rcd 6837 (1999), IS MODIFIED TO THE EXTENT INDICATED HEREIN.

6. IT IS FURTHER ORDERED, pursuant to Sections 0.111, 0.311 and 76.962 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311 and 76.962, that Operator's refund plan is DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon  
Chief, Enforcement Bureau

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<sup>8</sup> 47 C.F.R. §76.956.

<sup>9</sup> 47 C.F.R. §76.957.

<sup>10</sup> See 47 U.S.C. § 623 (c)(4).