

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

In the Matter of	)	
	)	
Cox Cable Louisiana Metro System	)	CUID No. LA0079 (Harahan)
	)	
Complaint Regarding	)	
Cable Programming Services Tier Rates	)	

**ORDER**

**Adopted: September 30, 1999**

**Released: October 4, 1999**

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

1. In this Order we consider a complaint against the October 1, 1995 rate increase of the above-referenced operator ("Operator") for its cable programming services tier ("CPST") in the community referenced above ("Harahan"). We have already issued a prior order ("Prior Order") addressing the reasonableness of Operator's October 1, 1995 CPST rate increase in several communities which are served by the same system that serves the community of Harahan.<sup>1</sup> This Order addresses only the reasonableness of Operator's October 1, 1995 CPST rate increase in the community of Harahan.

2. Under the Communications Act,<sup>2</sup> the Federal Communications Commission ("Commission") is authorized to review the CPST rates of cable systems not subject to effective competition to ensure that rates charged are not unreasonable. If the Commission finds a rate to be unreasonable, it shall determine the correct rate and any refund liability.<sup>3</sup> The Cable Television Consumer Protection and Competition Act of 1992 ("1992 Cable Act")<sup>4</sup> requires the Commission to review CPST rates upon the filing of a valid complaint by a subscriber or local franchise authority ("LFA"). The Telecommunications Act of 1996 ("1996 Act")<sup>5</sup> and our rules implementing the new legislation ("Interim Rules"),<sup>6</sup> require that, beginning February 8, 1996, complaints against CPST rates be filed with the Commission by an LFA that has received more than one subscriber complaint.<sup>7</sup>

<sup>1</sup> See *In the Matter of Cox Cable Louisiana Metro System*, 13 FCC Rcd 24246 (1998).

<sup>2</sup> Communications Act, Section 623(c), *as amended*, 47 U.S.C. §543(c) (1996).

<sup>3</sup> See Section 76.957 of the Commission's Rules, 47 C.F.R. §76.957.

<sup>4</sup> Pub. L. No. 102-385, 106 Stat. 1460 (1992).

<sup>5</sup> Pub. L. No. 104-104, 110 Stat. 56 (1996).

<sup>6</sup> See *Implementation of Cable Act Reform Provisions of the Telecommunications Act of 1996*, 11 FCC Rcd 5937 (1996).

<sup>7</sup> See Communications Act, Section 623(c), *as amended*, 47 U.S.C. §543(c) (1996).

3. To justify rates for the period beginning May 15, 1994, operators must use the FCC Form 1200 series.<sup>8</sup> Operators are permitted to make changes to their rates on a quarterly basis using FCC Form 1210.<sup>9</sup> Operators may justify their rates on an annual basis using FCC Form 1240 to reflect reasonably certain and quantifiable changes in external costs, inflation, and the number of regulated channels that are projected for the twelve months following the rate change.<sup>10</sup> Any incurred cost that is not projected may be accrued with interest and added to rates at a later time.<sup>11</sup>

4. In our Prior Order, we reviewed Operator's FCC Form 1210, covering the period July 1, 1994 through June 30, 1995, and found that Operator had justified a maximum permitted rate ("MPR") of \$14.68, effective October 1, 1995. Operator submitted the same FCC Form 1210 to justify its October 1, 1995 CPST rate in the community of Harahan. We rely on our Prior Order and find that Operator has justified an MPR of \$14.68 for its CPST, effective October 1, 1995, in the community of Harahan. Because Operator's actual CPST rate of \$13.02, effective October 1, 1995, does not exceed its MPR, we find Operator's actual CPST rate of \$13.02, effective October 1, 1995, to be reasonable.<sup>12</sup>

5. Accordingly, IT IS ORDERED, pursuant to Section 0.321 of the Commission's rules, 47 C.F.R. § 0.321, that the CPST rate of \$13.02, charged by Operator in the community referenced above, effective October 1, 1995, IS REASONABLE.

6. IT IS FURTHER ORDERED, pursuant to Section 0.321 of the Commission's rules, 47 C.F.R. § 0.321, that the complaint referenced herein against the CPST rate charged by Operator in the community referenced above IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Patrick A. Boateng  
Acting Chief, Financial Analysis and Compliance Division  
Cable Services Bureau

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<sup>8</sup> See Section 76.922 of the Commission's Rules, 47 C.F.R. §76.922.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> These findings are based solely on the representations of Operator. Should information come to our attention that these representations were materially inaccurate, we reserve the right to take appropriate action. This Order is not to be construed as a finding that we have accepted as correct any specific entry, explanation or argument made by any party to this proceeding not specifically addressed herein.