

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

In the Matter of)		
)		
Suburban Cable TV Company, Inc.)	CUID No.	PA01623 (Hatfield)
)		
Complaint Regarding)		
Cable Programming Services Tier Rates)		

ORDER**Adopted: September 4, 2001****Released: September 7, 2001**

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

1. In this Order we consider a complaint against the February 15, 1995 rate increase by the above-referenced operator ("Operator") for its cable programming services tier ("CPST") in the community referenced above.¹ This Order addresses only the reasonableness of Operator's CPST rates beginning February 15, 1995.

2. Under the Communications Act,² 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. The Cable Television Consumer Protection and Competition Act of 1992 ("1992 Cable Act"),³ and our rules in effect at the time the complaint was filed, required the Commission to review CPST rates upon the filing of a valid complaint by a subscriber. The filing of a valid complaint triggers an obligation on behalf of the cable operator to file a justification of its CPST rates.⁴ If the Commission finds the rate to be unreasonable, it shall determine the correct rate and any refund liability.⁵

3. To justify rates for the period beginning May 15, 1994, operators must use the FCC Form 1200 series.⁶ Operators are permitted to make changes to their rates on a quarterly basis using FCC Form 1210.⁷

¹ The complaint against Operator's CPST rate in the community referenced above was filed on March 17, 1995.

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

³ Pub. L. No. 102-385, 106 Stat. 1460 (1992).

⁴ 47 C.F.R. Section 76.956.

⁵ *See* 47 C.F.R. Section 76.957.

⁶ 47 C.F.R. §76.922.

⁷ *Id.*

4. Upon review of Operator's FCC Form 1200, and Operator's FCC Form 1210 covering the period from April 1, 1994 through December 31, 1994, we find that Operator has correctly calculated its maximum permitted rate of \$12.54, effective February 15, 1995. Because Operator's actual CPST rate of \$12.72, effective February 15, 1995, exceeds its MPR of \$12.54, we find Operator's actual CPST rate of \$12.72, effective February 15, 1995 through March 31, 1995, to be unreasonable.⁸ However, we determine the total overcharge per subscriber for the period March 17, 1995 (the date the complaint was filed) through March 31, 1995 to be *de minimis* and it would not be in the public interest to order a refund. Upon review of Operator's FCC Form 1210 covering the period from January 1, 1995 through March 31, 1995, we find Operator's actual CPST rate of \$12.72, effective April 1, 1995, to be reasonable.

5. Accordingly, IT IS ORDERED, pursuant to Section 0.321 of the Commission's rules, 47 C.F.R. Section 0.321 that the CPST rate of \$12.72, charged by Operator in the community referenced above, effective March 17, 1995 through March 31, 1995, IS UNREASONABLE.

6. IT IS FURTHER ORDERED, pursuant to Section 0.321 of the Commission's rules, 47 C.F.R. Section 0.321 that the CPST rate of \$12.72, charged by Operator in the community referenced above, effective April 1, 1995, IS REASONABLE.

7. IT IS FURTHER ORDERED, pursuant to Section 0.321 of the Commission's rules, 47 C.F.R. Section 0.321, that the complaint referenced herein against the rates charged by Operator in the community set forth above IS GRANTED TO THE EXTENT INDICATED HEREIN.

FEDERAL COMMUNICATIONS COMMISSION

Kathleen F. Costello, Acting Chief
Financial Analysis and Compliance Division
Cable Services Bureau

⁸ This finding is 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 any 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.