

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

In the Matter of)
) CUID No. SC0141 (Mt. Pleasant)
Comcast Cablevision of Carolina, Inc.)
)
Petition for Reconsideration)

ORDER ON RECONSIDERATION

Adopted: October 19, 2000

Released: October 23, 2000

By the Deputy Chief, Cable Services Bureau:

1. In this Order we consider a petition for reconsideration ("Petition") of our Order, DA 98-1753 ("Prior Order"),¹ filed with the Federal Communications Commission ("Commission") by the above-referenced operator ("Operator"). Our Prior Order resolved all pending complaints against Operator's cable programming services tier ("CPST") rates. On October 5, 1998, Operator filed a timely petition for reconsideration of our Prior Order as well as a refund plan. In this Order, we modify our Prior Order and dismiss Operator's petition and refund plan as moot.

2. Under the Communications Act, 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.² The Cable Television Consumer Protection and Competition Act of 1992 ("1992 Cable Act"),³ and our rules in effect at the time the complaints were filed, required the Commission to review CPST rates upon the filing of a valid complaint by a subscriber or local franchising authority. The filing of a valid complaint triggers an obligation upon 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. In our Prior Order, we resolved all complaints filed against Operator's CPST rates in the above-referenced community. The first valid complaint was filed against Operator's March 7, 1995 CPST rate of \$18.21 and the second and last valid complaint was filed on November 24, 1995 against Operator's November 1, 1995 CPST rate of \$19.39. In our Prior Order, we found that Operator's March 7, 1995 CPST rate of \$18.21 and Operator's November 1, 1995 CPST rate of \$19.39 were reasonable. Therefore, upon reconsideration, we have concluded that the complaints should be denied. Accordingly, we will

¹ In the Matter of Comcast Cablevision of Carolina, Inc., DA 98-1753, 13 FCC Rcd 18494 (1998).

² 47 U.S.C. §543 (c) (1996).

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

⁴ 47 C.F.R. §76.956.

⁵ 47 C.F.R. §76.957.

modify our Prior Order to reflect that the complaints are denied. Because we are modifying our Prior Order and denying the complaints, Operator does not incur any refund liability. Therefore, we will dismiss Operator's Petition and refund plan as moot.

4. Accordingly, IT IS ORDERED, pursuant to Section 0.321 of the Commission's rules, 47 C.F.R. § 0.321, that In the Matter of Comcast Cablevision of Carolina, Inc., DA 98-1753, 13 FCC Rcd 18494 (1998) IS MODIFIED TO THE EXTENT INDICATED HEREIN.

5. IT IS FURTHER ORDERED, pursuant to Sections 0.321 and 1.106 the Commission's rules, 47 C.F.R. §§ 0.321 and 1.106, that Operator's Petition for Reconsideration and refund plan ARE DISMISSED AS MOOT.

6. IT IS FURTHER ORDERED, pursuant to Section 0.321 of the Commission's rules, 47 C.F.R. § 0.321, that the CPST rate of \$18.21, charged by Operator in the franchise area referenced above, effective March 7, 1995, and the CPST rate of \$19.39, charged by Operator in the franchise area referenced above, effective November 1, 1995, ARE REASONABLE.

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

FEDERAL COMMUNICATIONS COMMISSION

William H. Johnson
Deputy Chief
Cable Services Bureau