

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

In the Matter of)	
)	
CableOne)	CUID No. OK0098 (Nowata)
)	
Complaint Regarding Cable Programming)	
Services Tier Rates)	

ORDER

Adopted: October 15, 2001

Released: October 17, 2001

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

1. In this Order we consider a complaint filed against the rates charged by the above-referenced operator ("Operator")¹ for its cable programming services tier ("CPST") in the community referenced above. On October 12, 1995, the Federal Communications Commission ("Commission") received a subscriber complaint against Operator's October 1, 1995 CPST rate increase from \$8.75 to \$9.25. In this Order we address the reasonableness of Operator's CPST rates beginning October 1, 1995.

2. At the time the above-referenced complaints were filed, the Commission was authorized under the Communications Act,² to review the CPST rates of cable systems not subject to effective competition upon the filing of a valid complaint. If the Commission finds a CPST rate to be unreasonable, it shall determine the correct rate and any refund liability.³ Operators must use the FCC Form 1200 series to justify rates for the period beginning May 15, 1994.⁴ Operators may file a FCC Form 1210 to justify quarterly rate increases based on the addition and deletion of channels, changes in certain external costs and inflation.⁵

3. Upon review of Operator's FCC Form 1200, and FCC Form 1210s covering the periods from April 1, 1994 through September 30, 1995, we find Operator's calculated maximum permitted rate ("MPR") of \$8.55, effective October 1, 1995, to be reasonable. Because Operator's actual CPST rate of \$9.25, effective October 1, 1995, exceeds its calculated MPR of \$8.55, we find Operator's actual CPST

¹ The term "Operator" includes Operator's successors and predecessors in interest.

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

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

⁴ See Section 76.922 of the Commission's Rules, 47 C.F.R. §76.922.

⁵ *Id.*

rate of \$9.25, effective October 1, 1995, to be unreasonable.⁶ Operator did not provide any additional CPST rate justification forms to support an MPR above \$8.55.⁷

4. 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 \$9.25, charged by the Operator in the community referenced above, effective October 1, 1995, IS UNREASONABLE.

5. IT IS FURTHER ORDERED, pursuant to Section 76.961 of the Commission's rules, 47 C.F.R. § 76.961, that Operator shall refund to subscribers in the community referenced above that portion of the amount paid in excess of the maximum permitted CPST rate of \$8.55 per month (plus franchise fees), plus interest to the date of the refund, for the period beginning October 12, 1995 through the day before Operator implemented the maximum permitted CPST rate of \$8.55, or March 31, 1999, whichever occurred sooner.

6. IT IS FURTHER ORDERED that Operator shall promptly determine the overcharges to CPST subscribers for the stated periods, and shall within 30 days of the release of this Order, file a report with the Chief, Cable Services Bureau, stating the cumulative refund amount so determined (including franchise fees and interest), describing the calculation thereof, and describing its plan to implement the refund within 60 days of Commission approval of the plan.

7. 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 rates charged by Operator in the community referenced above, IS GRANTED.

FEDERAL COMMUNICATIONS COMMISSION

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

⁶ 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. Information regarding the specific adjustments made to Operator's FCC Forms can be found in the public files for the above-referenced community which are available in the Cable Services Bureau's public reference room, or through the Commission's copy contractor, International Transcription Services (ITS), 1231 20th Street NW, Washington, DC, 20036, or by calling ITS at (202) 857- 3800.

⁷ The Cable Services Bureau accounting staff requested additional forms on several occasions.