

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

In the Matter of )  
 )  
Bresnan Communications Company ) CUID No. MN0001 (Marshall)  
 )  
Refund Plan )

**ORDER**

**Adopted: November 5, 2001**  
**7, 2001**

**Released: November**

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

1. In this Order we consider the refund plan filed on October 12, 2001 by the above-referenced operator ("Operator") in the above-referenced community pursuant to our Order, DA 01-2144<sup>1</sup> ("Refund Order").<sup>2</sup> Upon review of Operator's refund plan, we corrected the subscriber counts for the months of March through June 1995 in accordance with Operator's rate filings; we reduced the number of days for overcharges in March 1995; and we adjusted the interest rates for the refund periods. Our adjustments resulted in a total refund liability of \$9,576.23 rather than the \$8,809.67 calculated by Operator. Our total includes franchise fees calculated at the rate of 3 percent and interest calculated through December 31, 2001. We will order Operator to refund this amount to its CPST subscribers within 60 days of the release of this order.

2. Accordingly, Operator's refund plan IS APPROVED AS MODIFIED HEREIN, and IT IS ORDERED, pursuant to Section 76.962 of the Commission's rules, 47 C.F.R. § 76.962, that Operator implement its refund plan within 60 days of the date of this Order.

3. IT IS FURTHER ORDERED, pursuant to Section 76.962 of the Commission's rules, 47 C.F.R. § 76.962, that Operator file a certificate of compliance with the Chief, Cable Services Bureau, within 90 days of the release of this Order certifying its compliance with this Order.

4. This action is taken pursuant to Section 0.321 of the Commission's rules, 47 C.F.R. § 0.321.

FEDERAL COMMUNICATIONS COMMISSION

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

<sup>1</sup> See In the Matter of Bresnan Communications Company, DA 01-2144 (released September 14, 2001).

<sup>2</sup> The Refund Order required Operator to determine the overcharges to cable programming service tier ("CPST") subscribers for the period stated in the Refund Order and file a report with the Chief, Cable Services Bureau, stating the cumulative refund amount 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.

