

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

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|---------------------------------------|---|---------------------------------|
| In the Matter of |) | File No. EB-02-TC-082 |
| |) | |
| Jones Growth Partners II, LP |) | CUID No. CA1442 (Anaheim Hills) |
| |) | |
| Complaint Regarding |) | |
| Cable Programming Services Tier Rates |) | |

ORDER

Adopted: September 4, 2002

Released: September 6, 2002

By the Chief, Enforcement Bureau:¹

1. In this Order we deny a complaint filed against the March 1, 1995 rate increase by the above-referenced operator ("Operator")² for its cable programming services tier ("CPST") in the community referenced above. Under the provisions of the Communications Act³ that were in effect at the time the complaint was filed, 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. 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

2. The Cable Services Bureau has already issued an Order, DA 99-1344⁶ ("Prior Order"), which denied similar complaints filed against Operator's CPST rates in the community of Yorba Linda, CA, based on the Cable Services Bureau's review of Operator's FCC Form 1220.⁷ Operator filed its FCC Form 1220 on a system-wide basis, establishing maximum permitted rates for its Yorba Linda system.

¹ Effective March 25, 2002, the Commission transferred responsibility for resolving cable programming services tier rate complaints from the former Cable Services Bureau to the Enforcement Bureau. *See Establishment of the Media Bureau, the Wireline Competition Bureau and the Consumer and Governmental Affairs Bureau, Reorganization of the International Bureau and Other Organizational Changes*, FCC 02-10, 17 FCC Rcd 4672 (2002).

² The term "Operator" includes Operator's successors and predecessors in interest.

³ 47 U.S.C. §543(c) (1996).

⁴ *See* Section 76.956 of the Commission's rules, 47 C.F.R. §76.956.

⁵ *See* Section 76.957 of the Commission's rules, 47 C.F.R. §76.957.

⁶ *See In the Matter of Jones Growth Partners, II, LP*, DA 99-1344, 14 FCC Rcd 10626 (CSB 1999).

⁷ Cable operators may justify their rates through a cost of service showing using FCC Form 1220. *See* Section 76.922(l) of the Commission's Rules, 47 C.F.R. §76.922(l). *See also, Second Report and Order, First Order on Reconsideration, and Further Notice of Proposed Rulemaking*, MM Docket No. 93-215 and CS Docket No. 94-28, FCC 95-502, 11 FCC Rcd 2220 (1996).

Operator's cable service to Anaheim Hills was also provided by the Yorba Linda system at the time the complaint was filed. Based on the Cable Services Bureau's review of Operator's FCC Form 1220 for the Yorba Linda system, we find Operator's March 1, 1995 CPST rate increase for the community of Anaheim Hills to be reasonable.

3. Accordingly, IT IS ORDERED, pursuant to Sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111 and 0.311, that the complaint referenced herein against the March 1, 1995 CPST rate increase by Operator in the community referenced above IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau