

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

| | | | |
|--------------------------------|---|-----------|---------------------|
| In the Matter of |) | CUID Nos. | MI0101 (Bay City) |
| |) | | MI0102 (Essexville) |
| Bresnan Communications Company |) | | MI0118 (Hampton) |
| |) | | MI0122 (Midland) |
| Refund Plan |) | | |

ORDER

Adopted: February 13, 2002

Released: February 15, 2002

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

1. In this Order we consider the amended refund plan filed on February 17, 2000 by the above-referenced operator ("Operator") in the above-referenced communities pursuant to our Order, DA 95-1380¹ ("Refund Order").² Our review of Operator's refund plan³ reveals that the refund plan fulfills the requirements of the Refund Order provided Operator accrues interest up to the date of the refund⁴ and includes franchise fees, if any, and interest on the franchise fee principal amount.⁵

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

¹ See In the Matter of Bresnan Communications Company, DA 95-1380, 10 FCC Rcd 7184 (1995).

² 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.

³ Operator calculated a total refund liability of \$201,217.00.

⁴ We calculated a total refund liability of \$236,574.00, including interest through March 31, 2002, but exclusive of any franchise fees.

⁵ Operator's refund plan calculated refund liability through July 14, 1994 for the four communities referenced above. A separate refund plan for the refund period beginning July 15, 1994 for the community of Midland, CUID No. MI0122, will be addressed in a separate order.

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
Cable Services Bureau