

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

In the Matter of)	
)	CUID No. NY0661 (Town of Henrietta)
Town of Henrietta)	
)	
Petition for Special Relief)	CSR No. 5163-R
)	

ORDER

Adopted: February 13, 2004

Released: February 18, 2004

By the Deputy Chief, Policy Division, Media Bureau:

1. On July 1, 1997, the Town of Henrietta filed a complaint with the Commission against the January 1, 1997 cable programming services tier ("CPST") rate increase charged by Time Warner Communications. The Commission returned the complaint because it was untimely filed.¹ The Town filed a petition for special relief,² asking that the filing deadline be waived. Time Warner Communications opposed the petition. In this Order, we deny the petition for special relief.

2. In accordance with the Commission's rules in effect at that time, a local franchising authority was required to file a CPST rate complaint within 180 days of the date the rate increase took effect.³ Documents are considered filed with the Commission upon receipt at the location designated by the Commission.⁴ The Town of Henrietta argues that it misunderstood the requirement, and that application of the deadline is technical and unfair because the Town filed close to the proper filing date. However, the Town does not proffer any good cause to support its failure to file the complaint on time, when it had 180 days to do so. Therefore, we deny the petition for special relief.

3. Accordingly, IT IS ORDERED, pursuant to Sections 0.283 and 76.7 of the Commission's rules, 47 C.F.R. § 0.283 and § 76.7, that the referenced petition for special relief IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

John B. Norton, Deputy Chief
Policy Division

¹ See letter, dated July 8, 1997, to Ms. Carol Pennington, Town Clerk, Town of Henrietta, from Gary Remondino, Cable Services Bureau.

² See 47 C.F.R. § 76.7.

³ See 47 C.F.R. § 1.1402.

⁴ See 47 C.F.R. § 1.7.

Media Bureau