

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

In the Matter of)	
)	
Suburban Cable TV Co. Inc.)	
)	CUID No. PA1521 (Hellam Township)
)	
Order Denying Jurisdiction)	

ORDER

Adopted: May 5, 1997

Released: May 8, 1997

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

1. In this Order we dismiss a complaint¹ against the rate that the above-captioned operator ("Operator") was charging for its cable programming services tier ("CPST") in the community set forth above because the complaint concerns a rate that is outside the jurisdiction of the Federal Communications Commission ("Commission").

2. Under the Communications Act,² the Commission regulates the CPST rates of cable systems not subject to effective competition upon the filing of a valid complaint. Section 76.953 of the Commission's rules in effect at the time the complaint was filed provides that complaints regarding a rate change for CPST or associated equipment must be filed with the Commission within 45 days from the date the complainant receives a bill from the cable operator that reflects the rate change.³ Based on our review of the record, we conclude that there was no CPST rate change. Although the complainant contends that she first received a bill reflecting the CPST rate increase on February 6, 1995,⁴ the bill attached to the complaint reflects no increase in the CPST rate. Consequently, the complaint does not trigger the Commission's jurisdiction.

¹ The complaint was filed with the Commission on February 16, 1995.

² See Section 623(c) of the Communications Act of 1934, *as amended*, 47 U.S.C. Section 543(c) (1996).

³ 47 C.F.R. Section 76.953.

⁴ See FCC Form 329 complaint dated February 8, 1995.

3. Accordingly, IT IS ORDERED, pursuant to Section 623(a)(2)(A) and (B) of the Communications Act of 1934, as amended, 47 U.S.C. Section 543(a)(2)(A) and (B), that the complaint against the CPST rate charged by Operator in the community referenced above IS DISMISSED.

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

FEDERAL COMMUNICATIONS COMMISSION

Elizabeth W. Beaty
Chief, Financial Analysis and Compliance Division
Cable Services Bureau