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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

July 9, 1993

BY HAND

Donna R. Searcy
Secretary
Room 222
Federal Communications Commission
Washington, D.C. 20554

Re: Ex Parte Presentation in
MM Docket No. 92-266

Dear Ms. Searcy:

In accordance with the Commission's ex parte rule, 47 C.F.R. §1.1206, please find enclosed two copies of an ex parte letter delivered today from David Olson, President of NATOA, to Chairman Quello and Commissioners Barrett and Duggan. The copies should be filed in MM Docket No. 92-266.

Please contact me if you have any questions regarding this matter.

Respectfully submitted,

William E. Cook Jr.

William E. Cook, Jr.

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natoa

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FEDERAL COMMUNICATIONS COMMISSION

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BY HAND

of their rates deemed unreasonable under the Commission's regulations from the date of implementation of a rate decision by the Commission or a franchising authority back to June 21, 1993 or one year, whichever period is shorter. Under the Order, cable operators' refund liability now only extends from the date of implementation of a rate decision back to October 1, 1993 or one year, whichever is shorter. Thus, cable subscribers currently paying unreasonable rates will not be entitled to a refund of the amount they overpaid during the period between June 21 and October 1.

We urge the Commission to subject cable operators to appropriate refund liability for unreasonable rates paid prior to the October 1 effective date. Cable operators have been on notice since the Commission adopted its rate regulations on April 1, 1993 that they may have to reduce their rates, and have had since the Commission released its regulations and forms on May 3, 1993 to establish reasonable rates. The cable rate freeze establishes a ceiling and does not prohibit a cable operator from reducing a rate to a rate that would be reasonable. Moreover, by the time the Commission released the Order, cable operators should have been in the process of implementing such reasonable rates by June 21, the original effective date of the Commission's rules, in order to limit any refund liability after such date. Hence, cable operators should have been expected to comply with the Commission's rate rules by June 21 -- but for the June 11 Order. The Commission found no reason why cable operators, as opposed to the Commission, could not comply with the June 21 date since it denied several stay petitions by cable operators to delay the effective date.

We believe that the Commission should reestablish June 21 as the date back to which a cable operator's refund liability may extend.

Thank you for your attention to our concerns. We hope that you will act to protect cable subscribers from the unreasonable rates they currently may be paying.

Sincerely,

David Olson

David Olson
President
NATOA