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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FCC MAIL SECTION
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In the Matters of)
)
UACC Midwest, Inc. d/b/a United)
Artists Cable Mississippi Gulf Coast;)
)
Telecable Associates, Incorporated;)
)
Vicksburg Video, Inc.;)
)
Mississippi Cablevision, Inc.; and)
)
Mississippi Cable Television Association,)
)
Complainants)
)
v.)
)
South Central Bell Telephone Company,)
)
Respondent)

CC DOCKET NO. 95-94

PA 91-0005 through
PA 91-0009

MEMORANDUM OPINION AND ORDER

Issued: August 22, 1995 Released: August 24, 1995

1. On August 16, 1995, the Complainants and Respondent in this case jointly filed a "Motion for Entry of Stipulated Order" (Joint Motion). On August 21, 1995, the Chief, Common Carrier Bureau, through her attorneys, submitted Comments supporting grant of the motion.

2. In the Joint Motion, the Complainants and Respondent represent that they have reached a settlement on all issues in this case. The Joint Motion is accompanied by a settlement agreement. Specifically, the parties agree to a rate of \$4.63 for the period from 10/2/91 to 12/31/92, \$4.57 for 1993, \$4.60 for 1994, and \$4.69 for 1995. Respondent also agrees to credit to Complainants \$140,744.26, allocated according to Schedule 1 of the settlement agreement, within 30 days after an order approving this settlement is issued. The parties agree to file a joint motion with the Commission to vacate the hearing designation order (HDO) in this proceeding within thirty days after an order approving this settlement is issued.¹ The parties agree that the agreement is a compromise settlement of disputed claims, and is not to be construed as an admission of liability by either party. The parties further agree not to file any pole attachment complaint with the Commission with respect to the agreed upon rates, but also stipulate that this agreement does not affect their participation in any rulemaking or similar non-complaint proceedings related to pole attachment rates.

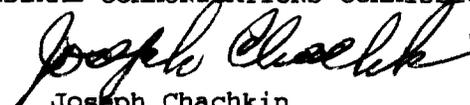
3. The Joint Motion will be granted. After careful consideration of the Joint Motion and attached settlement agreement, the Presiding Judge agrees with the Bureau that there are no longer issues in controversy, that the rates are just and reasonable, and that acceptance of the parties' settlement agreement is in the public interest. Moreover, the Commission encourages negotiations and mutually agreeable settlements in complaint cases, inasmuch as eliminating the need for further litigation and the expenditure of

¹ The Bureau takes no position on the motion to vacate the HDO, properly pointing out that that motion must be considered on its own merits when it comes before the Commission.

time and resources of the Commission is in the public interest. See, e.g., Logview Cable TV Company, Inc., et al. v. Southwestern Electric Power Company, 5 FCC Rcd 686 (1990); Warner Amex Cable Communications, Inc. v. Southwestern Electric Power Company, 5 FCC Rcd 578 (1990).

Accordingly, IT IS ORDERED, that the "Motion For Entry Of Stipulated Order" filed August 16, 1995 IS GRANTED; the settlement agreement IS APPROVED; the Complaints of UACC Midwest, d/b/a United Artists Cable Mississippi Gulf Coast, Telecable Associates, Incorporated, Vicksburg Video, Inc., Mississippi Cablevision, Inc., and Mississippi Cable Television Association ARE DISMISSED with prejudice; and this proceeding IS TERMINATED. ²

FEDERAL COMMUNICATIONS COMMISSION


Joseph Chachkin
Administrative Law Judge

² The proposed motion to vacate the HDO is a matter to be acted on by the Commission, not the Presiding Judge.