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FCC MAIL SECTION Before the  
Federal Communications Commission  
Washington, D C.  
SEP 27 4 33 PM '95

FCC 95M-190  
52181

In the Matter of	)	CC Docket No. 95-95
American Cablesystems of Florida, Ltd.,	)	
d/b/a Continental Cablevision of	)	
Broward County, and	)	
	)	
Continental Cablevision of	)	
Jacksonville, Inc.	)	
	)	
Complainants	)	PA 91-0012
	)	
v.	)	
	)	
Florida Power and Light Company	)	
	)	
Respondents	)	

**MEMORANDUM OPINION AND ORDER**

Issued: September 22, 1995; Released: September 26, 1995

1. On September 18, 1995, Complainants and Respondent jointly filed a "Settlement Agreement" in this case. On September 19, 1995, the Chief, Common Carrier Bureau, submitted comments in support of the settlement agreement.

2. By their settlement, the parties agree that Respondent will apply its pole attachment rate of \$6.38 from July 1, 1995 to July 1, 1997 unless the rate it routinely calculates for cable pole attachments next year is less (in which case the lower rate will apply). Each party has the option to terminate this provision if the Commission changes the formula for such rates. The parties agree to deem each of the Complainants' licensing agreements for pole attachments amended to reflect their settlement. Also, the parties will jointly file with the Commission a motion to vacate the Hearing Designation Order within thirty days after the release of an order approving the settlement. Respondent agrees to refund \$27,822.86 to Complainants within thirty days after release of both an order approving the settlement and an order vacating the Hearing Designation Order. The parties agree that the settlement is a compromise of disputed claims and that their settlement agreement is not to be construed as an admission of liability by either party. Finally, the parties agree not to file any pole attachment complaints with respect to the rates agreed upon in their settlement.

3. The Settlement Agreement will be approved. It appears that there are no longer any issues in controversy, that the rates are just and reasonable, and that approval of the Settlement Agreement is in the public interest. The Commission encourages settlements in complaint cases since eliminating the need for further litigation and expenditure of time and resources of the Commission is in the public interest. See, e.g., Longview 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 Settlement Agreement IS APPROVED; the complaints of American Cablesystems of Florida, Ltd., d/b/a Continental Cablevision of Broward County and Continental Cablevision of Jacksonville, Inc., ARE DISMISSED with prejudice. IT IS ALSO ORDERED that this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

  
Edward Luton  
Administrative Law Judge