

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matters of)	
TeleCable of Piedmont, Inc.)	CC Docket No. 95-93
Cencom Cable Income Partners, II, L.P.)	
Cencom Cable Entertainment, Inc., and)	
Cencom Cable Television, Inc.,)	PA 90-0003
)	PA 91-0001
TeleCable of Spartanburg, Inc. and)	PA 91-0002
TeleCable of Greenville, Inc.,)	
)	
Complainants,)	DOCKET FILE COPY ORIGINAL
)	
v.)	
)	
Duke Power Company)	
)	
Respondent)	

To: The Honorable John M. Frysiak, Administrative Law Judge

**MOTION TO REQUIRE STATEMENT OF HEARING ISSUES
AND TO HOLD PREHEARING CONFERENCE**

The Chief, Common Carrier Bureau, through her attorney, requests the Presiding Judge to establish, in the matter of Cencom Cable Income Partners, II, L.P., Cencom Cable Entertainment, Inc., and Cencom Cable Television, Inc. (collectively "Cencom"), Case No. 91-0001, (1) a new date for submission by each of the parties of its statement of the remaining issues in dispute and (2) a new date for a prehearing conference. In view of the short time period before the October 26, 1995, hearing date set in the Order (FCC 95M-148), released June 23, 1995, we suggest an expedited schedule: filing of party statements by October 11, 1995, and the prehearing conference on October 18, 1995.

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The parties' obligations to file briefs and to attend a prehearing conference has twice been deferred, in anticipation of the filing of completed settlement agreements of the respective parties. See Order (FCC 95M-180), issued August 17, 1995; Order (FCC 95M-187), issued August 31, 1995. The latter Order contemplated filing of settlement agreements by September 13, 1995. On that date, Counsel for the various complainants stated that TeleCable of Piedmont, Inc., TeleCable of Spartanburg, Inc., and TeleCable of Greenville, Inc. (collectively "TeleCable") and Duke Power Company (Duke) expected to finalize their agreement by September 15, 1995. With respect to the complaints by Cencom, however, Counsel noted that, notwithstanding agreement on the underlying rates at issue, factual disagreements remained on the amount of refunds due.

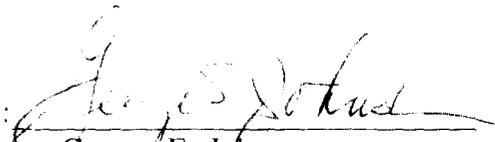
September 15, 1995, and, indeed, the rest of the month of September, passed without submission of a settlement or request for additional time to pursue negotiations. Nevertheless, on October 3, 1995, TeleCable and Duke filed a Motion for Entry of Stipulated Order, together with a Settlement Agreement among these parties, requesting the Presiding Judge to issue an order accepting that settlement as final resolution of the matters in Case Nos. PA 90-0003 and PA 91-0002. On the other hand, Cencom and Duke have not settled. Although we are informed that these parties plan to meet on October 9, 1995, in an attempt to resolve their differences, we believe that substantial further deferral of the prehearing schedule may jeopardize the ability to have an orderly hearing on October 26, 1995, as set by the Presiding Judge. To the extent that there are factual issues outstanding, the parties should be required to set them out with reasonable specificity so that the Presiding Judge has the information he needs to conduct a prehearing conference.

Mindful of the foregoing, the Chief, Common Carrier Bureau, requests the Presiding Judge to set October 11, 1995, for filing a final settlement in Case No. 91-0001 or, in lieu thereof, a statement of the remaining issues to be resolved at hearing, and, as appropriate, to set October 18, 1995¹, as the date for a prehearing conference. Counsel for Duke and Cencom have authorized the undersigned to represent that they do not object to the foregoing schedule.

Respectfully submitted,

Kathleen M.H. Wallman
Chief, Common Carrier Bureau

October 3, 1995

By: 
George E. Johnson
Trial Attorney

¹ In order to accommodate a schedule conflict of Cencom's Counsel, a time of 2:00 p.m., October 18, 1995, is suggested.

CERTIFICATE OF SERVICE

I, Ernestine Creech, do hereby certify that on this 4th day of October, 1995, the foregoing was mailed, first-class postage, pre-paid, United States mail, to the following:

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*Via Hand Delivery