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**MILLER & VAN EATON, P.L.L.C.**  
A PROFESSIONAL LIMITED LIABILITY CORPORATION

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MATTHEW C. AMES  
FREDERICK E. ELLROD III  
STEPHEN J. GUZZETTA  
WILLIAM R. MALONE

1225 NINETEENTH STREET, N.W.  
SUITE 400  
WASHINGTON, D.C. 20036

NICHOLAS P. MILLER  
MARIA F. SILVEIRA\*  
JOSEPH VAN EATON

INCORPORATING THE PRACTICE OF  
MILLER & HOLBROOKE

TELEPHONE (202) 785-0600  
FAX (202) 785-1234

\*ADMITTED TO PRACTICE IN  
FLORIDA ONLY

June 4, 1997

**VIA HAND DELIVERY**

William F. Caton  
Acting Secretary  
Federal Communications Commission  
Room 222  
1919 M Street, N.W.  
Washington, D.C. 20554

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JUN 4 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

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

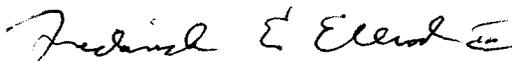
Dear Mr. Caton:

Pursuant to 47 C.F.R. § 1.1206, I submit an original and one (1) copy of the attached memorandum concerning an oral ex parte presentation in the above-referenced proceeding. A copy of this letter and the attached memorandum is being provided to each of the Commission's participants.

Very truly yours,

**MILLER & VAN EATON, P.L.L.C.**

By

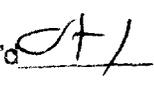


Frederick E. Ellrod III

Enclosures

cc: Meredith Jones  
John E. Logan  
John Norton  
Elizabeth W. Beaty  
Patrick Boateng  
Margaret M. Egler

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OFFICE OF SECRETARY

MEMORANDUM

TO: William F. Caton  
Acting Secretary  
Federal Communications Commission

FROM: Frederick E. Ellrod III  
Counsel for the City of St. Louis

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

DATE: June 4, 1997

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Pursuant to 47 C.F.R. § 1.1206, I hereby submit an original and one (1) copy of this memorandum disclosing an oral ex parte presentation in the above-referenced proceeding.

On June 3, 1997, representatives of the City of St. Louis ("City") met with Meredith Jones, Chief, Cable Services Bureau; John E. Logan, Deputy Chief, Cable Services Bureau; and John Norton of the Cable Services Bureau, and with Elizabeth W. Beaty, Chief, Financial Analysis and Compliance Division of the Cable Services Bureau; Patrick Boateng of the Cable Services Bureau; and Margaret M. Egler, Assistant Chief, Financial Analysis and Compliance Division of the Cable Services Bureau. Representing the City were Susan Littlefield of the City; Frederick E. Ellrod III of Miller & Van Eaton, P.L.L.C.; and Betty Ann Kane of Miller & Van Eaton, P.L.L.C..

During the meeting, the City's representatives discussed refund liability issues and issues arising in cable operators' rate filings using the annual adjustment method. Specifically:

- The City indicated that the one-year limitation on refund liability should be tolled during the period of any appeal of a local rate order.
- The City inquired as to the determination of the date a rate filing is made for purposes of computing time periods.
- The City indicated that steps should be taken to prevent cable operators from placing into the equipment basket existing costs that had not formerly been unbundled from service rates.

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- The City described the difficulties involved in reviewing and evaluating cost data based on samples.
- The City discussed how the costs of leased equipment should be treated, particularly if such equipment had not been deployed.
- The City inquired as to what sort of approach would be reasonable to determine rates pursuant to the Commission's rules in the absence of necessary information regarding aggregate costs.