

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

DA 95-1139

In the Matter of:)	
)	
REQUEST BY THE CITY OF)	
THOUSAND OAKS, CA)	CSR-4496-R
)	
For a Declaratory Order Regarding)	
the A La Carte Package of Falcon Cablevision)	

ORDER

Adopted: May 19, 1995

Released: May 24, 1995

By the Chief, Cable Services Bureau:

1. On September 8, 1994, the City of Thousand Oaks, California ("the City"), filed with the Commission a Request for Declaratory Order ("Request") concerning the regulatory status of an a la carte package offered by Falcon Cablevision ("Falcon") in the City. Falcon opposes the City's Request.¹

2. According to the Request, the Falcon a la carte services at issue were first offered to subscribers on September 1, 1993, when Falcon restructured the service offerings on its Thousand Oaks system. The City states that Falcon removed one channel (WTBS) from its basic tier and three channels (TNT, The Discovery Channel and Prime Ticket Network) from its cable programming services tier and offered the four channels individually and as a package. The channels could be purchased at a monthly rate of \$2.00 per channel or \$3.95 for all four of the channels. On October 22, 1993, Falcon added to the package a fifth channel (ESPN 2), which was new to the system.

3. On April 18, 1995, the Bureau released a *Memorandum Opinion and Order* dismissing complaints concerning the prices for cable programming services ("CPS") charged

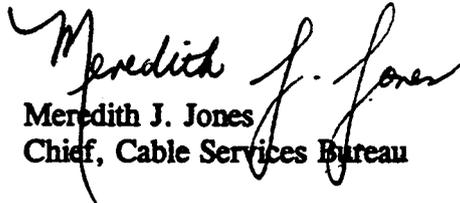
¹ See Opposition of Falcon (filed April 27, 1995).

by Falcon Holding Group, Inc., the general partner of Falcon.² In the *Falcon CPS Order*, the Bureau dismissed pending complaints in a number of communities served by several Falcon partnerships, including the City of Thousand Oaks, because it concluded that Falcon's systems in those communities had no rate-regulated CPS tiers. In the order, the Bureau determined that Falcon's collective offerings in the subject communities, including the a la carte offering in the City of Thousand Oaks which is the subject of this Request, may be treated as new product tiers under the Commission's *Sixth Order on Reconsideration, Fifth Report and Order, and Seventh Notice of Proposed Rulemaking* in MM Docket Nos. 92-266 and 93-215, FCC 94-286, 10 FCC Rcd 1226 (1994) ("*Going Forward Order*").³

4. In light of the holding of the *Falcon CPS Order*, the issue raised by the City's Request has been resolved and the Request requires no further action by the Bureau.

5. Accordingly, **IT IS ORDERED** that the City's Request **IS DISMISSED**. This action is taken by the Chief, Cable Services Bureau, pursuant to authority delegated by section 0.321 of the Commission's rules. 47 C.F.R. § 0.321.

FEDERAL COMMUNICATIONS COMMISSION


Meredith J. Jones
Chief, Cable Services Bureau

² See Memorandum Opinion and Order In the Matter of Falcon Holding Group, Inc., AL0060, *et. al.*, DA 95-857 (Cab. Serv. Bur., released April 18, 1995) ("*Falcon CPS Order*").

³ *Id.*