In the Matter of:

PETITIONS FOR STAY OF ACTION

Booth American Co., d/b/a Salem Cable TV
Cable TV Fund 12-A Ltd, d/b/a Jones Intercable
Cable TV Fund 12-BCD, Venture d/b/a Jones Intercable
Falcon Class Cable I
IDS/Jones Joint Venture, d/b/a Jones Intercable
Jones Cable Income Fund, d/b/a Jones Intercable, 1-B/C Venture
Jones Intercable, Inc.
Jones Spacelink Income Partners 87-1, Ltd. d/b/a Jones Intercable
Meredith Cable TV
Prestige Cable TV
Pending Resolution of Applications for Review
or Petitions for Reconsideration

Salem & Roanoke County, VA
Libertyville, Mundelein, & Graylake, IL
Palmdale & Los Angeles, CA
Morganton, NC
Aurora, IL
Dowagiac & Watervliet, MI
Oro Valley, AZ
Rittman, OH
Columbia Heights & Hilltop, MN
Spotsylvania & Stafford, VA

MEMORANDUM OPINION AND ORDER

Adopted: March 25, 1996
Released: April 4, 1996

By the Chief, Cable Services Bureau:

1. Each of the parties noted above ("Operator" or, together, "Operators") has filed with this Bureau a motion, petition, or request for stay of the Bureau's action in ordering refunds, modification of FCC Form 1200, and reduction in current rates, pursuant to a finding by the Bureau that the Operator was charging a price for cable services programming (CPS) that was in excess of its maximum permitted rate, during the review period of September 1, 1993 to May 14, 1994. Attachment A shows each party, the citation to the relevant Bureau order, and the filing dates of the stay requests.
2. On several recent occasions, under similar circumstances, this Bureau has granted an emergency request for stay of action.\(^1\) In those cases, we found that the Operator could suffer irreparable harm if it were required to comply with the requirements of the Bureau's refund order during the pendency of its petition for reconsideration or application for review, since it appears that expenditures made in such compliance could be unrecoverable. We also noted that any refunds and adjustments would be due from the release date of the Bureau's order, regardless of any stay of effectiveness, and would include interest amounts, so that no party, particularly subscribers, would be harmed by such a stay. Because the equities justify granting a stay of the order's refund and rate reduction provisions, and there is no harm to subscribers or to any other party from such a stay, we found we did not need to reach the question of the likelihood of the operator's success on the merits of the issues it raises on reconsideration or application for review.

3. We find that each of the requests before us is substantially similar to the requests noted above, which we granted. We accordingly grant the above-noted requests for stay of action pending resolution of Operators' petitions for reconsideration or application for review.

4. Accordingly, IT IS ORDERED, pursuant to Sections 0.321 and 1.43 of the Commission's rules, 47 C.F.R. §§ 0.321, 1.43, that the requests for stay of action pending resolution of petitions for reconsideration or applications for review filed by the parties noted above ARE GRANTED.

FEDERAL COMMUNICATIONS COMMISSION

Meredith J. Jones
Chief, Cable Services Bureau

\(^1\) See Ballfield Cable TV Co. et al., 10 FCC Rcd 10591; (Cab. Serv. Bur., 1995); Cablevision of New York et al., 10 FCC Rcd 12279; (Cab. Serv. Bur., 1995); Bresnan Communications et al., 10 FCC Rcd 6567 (Cab. Serv. Bur., 1995).
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