

Rhode Island Division of Public Utilities and Carriers – Cable Section

2007 Dockets

2007-C-1 VERIZON CABLE APPLICATION FOR SERVICE AREAS 2, 3 and 8 (CLOSED)

On March 8, 2007, Verizon submitted an application to the Division for a Compliance Order Certificate to provide cable service in Service Area 2 (Providence and North Providence), Service Area 3 (Cranston, Johnston, Scituate and Foster) and Service Area 8 (Westerly, Hopkinton, Richmond, Charlestown, South Kingtown and Narragansett).

The Division held a pre-hearing conference on April 2, 2007 and established a schedule for intervenor participation and for public hearings. Public hearings were held on May 16 in Providence, May 17 in Cranston and May 24 in South Kingtown.

A public hearing was held at the Division's offices on June 7, 2007 to allow for presentation of Verizon's legal case. Subject to conclusion of the hearing, position briefs were filed by intervenors Cox Communication and Full Channel Television. The DPUC cable advocacy section did not file a brief as it indicated its support for the application during the public hearing process.

The briefs expressed concern relative to three issues, namely: that separate compliance order certificates be issued by the Division for each service area; that Verizon should be responsible to bear its fair share on the cost of operating and maintaining return paths from remote locations where public access programming is originated and transported to public access studios; and, that Verizon provide a detailed explanation of its obligations concerning signal leakage.

After careful consideration the Hearing Officer and the Administrator of the Division issued its official order on August 21, 2007 approving three, and separate, compliance order certificates for service areas 2, 3 and 8. The Division did not condition the certificates relative to the "return path" issue or the "signal leakage" issue and suggested that these matters could be addressed in separate cases if Cox or Full Channel felt the need. The Hearing Officer did not feel that either issue should affect level playing field agreements already reached in the service area 6 case.

On August 21, 2007, Verizon electronically filed an acceptance letter for all three compliance order certificates.

On August 22, 2007 Verizon filed its application for a construction certificate in this case. Subsequent to the conclusion of the filing and review of direct testimony and the filing and responses of data requests, a public hearing was held on October 15, 2007.

On November 7, 2007, the Division issued an order approving Verizon's construction certificate. Verizon filed its application for an operating certificate on the same day and, through a waiver request, asked for expedited consideration and elimination of the 60 day notification requirement. Subject to the filing of data requests by intervenors, a public hearing was held on the operating certificate on December 3, 2007. No public comment

was provided at the hearing and the intervenors requested an opportunity to brief the case.

Briefs were submitted by all parties on December 12, 2007. The Cable Advocacy Section, Cox and Full Channel all supported adherence to the rules and the granting of the operating certificate at the conclusion of the 60 day notification period, largely to assure level playing field standards are complied with. The Division issued its order on December 20, 2007 approving the operating certificate for effectiveness on January 6, 2008 as Verizon in its brief withdrew the request for the waiver.

2007-C-2 BARRY COOK "VOICES IN YOUR HEAD" PUBLIC ACCESS CASE (CLOSED)

The Rhode Island Public Telecommunications Authority, administrator of public access television in the State of Rhode Island, pulled the April 1, 2007 showing of public access show "Voices In Your Head" based on concerns related to obscenity and copyright violations of the Public Access Rules. Barry Cook refused to "cure" the program and requested an informal hearing before the Division. The RIPTA forwarded a letter of request for the hearing to the Division and a hearing was scheduled for April 12, 2007 at the offices of the Division.

After discussion, Mr. Cook agreed to withdraw the tape and cure the program to avoid any formal action by the Division. Subsequently, Mr. Cook withdrew the tape altogether. An Order was issued by the Division on April 24, 2007 closing the case.

2007-C-3 VERIZON CABLE APPLICATION FOR SERVICE AREAS 1 AND 4 (CLOSED)

On September 28, 2007 Verizon submitted an application to provide cable service in Service Areas 1 and 4, comprising the municipalities of Burrville, Glocester, Woonsocket, Cumberland, Lincoln, Smithfield, North Smithfield, Pawtucket and East Providence.

The case was officially docketed by the Division on October 11, 2007 and a meeting was held on October 15, 2007 at which time the hearing officer established a procedural schedule. An ad was published on October 23, 2007 to allow for motions to intervene. Filing to intervene were Cox Communications, Full Channel Television and the Advocacy Section of the Division.

Data requests were filed on November 26, 2007. Responses were filed by Verizon in December and a public hearing on the compliance order certificate was held on January 7, 2008. Several members of the public spoke on behalf of awarding Verizon the compliance certificate as did several public officials from service area 1. There was no substantive opposition to the certification. The Division issued an Order on March 7, 2008 approving the compliance order certificate.

Verizon submitted its application for a construction certificate on March 7, 2008 and after the Division offered a legal schedule to the intervenors, scheduled a public hearing on May 7, 2008. All intervenors either supported the application or do not offer

significant opposition at the public hearing. As a result, the Division issued an order of approval of the construction certificate on May 19, 2008. Verizon submitted its application for an operating certificate on the same day and after Division review and a public hearing that resulted in no opposition held on June 25, 2008, the Division issued an approval order on June 26, 2008.

2007-C-4 COX COMMUNICATIONS RATE FILING (CLOSED)

On December 1, 2007 Cox Communications submitted a rate filing to become effective April 1, 2008. After review by Division staff of both the FCC 1240 and 1205 forms, a public hearing was scheduled and held on February 13, 2008.

Since, based on federal law, the Division's authority rests only with regulating basic service rates and concomitant equipment charges, the Division's review was to assure compliance with the FCC requirements for filing.

The Hearing Officer, after testimony from Cox Communication Inc's representatives, issued an order approving the filing on February 14, 2008. The filing contained no increase in either the basic or the expanded cable television rates and minor adjustments in equipment and service rates.