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October 31, 2025

**Via First-Class Mail & E-mail**

[ellen.golde@dpuc.ri.gov](mailto:ellen.golde@dpuc.ri.gov),

Ellen Golde, Division Administrative Clerk  
Rhode Island Division of Public Utilities and Carriers  
89 Jefferson Boulevard  
Warwick, RI 02888

**Re: Docket No. D-25-18, Joint Application of Charter Communications, Inc, Cox Enterprises, Inc. and Cox Communications, Inc. to Transfer Control of CATV Certificates and for Approval for CoxCom, Inc. to Participate in Financing Transactions**

Dear Ms. Golde:

On behalf of Ocean State Media Group, f/k/a the Rhode Island PBS Foundation (“RIPBS”), please find enclosed for filing with the Division an original and four (4) copies of the RIPBS’s Position Statement in the above docket.

Sincerely,

A handwritten signature in blue ink, appearing to read "Adam Ramos", written over a light blue circular background.

Adam M. Ramos  
*aramos@hinckleyallen.com*

Enclosures

cc: Mary-Catherine Armstrong, Ocean State Media Group

**STATE OF RHODE ISLAND  
DIVISION OF PUBLIC UTILITIES AND CARRIERS**

IN RE JOINT APPLICATION OF CHARTER :  
COMMUNICATIONS, INC., COX ENTERPRISES, INC., :  
AND COX COMMUNICATIONS, INC. TO TRANSFER :  
CONTROL OF COXCOM, LLC’S SERVICE AREAS 1-8 :           Docket No. D-25-18  
CERTIFICATES OF AUTHORITY TO OPERATE AND :  
FOR COXCOM, LLC TO PARTICIPATE IN :  
FINANCING ARRANGEMENTS :  
\_\_\_\_\_ :

**OCEAN STATE MEDIA GROUP’S POSITION STATEMENT**

Ocean State Media Group, f/k/a the Rhode Island PBS Foundation (“RIPBS”) submits the following statement of position regarding the transaction among Charter Communications, Inc. (“Charter”), COX Enterprises, Inc., and COX Communications, Inc. (“CoxCom”) (collectively, the “Applicants”), that is the subject of this proceeding before the Rhode Island Division of Public Utilities and Carriers (the “Division”).

**I.     INTRODUCTION**

The future of public, educational and governmental (“PEG”) access studios is a matter of public interest, and the proposed transaction implicates that interest. Charter seeks to step into CoxCom’s shoes as the party responsible for collecting and remitting PEG Access Fees to RIPBS. The current mechanism for collecting PEG Access Fees, however, does not reflect modern consumer habits. PEG Access Fees are collected exclusively from cable subscribers, but that subscriber base is disappearing as consumers choose internet-streaming services over cable television. As a result, revenues from PEG Access Fees are in steep decline and RIPBS must request permission to increase those fees *every year*. The current trajectory is not sustainable. The public deserves assurances that, as a new community antenna television (“CATV”) operator, Charter is committed to taking affirmative steps to collaborate with the Division and RIPBS to

ensure the necessary financial support to sustain PEG access in Rhode Island in the future.

Accordingly, RIPBS supports the transaction, but asks that the Division impose a condition aimed at facilitating the modernization PEG access funding in the future.

## **II. FACTUAL BACKGROUND**

### **A. PEG Access Studios Are An Essential Public Service**

PEG access studios provide public, educational, and governmental access to free video production facilities, equipment, staffing, and airtime on local cable television.<sup>1</sup> They provide transparent access to government proceedings, free platforms for civic participation and cultural expression, and vital media education that empowers residents to engage in their local democratic institutions. PEG access studios, therefore, are an essential public good because they ensure that every community—not just those with commercial influence—has a voice in local media as well as a reasonable opportunity to consume that media.

### **B. The Applicants Are Obligated To Financially Support PEG Access Studios**

The Division is obligated to ensure that PEG access studios remain available to Rhode Islanders and has delegated the actual management and operation of those studios to RIPBS. *See* R.I. Gen. Laws § 39-19-6.1. As a result, RIPBS is the State of Rhode Island’s primary provider of PEG access studios. Its day-to-day responsibilities include providing at least five fixed studios statewide that are equipped for full-color production and transmission of live, videotape, and film television programs on specially designated access channels, and furnished with specific studio/control, editing, and playback equipment. *See* 815- RICR-10-05-1.14.

It costs RIPBS more than \$1 million annually to operate PEG access studios. RIPBS funds these operations through the PEG access and interconnect fees (“PEG Access Fees”) it receives

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<sup>1</sup> Users retain the copyright to their content and so can also publish their programming on their own websites or other forums, and some users are able to monetize their programming in this way.

from CATV Operators, who in turn, pass those costs through to their cable subscribers. 815 RICR 10-05-1.17.2(B)-(C). The CATV operator that is relevant to this proceeding is CoxCom.<sup>2</sup>

**C. The Funding Mechanism For PEG Access Studios Is Outdated and Unsustainable.**

Over the last 10 years, internet streaming services have proliferated as consumers have turned to them in place of cable television services, causing a precipitous decline in the number of cable subscribers. For example, between 2023 and 2025, the total number of cable subscribers in Rhode Island dropped by nearly 25% from an estimated 197,852 to just 149,206. *See* Docket No. D-22-11, RIPBS Compliance Filings FY 2024 and FY 2026. Because CoxCom and similarly situated CATV operators<sup>3</sup> charge PEG Access Fees only onto their cable subscriber bases, there has been a similar decrease in PEG Access Fee revenues.

To address these changes in consumer habits, in 2022, RIPBS filed a petition with the Division seeking permission to increase the amount of PEG Access Fees. *See* Docket No. D-22-11. The Division approved that petition in 2023, noting that RIPBS had diligently cut expenses as much as possible, was unable to keep up with the declining cable subscribership by reducing expenses, and could not reasonably reduce its expenses any further while still meeting its statutory and regulatory obligations to manage and operate PEG access studios.<sup>4</sup>

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<sup>2</sup> RIPBS uses “CoxCom” to refer both to the current CATV certificate holder and the entity that will hold the CATV certificate after the close of the transaction, based on the Applicants’ representation that, if the transaction is approved, Charter will continue to operate in Rhode Island under the CoxCom brand. That said, RIPBS acknowledges that CoxCom is not the only CATV operator in Rhode Island responsible for funding PEG access studios through the collection and remittance of PEG Access Fees and that any changes to PEG access funding must be adopted by all similarly situated CATV operators.

<sup>3</sup> RIPBS recognizes that some CATV certificate holders manage and operate their own PEG access studios and, therefore, do not have an obligation to collect and remit PEG Access Fees to RIPBS.

<sup>4</sup> Since 2022, RIPBS has worked closely with Division staff to identify alternatives for RIPBS to increase PEG revenues or decrease PEG expenses. Among other things, RIPBS and the Division have considered limiting the hours of operations for some studios.

**D. The Division Has The Regulatory Authority To Facilitate Resolution Of The Problem Of Declining Revenues From PEG Access Fees.**

The rapid increase in per-subscriber PEG Access Fees demonstrates that the approach to funding PEG access requires modernization. The number of cable subscribers is declining by approximately 10% annually, meaning that, each year, RIPBS must request permission from the Division to increase PEG Access Fees. CATV operators like CoxCom dutifully pass on these increases to their cable subscribers, but as PEG Access Fees increase, so do cable bills, and this increases the likelihood that customers will cancel their cable subscriptions in favor of internet-only services. If this negative feedback loop continues, the PEG Access Fee line-item on customer cable bills will eventually become so large that it could become a reason customers cancel their cable subscriptions, and the funding mechanism for PEG access studios will collapse. RIPBS then will be left with the statutory and regulatory mandate to provide this essential public service without having a reasonable means to receive the funding necessary to do so. Meanwhile, CoxCom's internet-only subscribers can access PEG access programming online, without contributing to the continued funding of this important public service.<sup>5</sup> Through this proceeding and the its general regulatory authority over CATV providers and the provision of PEG access studios, the Division should direct Charter to work with RIPBS and the other CATV providers to develop solutions for modernizing the way in which PEG access studios are funded.

**III. LEGAL STANDARD**

The Division may approve the transaction that is the subject of this proceeding only if it determines that “the applicant is fit, willing, technically qualified, and financially able to perform the service for which it has applied, and to conform to the requirements, orders, rules, and regulations of the Division and laws of the State of Rhode Island *and that the proposed operation will be consistent*

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<sup>5</sup> Users of PEG access studios retain the copyright to their programming and so many choose to post their content on their own YouTube channel or other media platforms.

*with the public interest.*” 815 RICR 10-00-05-1.4.1.C and 1.3.3.D (emphasis added). The Division is empowered to take whatever regulatory steps are appropriate “to prevent the operation from having detrimental consequences to the public interest.” R.I. Gen. Laws § 39-19-6; *see also* 815 RICR 10-05-1.1.1. Specifically, the Division is authorized to regulate CATV operators’ “financial responsibility,” including the responsibility to fund public services such as PEG access studios. R.I. Gen. Laws § 39-19-6; 815 RICR 10-05-1.14.

#### **IV. RIPBS’S POSITION**

The future of funding for PEG access studios is a matter of public interest, and the proposed transaction implicates that interest. To ensure that the transaction is consistent with the public interest, the Division should condition the approval of this transaction on the Applicants’ agreement to meet and discuss solutions for modernizing PEG access funding.

A more modern approach to PEG access funding would account for the reality that the number of cable subscribers is decreasing while the number of internet subscribers is growing or at least remaining consistent. Internet-only subscribers benefit from PEG access programming because many creators post their content online. It is therefore appropriate that the internet-only subscriber base should bear a nominal share of the costs to fund PEG access studios.

The cleanest and most sustainable solution would be for CoxCom to voluntarily pass on PEG Access Fees to its internet-only subscribers. This change would not require regulatory oversight or approval. There are no statutes or regulations prohibiting CATV operators who also offer internet services from passing PEG Access Fees on to their internet subscribers. The Federal Communications Commission (“FCC”) does not currently regulate internet services providers (“ISPs”) because it re-classified them as “information services” providers in 2018. *See New York State Telecommunications Ass’n, Inc. v. James*, 101 F.4th 135, 141 (2d Cir. 2024), *cert. denied*, 145 S. Ct. 984, 220 L. Ed. 2d 361 (2024), *reh’g denied*, 145 S. Ct. 1229, 221 L. Ed. 2d 286 (2025). And

although state agencies have authority to regulate the rates charged by ISPs,<sup>6</sup> the Division has not yet done so. Accordingly, in its role as an ISP, CoxCom operates in a mostly unregulated space, which gives it the discretion to modify internet subscribers' bills to add PEG Access Fees. Notably, spreading the cost of PEG Access Fees across a larger subscriber base would have the added benefit of lowering PEG Access Fees for everyone and the resulting fee that would be added to internet subscribers' bills would, therefore, be very small.

In sum, chronically underfunding PEG access studios is “detrimental” to the public interest. R.I. Gen. Laws § 39-19-6. Given that there are many different ways to modernize PEG access funding consistent with the public interest, the Division should condition its approval of this transaction on CoxCom's commitment to meeting with RIPBS and other CATV operators to identify and implement solutions that will ensure the long-term viability of PEG access studios in Rhode Island.

## V. CONCLUSION

RIPBS supports the transaction but asks the Division to take this opportunity to facilitate the sustainability of PEG access studios as a matter of public interest implicated by this transaction.

Accordingly, RIPBS respectfully requests that the Division:

- (1) Condition the approval of this transaction on the Applicants' commitment to meeting with RIPBS and other similarly situated CATV operators to identify and implement one or more solutions to the issue of declining PEG Access Fee revenues.

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<sup>6</sup> In 2024, the Second Circuit upheld a New York law requiring ISPs to offer broadband internet service to low-income households at a reduced rate, holding that the state law was not preempted by federal law. The Court explained that the FCC's 2018 order re-classifying broadband internet access as an information service under Title I of the Communications Act of 1934, 47 U.S.C. § 151, rather than as a telecommunications service under Title II of that statute, “stripped the agency of its statutory authority to regulate the rates charged for broadband internet, and a federal agency cannot exclude states from regulating in an area where the agency itself lacks regulatory authority.” *See New York State Telecommunications Ass'n, Inc.*, 101 F.4th at 141.

Respectfully submitted,

OCEAN STATE MEDIA GROUP,

By its Attorneys,



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