

Rhode Island Division of Public Utilities - Cable Section

2000 Docket Items

2000-C-1 Town of Foster - Service Delivery Area Designation (**CLOSED**)

The Division commenced procedures to formally designate the Town of Foster as a cable Service Delivery Area. A public hearing was held on February 28, 2000 and garnered full public support for approval; Foster being the only municipality in Rhode Island yet to be officially designated. The Administrator of the Division officially signed the Order of approval on March 27, 2000. It is hoped that this process will help to encourage firms to look favorably on providing cable and also internet and telephone service to the Town. A House of Representatives Commission was established and after several months of meetings and negotiation with Cox Communications, the cable operator agreed to extend service along Route 94 to the Issac Paine School. They will also try to connect the other municipal buildings in the area of the school. Before construction can begin, the Division must act on a petition filed by Cox to merge Service Area 12 with Service Area 3 (Cranston, Johnston and Scituate). The Division has opened Docket 2001-C-1 to address this request.

2000-C-2 Cox Service Area 9 Rate Filing (**CLOSED**)

Cox Communications, Inc. submitted to the DPUC a rate filing for Service Area 9 (Westerly, Richmond, Hopkinton and Charlestown) on February 18, 2000. The request proposed an adjustment in the programming tiers constituting a reduction in basic programming channels and a commensurate reduction in the basic service cost, which is the only fee regulated by the DPUC. Changes were also proposed for upper tier services in both programming and fees. Subject to formal review and the submittal of supplemental information by Cox, the rate filing was approved by the Division on March 27, 2000.

2000-C-3 American Broadband, Inc. (**CLOSED**)

American Broadband Inc. (ABI) of Boston, Ma. applied to the DPUC for a Compliance Certificate to initiate the process of overbuilding portions of the State to provide cable service. A review process opened to consider approval of the ABI request that would have lead to subsequent applications for Certificates of Construction and Certificates of Operation. A public hearing was held on June 6, 2000 to consider the Compliance Order Certificate request. The Hearing Officer issued a decision approving the Certificate on August 7, 2000. The Advocacy Section of the Division commenced negotiation with ABI on how it would meet the requirements of the Construction Certificate. 270 days is allotted for this process in the cable rules. Subsequent to these action, ABI notified the Division

in correspondence dated March 22, 2001, that the sudden downturn in the national financial markets had resulted in the withdrawal by venture capitalists of ABI's financial resources. Without proper financing they were unable to move forward with the project. Accordingly, the docket was terminated.

2000-C-4 Cox Statewide Rate Filing (CLOSED)

Cox Communications, Inc. submitted a rate filing with the Division on May 2, 2000 that would take effect on August 1, 2000. The Division filed an Order of approval of no increase in the basic service rates on June 15, 2000.

2000-C-5 Cox Certificate Filing for Area 5 (CLOSED PENDING
FURTHER FCTV APPEALS)

Cox Communications, Inc. filed a request for a Compliance Order Certificate for Service Area 5 on April 20, 2000. The Division filed a Data Request and forwarded that request to Cox on May 12, 2000. Cox responded to the Division in a letter dated June 23, 2000 which was received by the Division on June 26, 2000. The Division has held several meetings with Cox and the intervenors to discuss and rule on procedural issues and public hearings have been held on January 8, 10, 11, 30, March 29 and April 5 2001. The data exchange process and the submission of final legal briefs was completed on May 18. A Division Order was issued on June 26, 2001 approving Cox's request for a Compliance Order Certificate. Cox filed an application with the Division for a construction certificate on August 2, 2001 and the Division is currently reviewing the document to assure it addresses the requirements prior to convening a public hearing. In the interim, Full Channel Television appealed the award of the compliance order certificate in Superior Court on August 22, 2001 and a decision is pending. An order was issued by the Division hearing officer on November 8, 2001 approving the construction certificate request and a construction certificate was issued by the Division on November 16, 2001. Cox filed a formal request for an operating certificate on November 16, 2001 and an application on November 21, 2001. The Division held a public hearing on 12/17/2001 and awarded an operating certificate to Cox on January 2, 2002, effective January 15. Superior Court upheld the Division actions, repudiating a Full Channel Television Inc. request for a stay on January 16, 2002.

2000-C-6 Cox Area 6 Studio Closure (CLOSED)

Cox Communications, Inc. filed a petition on June 30, 2000, for a temporary waiver of Rule 14.2 concerning the temporary closure of the public access studio in Service Delivery Area 6. Cox is currently in the process of final negotiation on the relocation of the facility from J.P. Murphy Highway in West Warwick to Community College of Rhode Island in Warwick. The Division advertised in the Providence Journal on July 6, 2000 for a public hearing which was held on July

17, 2000. Evidence at the hearing indicated that Cox closed the studio on July 10 without DPUC approval. An Order was issued on August 9, 2000 by the Division reprimanding Cox for their action and fining the Company \$2,200, resulting in the closure of this docket.

2000-C-7 Cox Institutional Network Alternative Technology Waiver
(CLOSED)

Cox Communications, Inc. submitted a petition to the Division on November 15, 2000 requesting a waiver of a portion of section 7.3(a) of the Cable Rules concerning the Industrial/Institutional Network. Cox proposes to offer an updated version of the system through its' 750 mhz fiber optic broadband system that will provide additional coverage of municipal facilities with both video and data opportunities. The Division hosted an informational meeting on May 1 at which Cox demonstrated how the proposed I-net would function. The Division's consultant, Broadband Access Networking Group presented their evaluation of the system. The data exchange phases have been completed and formal public hearing were held on June 27 and 28th. Additional hearings were held on December 3 and 10, 2001 and December 19, 2002. Cox held a second I-Net demonstration that is a formal part of the record at the December 3, 2001 hearing.

A settlement agreement between the Advocacy Section of the DPUC and Cox was submitted to the hearing officer on October 2, 2002. At a December 19, 2002 hearing on this agreement, all parties made their formal case to the hearing officer and post hearing briefs were submitted in January 2003.

The Administrator issued his Order on January 27, 2005 approving Cox's waiver request to authorize that their full service network can provide I-Net functionality and is in compliance with Chapter 7 of the Cable Rules. The Order also accepted the settlement agreement which will lead to implementation.