

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DIVISION OF PUBLIC UTILITIES AND CARRIERS
89 JEFFERSON BOULEVARD
WARWICK, RHODE ISLAND 02888**

IN RE: Application for a Compliance Order :
 Certificate by Full Channel TV, Inc. : Docket No. D-03-C-2

ORDER

(In Response to Joint Filing of “Stipulation of Dismissal”).

Whereas: On August 20, 2003, Full Channel TV, Inc. (“Full Channel”), 57 Everett Street, Warren, Rhode, filed an application with the Rhode Island Division of Public Utilities and Carriers (“Division”) seeking authority to construct and operate a Competitive Community Antenna Television (“CATV”) System in Rhode Island’s CATV Service Area 4, which at the time was comprised of only the city of East Providence.

Whereas: During the time that has passed since the August 20, 2003 filing date, the Division has conducted several public hearings and has issued three written decisions in this docket (Orders).¹ The travel of the instant docket is available through a review of these decisions, and consequently will not be repeated here.

Whereas: On August 25, 2010, the Division conducted a public hearing in response to a joint request from Full Channel and the Division’s Advocacy Section that the instant application be “dismissed without prejudice,” subject to the condition that “[i]f and when Full Channel...seeks a

¹ See Order Nos. 18317, 18399 and 19104, issued on August 12, 2005, October 13, 2005 and October 16, 2007, respectively.

Compliance Order, a Construction or a Operating Certificate in Service Area 4, the parties hereto agree that Full Channel, may, in its sole discretion, apply for such certificates for East Providence only.”² This agreement was further conditioned on Full Channel’s promise to dismiss, with prejudice, seven (7) appeals it had perfected against CATV-related Division decisions that have been pending in Superior Court since as far back as 2001.³ The appeals related to decisions issued in Division Docket Nos.: D-00-C-5, D-01-1, D-00-C-7, D-03-C-2 and D-04-C-4.

Whereas: The Division received confirmation from Full Channel on August 27, 2010 that it had in fact dismissed the aforementioned appeals.⁴

Whereas: The Division has considered the arguments proffered by Full Channel and the Division’s Advocacy Section in support of the instant stipulation of dismissal and finds the parties’ offer of stipulation reasonable.

Accordingly, it is,

(20145) ORDERED:

1. That Full Channel’s and the Division’s Advocacy Section’s jointly submitted “Stipulation of Dismissal” in this docket is hereby approved and accepted.

² Joint Exhibit 1. Although there were other parties that originally participated in this docket, they all chose, after receiving proper notice, not to participate in this dismissal matter.

³ Joint Exhibits 2, 3 and 4.

⁴ See letter from attorney Dennis S. Baluch, dated August 27, 2010, to the undersigned hearing officer, wherein Attorney Baluch acknowledges “that I personally filed Dismissal Stipulations in the above-captioned matters and have sent copies to the attorneys listed on the certificate sheet.” The dismissed appeals relate to Superior Court Case Numbers: PC01-3860, PC01-5200, PC02-497, PC02-5184, PC05-1005, PC05-1771 and PC05-5849.

2. This docket is hereby dismissed, without prejudice, in accordance with the terms contained in the approved "Stipulation of Dismissal."

DATED AND EFFECTIVE AT WARWICK, RHODE ISLAND ON
SEPTEMBER 28, 2010.

John Spirito, Jr., Esq.
Hearing Officer

APPROVED: _____
Thomas F. Ahern
Administrator