

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

IN RE: Application Filing for Certificates :
 Of Authority to Operate by Verizon : Docket No. 2007-C-3
 New England, Inc. :

REPORT AND ORDER

A. INTRODUCTION

The Rhode Island Division of Public Utilities and Carriers (“Division”) received an application filing on September 28, 2007 from Verizon New England, Inc. (“Verizon”), seeking authority to construct and operate a Community Antenna Television (“CATV”) System in Rhode Island’s CATV Service Areas 1 and 4, which are comprised of the following communities:

Service Area 1: Burrillville, North Smithfield, Smithfield, Woonsocket, Cumberland, Glocester, Lincoln and Central Falls.

Service Area 4: Pawtucket and East Providence.

Verizon’s application was filed in accordance with the requirements of Rhode Island General Laws, Section (“R.I.G.L. §”) 39-19-3 and Section 3.3 of the Division’s “*Rules Governing Community Antenna Television Systems*” (“Cable Rules”).

As noted in prior orders issued in this docket, applications filed pursuant to R.I.G.L. §39-19-3 precipitate a three-phase regulatory response

from the Division.¹ The first phase, called the “*Compliance Order Certificate*” phase, requires the Division to conduct a thorough evaluation of the applicant’s fitness, willingness, technical qualifications and financial ability to perform the proposed CATV services.² Additionally, the Division must be satisfied that the applicant is willing and able to comply with the Division’s Cable Rules and the laws of the State of Rhode Island. The Division must also find that the proposed operation will be consistent with the public interest.³

The Division completed the first regulatory phase with respect to Verizon’s September 28, 2007 application filing on March 7, 2008. On this date the Division issued a report and order granting Verizon Compliance Order Certificates for CATV Service Areas 1 and 4.⁴ Verizon formally accepted the Division’s grant of Compliance Order Certificates on March 7, 2008, a condition-subsequent required under the Rules.⁵

The second regulatory phase, called the “*Construction Certificate*” phase, requires the Division to determine whether the applicant possesses a valid Compliance Order Certificate, and also determine whether the applicant seeking a Construction Certificate has properly submitted documentation in accordance with the information mandate delineated in

¹ The three-phase CATV regulatory process was comprehensively described by the Division in a previous order issued in this docket (See Order No. 19229, issued on March 7, 2008).

² See Section 3.3(d) of the Rules.

³ See R.I.G.L. §39-19-4.

⁴ See Order No. 19229.

⁵ Rule 3.3(e).

Section 3.4 (b) (1-10) of the Cable Rules. Verizon filed an application for a “*Construction Certificate*” on March 7, 2008.

The Division completed the second regulatory phase with respect to Verizon’s March 7, 2008 application for a “*Construction Certificate*” on May 19, 2008. On this date the Division issued a report and order granting Verizon’s application for Construction Certificates for Service Areas 1 and 4.⁶

Immediately thereafter, Verizon filed an application for a “*Certificate of Authority to Operate*” on May 19, 2008.⁷ This filing began the third and final regulatory phase regarding Verizon’s quest for authority to construct and operate a cable television system in Service Areas 1 and 4.

B. SUMMARY OF VERIZON’S APPLICATION

Verizon filed its application in conformance with the requirements established in Section 3.5 of the Cable Rules. The filing requirements mandated under Section 3.5 of the Cable Rules were enumerated and identified in the Division’s March 7, 2008 report and order, previously issued in this docket, supra.⁸

In response to the obligatory filing requirements contained in Section 3.5 of the Cable Rules, Verizon proffered three exhibits with its application. The exhibits (attachments) consisted of:

“Exhibit 1” – Verizon FiOS TV Terms of Service

“Exhibit 2” – Informational Tariff for Service Areas 1 and 4

⁶ See Order No. 19287

⁷ Verizon Exhibit O-1.

⁸ Order No. 19229, p. 19.

“Exhibit 3” – A copy of Verizon’s privacy policy⁹

In keeping with the requirements of Section 3.5 of the Cable Rules, Verizon also noted that it did “*not have any additional changes, corrections, additions, clarifications or amendments to its prior filings to offer at this time.*”¹⁰ Verizon added that it “has complied with all applicable statutes, the Cable Rules and any additional terms, conditions and requirements which have been imposed on Verizon by the Administrator.”¹¹ Verizon’s application also reflects that the Company “*reaffirms...its commitment and intent to satisfy those obligations [identified in its previous Settlement Agreement with the Advocacy Section, which imposes certain payment, outreach and service obligations on Verizon].*”¹²

The application also indicates that Verizon will locate its customer services offices at: (for Service Area 4) Narragansett Park Plaza, 705 Beverage Hill Avenue, Pawtucket, RI 02861; and at (for Service Area 1) 400 Putnam Pike, Smithfield, RI 02917.¹³

Based on the submittal of the aforementioned application and exhibits, Verizon contends that the Division “*should find that Verizon has complied with all applicable statutes, the Cable Rules (including Section 3.5(c) thereof) and all additional terms, conditions and requirements which have*

⁹ See Verizon Exhibit O-1, Exhibits 1-3.

¹⁰ Verizon Exhibit O-1, p. 2.

¹¹ *Id.*, p. 2.

¹² *Id.*, p. 3.

¹³ *Id.*, p. 2.

been imposed on Verizon by the Administrator."¹⁴ Verizon also requested expedited consideration of its application.¹⁵

C. HEARINGS AND APPEARANCES

The Division conducted a duly noticed public hearing on the instant application on June 25, 2008. The hearing was conducted at the Division's hearing room located at 89 Jefferson Boulevard in Warwick. The following counsel entered appearances in this proceeding¹⁶:

For Verizon:	Alexander W. Moore, Esq.
For Cox:	Alan D. Mandl, Esq.
For Full Channel TV, Inc.:	William C. Maaia, Esq.
For the Division's Advocacy Section:	Leo J. Wold, Esq. Special Assistant Attorney General

None of the parties proffered any witnesses during the hearing. In its comments at the hearing, Verizon asserted that it has fully satisfied its burden of proof under Section 3.5 of the Cable Rules and that the Division is compelled to approve its application.

In response to Verizon's assertion, neither the Intervenors nor the Advocacy Section disputed Verizon's claim that it had fully satisfied the requisite requirements for the issuance of Certificates of Authority to Operate for Service Areas 1 and 4. Indeed, the Intervenors expressly stated

¹⁴ *Id.* p. 3, adopting language from Section 3.5(d) of the Cable Rules.

¹⁵ *Id.*

¹⁶ All of the following parties and counsel participated in the two previous Certificate phases of this docket.

that they did not object to the granting of Verizon's application. The Advocacy Section opined that Verizon had fulfilled its regulatory requirements and recommended approval of Verizon's application.

There were no public comments offered at the June 25, 2008 hearing.

D. FINDINGS

In order to satisfy the requirements for obtaining a Certificate of Authority to Operate an applicant must first possess a Construction Certificate. Verizon was issued Construction Certificates for Service Areas 1 and 4 on May 19, 2008.¹⁷

As an additional requirement, an applicant seeking a Certificate of Authority to Operate must also submit documentation in accordance with the information mandate delineated in Section 3.5 (c) of the Cable Rules. Verizon proffered detailed information and various documents with the instant application, which Verizon maintains satisfies the filing requirements set forth in Section 3.5 (c) of the Cable Rules.¹⁸

If upon receipt and after consideration the Division finds that the applicant for a Certificate of Authority to Operate has *"...complied with applicable statutes, these rules, and any additional terms, conditions, and requirements which may be imposed upon it by the [Division], the [Division] shall issue a Certificate of Authority to Operate to the applicant."*¹⁹

¹⁷ See Order No. 19287.

¹⁸ Verizon Exhibit O-1 with attachments.

¹⁹ See Section 3.5 (d) of the Cable Rules.

The Division has carefully examined the record in this matter. Predicated on the record evidence presented, the Division finds that Verizon has satisfied its requirements under the Cable Rules and that Certificates of Authority to Operate for Service Areas 1 and 4 must be issued.

Now, Accordingly, it is

(19322) ORDERED:

1. That the May 19, 2008 application filing of Verizon New England, Inc., seeking Certificates of Authority to Operate a Community Antenna Television System in Rhode Island's CATV System Service Areas 1 and 4, is hereby granted.
2. That all of the written commitments and representations made by Verizon New England, Inc., through its representatives in the instant docket as contained in the Company's written application and supporting documents, which were made part of the record on June 25, 2008, are restated and incorporated as terms and conditions of the certificates and are hereby binding on Verizon New England, Inc.
3. That Verizon New England, Inc. shall remain bound by the terms and conditions contained in its Compliance Order Certificates and Construction Certificates, previously issued by the Division in this docket.

4. The Certificates of Authority to Operate approved herein are attached to this Report and Order as “Appendix 1” and “Appendix 2” and are incorporated by reference.

Dated and Effective at Warwick, Rhode Island on June 26, 2008.

John Spirito, Jr., Esq.
Hearing Officer

APPROVED: _____
Thomas F. Ahern
Administrator

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DIVISION OF PUBLIC UTILITIES AND CARRIERS

CERTIFICATE OF AUTHORITY TO OPERATE

(For Service Area 1, Consisting Of Burrillville, North Smithfield, Smithfield,
Woonsocket, Cumberland, Glocester, Lincoln and Central Falls)

This Certificate of Authority to Operate is issued to Verizon New England, Inc., d/b/a Verizon Rhode Island (“Verizon”) by the Division of Public Utilities and Carriers (“Division”) pursuant to Order No. 19322 in Docket No. 2007-C-3. This Certificate of Authority to Operate authorizes Verizon to operate a community antenna television (“CATV”) system in Service Area 1, and is issued upon, and subject to, Verizon’s compliance with the following findings, terms and conditions:

1. Verizon is, and continues to be, of good character, fit, willing, financially and technically able properly to provide cable service to the residents of the Service Area.
2. Verizon has satisfied, and continues to satisfy, all of the terms, conditions and requirements of its Construction Certificate.
3. Operation of its CATV system in the Service Area is, and remains, consistent with the public interest.
4. Verizon has complied with, and continues to comply with, federal law, the Rhode Island General Laws, the Rules Governing Community Antenna Television Systems (2007), as amended and all Orders of the Division.

John Spirito, Jr., Esq.
Hearing Officer

Thomas F. Ahern
Administrator

Dated this 26th day of June, 2008.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DIVISION OF PUBLIC UTILITIES AND CARRIERS

CERTIFICATE OF AUTHORITY TO OPERATE

(For Service Area 4, Consisting Of Pawtucket and East Providence)

This Certificate of Authority to Operate is issued to Verizon New England, Inc., d/b/a Verizon Rhode Island (“Verizon”) by the Division of Public Utilities and Carriers (“Division”) pursuant to Order No. 19322 in Docket No. 2007-C-3. This Certificate of Authority to Operate authorizes Verizon to operate a community antenna television (“CATV”) system in Service Area 4, and is issued upon, and subject to, Verizon’s compliance with the following findings, terms and conditions:

1. Verizon is, and continues to be, of good character, fit, willing, financially and technically able properly to provide cable service to the residents of the Service Area.
2. Verizon has satisfied, and continues to satisfy, all of the terms, conditions and requirements of its Construction Certificate.
3. Operation of its CATV system in the Service Area is, and remains, consistent with the public interest.
4. Verizon has complied with, and continues to comply with, federal law, the Rhode Island General Laws, the Rules Governing Community Antenna Television Systems (2007), as amended and all Orders of the Division.

John Spirito, Jr., Esq.
Hearing Officer

Thomas F. Ahern
Administrator

Dated this 26th day of June, 2008.

