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March 13, 2008

**BY FEDERAL EXPRESS PRIORITY OVERNIGHT**

Stephen Martin  
Clerk, Cable Section  
Rhode Island Division of Public Utilities and Carriers  
89 Jefferson Blvd.  
Warwick, RI 02888

Re: Verizon Application for Compliance Order Certificates  
Docket No. 2007-C-3

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Dear Mr. Martin:

Enclosed please find for filing in the above matter an original and four (4) copies of the Motion of CoxCom, Inc., d/b/a Cox Communications for Relief from Order. The enclosed filing is being emailed to the Service List and will be filed and served in hard copy form as well.

Thank you for your assistance.

Very truly yours,



Alan D. Mandl, Bar No. 6590

Enclosure  
cc: Service List

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

IN RE:           Application for Compliance Order            )  
                  Certificates by Verizon New England, Inc.    )       Docket No. 2007-C-3

**MOTION OF COXCOM, INC., D/B/A COX COMMUNICATIONS FOR RELIEF  
FROM ORDER**

**I.       INTRODUCTION**

Pursuant to Rule 31(a) and Rule 31(d) of the Division’s Rules of Practice and Procedure, CoxCom, Inc., d/b/a Cox Communications (“Cox”) moves, respectively, for relief from the Division’s March 7, 2008 Report and Order in the above matter.

The Administrator should correct or amend his findings on page 49 of the Report and Order because they misstate Cox’s position in this matter. They create the erroneous impression that Cox opposed Verizon’s Applications as not consistent with the public interest because Verizon did not promise lower rates than Cox’s existing cable rates in Areas 1 and 4. They further erroneously state that Cox asked the Division to impose unlawful cable market entry standards in this case.

**II.     DISCUSSION**

At page 25 of the Report and Order, the Division accurately found that Cox had submitted a Position Statement on December 20, 2007, in which Cox stated that it “does not oppose Verizon’s Application, but believes that there are issues that should be further

investigated by the Advocacy Section and Division” (citing Cox Exh. 1). At pages 26-27 of the Report and Order, the Division also accurately found that Cox argued that a portion of Verizon’s “public interest statement,” regarding past relationships between rates in franchises (outside of Rhode Island and not related to Verizon’s Rhode Island cable operations) served by one wire-line cable operator and franchises served by two wire-line cable operators, should not be taken into account by the Administrator in making its determination whether the Verizon Applications are consistent with the public interest.

Inexplicably, at page 49 of its Report and Order, the Division made an erroneous finding, perhaps through oversight of its prior accurate findings:

Finally, the Division rejects Cox’s cryptic assertion that unless Verizon can promise lower rates than Cox’s existing rates in Service Areas 1 and 4 its entry into those cable markets is not in the public interest. To demand such a result as a condition of licensing would be a violation of both State and federal law.

The above findings at page 49 are inconsistent and conflict with Cox’s written position in this matter: Cox did not oppose Division approval of the Verizon Applications, but urged that any “consistent with public interest” ruling made by the Division not be based upon findings regarding the relationship between cable rates in single provider and two provider franchise areas. Cox has taken the position that competition and competitive choice are in the public interest, so long as level playing field requirements are met and the same cable market entry standards in the Division’s Cable Rules apply to all applicants. Cox never made an argument that Verizon’s Applications should be denied unless Verizon offered cable rates lower than those of Cox.

Cox takes very seriously the need for the Division to correct its erroneous findings at page 49 of its Report and Order. Such erroneous findings do not reflect Cox's stated position in this case and could readily be misused by the public or other parties as a basis for mischaracterizing Cox's position on competitive entry in cable markets. The Division must correct its inaccurate finding suggesting that Cox urged the Division to impose unlawful conditions upon Verizon's market entry.

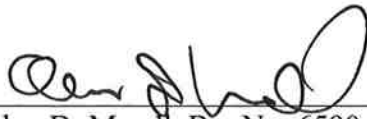
### **III. CONCLUSION**

For the reasons above, Cox requests that the Division grant relief from its Report and Order by correcting and amending its mistaken findings cited on page 49, pursuant to Rule 31(a) or 31(d) of its Rules of Practice and Procedure.

Respectfully submitted,

COXCOM, INC., D/B/A COX COMMUNICATIONS

By its attorney,



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(617) 228-4464

Dated: March 13, 2008

**CERTIFICATE OF SERVICE**

I hereby certify that on this 13<sup>th</sup> day of March, 2008, I served a copy of the foregoing Motion of CoxCom, Inc., d/b/a Cox Communications for Relief from Order upon all parties by mailing a copy of said Motion by mail, postage prepaid, and by causing a copy of the same to be emailed to all parties.

  
Alan D. Mandl, Bar No. 6590