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November 13, 2007

**BY FEDERAL EXPRESS PRIORITY OVERNIGHT AND EMAIL**

Luly E. Massaro, Commission Clerk  
Public Utilities Commission  
89 Jefferson Boulevard  
Warwick RI 02889

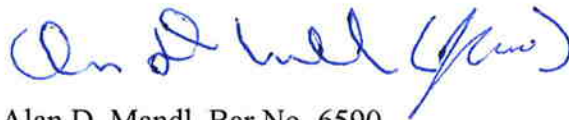
Re: National Grid and Verizon Petitions for Review Pursuant to R.I.G.L. §39-1-30 for  
Review of an Ordinance Enacted by the City of Warwick; Docket Nos. 3870 and 3708

Dear Ms. Massaro:

Enclosed please find for filing in the above matter an original and nine (9) copies of the Motion to Intervene of CoxCom, Inc., d/b/a Cox Communications. The enclosed filing is being emailed to the Service Lists 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

Enclosures  
cc: Service Lists

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
PUBLIC UTILITIES COMMISSION**

<b>NATIONAL GRID AND VERIZON PETITIONS</b>	)	
<b>FOR REVIEW PURSUANT TO R.I.G.L. §39-1-30</b>	)	<b>Docket Nos. 3870</b>
<b>FOR REVIEW OF AN ORDINANCE ENACTED</b>	)	<b>and 3708</b>
<b>BY THE CITY OF WARWICK</b>	)	

**MOTION TO INTERVENE OF COXCOM, INC., D/B/A COX  
COMMUNICATIONS**

Pursuant to Rule 1.13 of the Commission’s Rules of Practice and Procedure and the Procedural Schedule dated October 12, 2007, CoxCom, Inc., d/b/a Cox Communications (“Cox”), hereby moves to intervene in the above-captioned matter.

In support of its motion to intervene, Cox states as follows:

1. Cox is authorized by the Division of Public Utilities and Carriers (“Division”) to provide cable television services within the City of Warwick and currently provides cable television services within the City of Warwick under certificates issued by the Division and in accordance with the Division’s Cable Rules. R.I.G.L. §39-19-5.

2. As a certificated cable operator, Cox has the right to install its aerial facilities within public ways in the State. R.I.G.L. §39-19-7.

3. Cox is subject to reasonable rules and regulations of the Division with regard to the erection and maintenance of distribution facilities and equipment in, above, along, across and upon public ways. R.I.G.L. §39-19-2.

4. Rule 8.4(a) of the Division's Cable Rules requires that where practical, cable operators attach their aerial facilities to existing poles, conduits, right-of-way and other facilities of utility companies, such as National Grid and Verizon RI.

5. Pursuant to aerial license agreements with Narragansett Electric Company d/b/a National Grid ("National Grid") and Verizon New England, Inc. d/b/a Verizon Rhode Island ("Verizon RI"), Cox attaches its aerial lines within the City of Warwick to poles owned jointly and/or individually by National Grid and Verizon RI.

6. The City of Warwick's amendment to Section 70-78 of its Ordinances ("Amended Ordinance") imposes a daily fine of Five Hundred Dollars (\$500.00) for the failure of a utility to remove any utility pole which is no longer in use for its intended purposes, or which has been replaced by a new pole, within ten (10) days of its termination of service, or of its replacement, as the case may be. Further, the Amended Ordinance provides:

*Any utility or entity other than the utility or entity having ownership of the pole, which has wires or other appurtenances attached to the pole no longer being utilized shall remove said wires and/or appurtenances within the same ten (10) day period. (emphasis added)*

The same daily fine of Five Hundred Dollars (\$500.00) applies to entities other than the utility or entity having ownership of the pole, but which have wires or other appurtenances attached to the pole that is no longer in use or which has been replaced.

7. As an attacher to utility poles owned by National Grid and Verizon RI, Cox is directly, specifically and substantially affected by the Amended Ordinance.

8. Depending upon the City's construction and application of the Amended Ordinance and when the ten (10) day period for the removal of Cox's attachments begins to run (e.g., when a pole is deemed no longer in use or replaced), Cox could be subjected to daily fines for multiple attachments within Warwick.

9. For example, an existing pole being replaced by a new pole would continue to be utilized so long as attachers to that pole had not transferred their attachments to the replacement pole. Even if, for example, the replacement pole had been installed and the electric utility had transferred its wires to the replacement pole, more time would be required for other attachers to transfer their attachments, as they must wait their turn before they are permitted to transfer their own attachments.

10. Where a replacement pole has been installed, adequate time is required to enable the sequential transfer of attachments by several parties (electric, municipal, telecommunications, cable and Verizon) from the replaced pole to the new pole. Cox

must wait for the electric company and in some cases, other attachers, before it is permitted to transfer its attachments to the replacement pole.

11. Under aerial license agreements with Verizon, for example, Cox is afforded 15 days after notice to transfer its facilities to a replacement pole.

12. Enforcement of the Amended Ordinance against Cox would have adverse economic and operational impacts upon Cox and harm its customers if Cox were subjected to fines by the City.

13. Because Cox does not own the poles to which it attaches, Cox is obligated to comply with its obligations under its aerial license agreements with National Grid and Verizon RI regarding the transfer of its aerial facilities from removed or replaced utility poles, and does not control the coordination and timing of the work involved.

14. Cox would be bound by the Commission's action in this proceeding.

15. By virtue of being an attacher to utility poles that it does not own, Cox has unique interests and concerns that are not adequately represented by the pole owners, National Grid and Verizon RI.

16. Cox's participation in this proceeding would be in the public interest, as Cox is in the position to present evidence and argument concerning the specific impacts of the Amended Ordinance upon third party attachers that do not own the utility poles.

17. Cox supports the claims made by National Grid and Verizon RI regarding the invalidity of the Amended Ordinance in their respective Petition for Review and Supplemental Petition for Review. The Amended Ordinance is not authorized by statutes relating to municipal maintenance of highways or regulation of sidewalks and is preempted by various provisions of Rhode Island General Laws Chapter 39.

18. Cox further supports the relief requested by National Grid and Verizon RI, seeking the nullification and preemption of the Amended Ordinance, which is beyond the scope of the City's authority, conflicts with Commission and Division regulatory authority and otherwise unduly burdens or restricts the operations of Cox. The imposition of \$500 daily fines per attachment deemed in violation of the Amended Ordinance would have a substantial adverse impact upon the business of Cox.

19. Copies of all filings in this matter should be sent to:

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For the reasons above, the Commission should grant Cox's Motion to Intervene in the above-captioned proceedings.

Respectfully submitted,

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

By its attorneys,



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Dated: November 13, 2007

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion to Intervene has been served upon counsel for National Grid, Verizon RI, the City of Warwick and the Department of the Attorney General by first class mail, postage prepaid, on this 13th day of November, 2007.

A handwritten signature in black ink, appearing to read "Alan D. Mandl", written in a cursive style.

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Alan D. Mandl, Bar No. 6590