

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

IN RE: Petition of Rhode Island PBS Foundation to  
Adjust Public, Education, & Government Access Fees      Docket D-22-11

**ORDER**

**Whereas:** On March 28, 2023, the Rhode Island PBS Foundation (“RI PBS”) 50 Park Lane, Providence, Rhode Island, filed a petition with the Rhode Island Division of Public Utilities and Carriers (“Division”) wherein it requested Division approval of an increase in Public, Education, & Government Access Fees (“PEG”) of \$0.135 per subscriber, per month. The petition was filed pursuant to R.I. Gen Laws § 39-19-6.1(c), 815-RICR-00-00-1.13 of the Division’s Rules of Practice and Procedure and 815-RICR-10-05-1.17 of the Division Rules Governing Community Antenna Television Systems.

**Whereas:** Subsequently, RI PBS learned that CoxCom Inc. d/b/a Cox Communications New England (“Cox”) had failed to remit its PEG Access Fees collected from its commercial subscribers since approximately 2011.

**Whereas:** On August 9, 2023, Cox and RI PBS entered into a Settlement Agreement, pursuant to which Cox agreed to pay RI PBS the value of the outstanding PEG Access Fees plus interest at the rate of 8.25%, for a total payment of \$1,179,755 (the “Settlement Payment”). The Settlement Agreement also provides RI PBS with quarterly reporting and auditing rights, which authorize RI PBS to review Cox’s collection and remittance of PEG Access Fees on a going-forward basis.

**Whereas:** Cox timely initiated the wire transfer for the Settlement Payment on September 11, 2023, and RI PBS received the funds via wire transfer to its operating account at BankRI the same day. The Settlement Payment was then wired to RIPBS' investment advisor who has deposited them in a separate investment account labeled "PEG Access Settlement."

**Whereas:** On September 14, 2023, RI PBS filed with the Division its Motion to Withdraw its Request to Adjust PEG Access Fees for Fiscal Year 2024.

**Whereas:** On September 20, 2023, the Division's Advocacy Section submitted a memorandum in support of RI PBS' Motion to Withdraw its Request to Adjust PEG Access Fees for Fiscal Year 2024 and recommended approval of the instant Motion.


**Whereas:** After considering RI PBS' motion and supporting arguments and based upon support of the Division's Advocacy Section to grant the motion, the Division finds the request for dismissal reasonable.


Accordingly, it is

**(24823) ORDERED:**

1. That in view of the settlement reached between the parties, RI PBS' Motion to Withdraw its Request to Adjust PEG Access Fees for Fiscal Year 2024 is hereby granted.

**DATED AND EFFECTIVE AT WARWICK, RHODE ISLAND ON SEPTEMBER 27, 2023.**

  
Mark Allen Simpkins, Esq.  
Hearing Officer

APPROVED:   
Linda George, Esq.  
Administrator



## STATE OF RHODE ISLAND

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### **NOTICE OF AVAILABILITY OF JUDICIAL REVIEW** (PROVIDED PURSUANT TO R.I.G.L. § 42-35-12)

Please be advised that if you are aggrieved by this final decision (report and order) of the Rhode Island Division of Public Utilities and Carriers ("Division") you may seek judicial review of the Division's final decision by filing an appeal with the Rhode Island Superior Court. You have thirty (30) days from the mailing date (or hand delivery date) of the Division's final decision to file your appeal. The procedures for filing the appeal are set forth in Rhode Island General Laws, Section 42-35-15.

Proceedings for review may be instituted by filing a complaint in the Superior Court of Providence or Kent Counties. Copies of the complaint must be served upon the Division and all other parties of record in your case. You must serve copies of the complaint within ten (10) days after your complaint is filed with the Superior Court.

Please be advised that the filing of a complaint (appeal) with the Superior Court does not itself stay enforcement of the Division's final decision. You may however, seek a stay from the Division and/or from the Court.

The judicial review shall be conducted by the Superior Court without a jury and shall be confined to the record. The Court, upon request, shall hear oral argument and receive written briefs.