

Rhode Island Division of Public Utilities and Carriers – Cable Section

2004 Docket Items

2004-C-1 COX COMMUNICATIONS RATE FILING (CLOSED)

On May 5, 2004, Cox Communications, Inc. filed a notification of rate changes for all its cable service areas. The notification of the rate changes was submitted on Federal Communications Commission forms 1240 and 1205 forms. The rate filing methodologies for these forms permit Cox to seek rate increases in accordance with a formula established by the FCC. Under the formula, Cox may adjust its rates on an annual basis in order to recover inflation and external costs. The Division is barred under FCC rules from altering any permitted rate changes filed in accordance with the formula.

The filing indicated that Cox decided to not increase its rates at this time, but reserved the right to modify its rates and charges at a later time.

The Division conducted a public hearing on June 29, 2004 at which time the Cable Advocacy Section moved to affirm that it would have the opportunity at a later date to further review any Cox alteration of the rates and charges during the ensuing 12 month period should Cox opt for such a change. Cox contested this point and the hearing officer requested legal briefs and postponed action. Ultimately the parties agreed on a stipulation that called for the withdrawal of Cox 1240 submittal until a later date and the implementation of the 1205 rates.

By Report and Order on July 22, 2004, the Division Hearing Officer approved the stipulation and Cox's cable rates will remain the same until when and if they submit a new 1240 for consideration. The 1205 rates will be implemented.

2004-C-2 COX COMPLAINT OF FCTV ILLEGAL CONSTRUCTION IN AREA 4 (CLOSED)

By letter dated April 13, 2004, Cox Communications Inc. filed a complaint with the Division against FCTV claiming FCTV had constructed cable facilities in Service Area 4 without receiving the appropriate certification from the Division.

On May 6, 2004 representatives of the Division, Cox and FCTV viewed the site of the alleged unauthorized construction. By that time, FCTV had removed all of the offending structures. FCTV indicated that while connecting a new customer, they inadvertently constructed facilities along Spring Street in East Providence (Area 4) instead of Spring Avenue in Barrington (Area 5) where they are licensed.

On June 1, 2004 the Division held an informal hearing that was attended by the parties at which time testimony was accepted. Cox conceded that the infractions were ameliorated and that the customer was not readily accessible from the nearest point on FCTV's network, but that the construction was nonetheless unauthorized. FCTV

acknowledged the inadvertent and unauthorized construction and removed it immediately. FCTV apologized for the infraction and agreed to hold Cox harmless for any future problems with the effected poles if any should arise.

Subsequent to the hearing the Division ruled that the violation was not intentional of willful and that the matter was resolved with the removal of the cable lines in question.

2004-C-3 REVISION OF THE RULES GOVERNING CABLE SYSTEMS (CLOSED)

The Rules Governing Community Antenna Television Systems in Rhode Island were originally promulgated on January 30, 1981 and amended on January 14, 1983. Since that time, the technology, delivery method and providers of cable television service have changed dramatically. As a result, the Administrator of the Division of Public Utilities and Carriers (DPUC) appointed a committee to recommend revisions of these cable rules that would ultimately be evaluated by the State's active cable advisory committees, the general public and a hearing officer at prescribed public hearings.

The committee met 22 times since it's inception in September 2001 and completed its report and recommendations in January 2004. The Division made copies of the report available to the active cable advisory committees, attended meetings of several advisory committees to answer questions and made copies available at all public access studios in the State. The DPUC also advertised in the Providence Journal that copies of the report were available at those locations, at the DPUC and through the DPUC website.

A public hearings was held on October 13, and post hearing briefs were filed by November 30 by all parties. The Administrator issued an order implementing the new rules on February 1, 2005 (effective February 24, 2005).

2004-C-4 REDESIGNATION OF CABLE SERVICE AREAS (CLOSED)

As part of the cable rules process established in Docket 2004-C-3, the committee recommended that a separate proceeding be initiated to consider the redesignation of certain cable service areas in response to non-use of public access studio facilities and/or more economical usage of public access staff and financial resources. Any savings in financial resources would result in a direct benefit to the cable ratepayers through a reduction of the PEG access fee currently charged on every cable bill earmarked to cover the costs associated with public access.

The proposed alterations are: the merger of Area 1, Woonsocket, Smithfield, North Smithfield, Lincoln, Cumberland and Central Falls with Area 13, Burrillville and Glocester; the merger of Area 4, East Providence with Area 10, Pawtucket; and the elimination of Area 8 relocating those communities in the following manner: West Greenwich, Exeter and North Kingston to Area 6, Jamestown to Area 7 and Narragansett and South Kingston to the old Area 9 to be renumbered area 8.

Public hearings were held at locations throughout the State from October 20 to November 9, 2004. Subject to a review of the record, the Administrator issued his decision through an Order on March 9, 2005 approving the recommended redesignations.