

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DIVISION OF PUBLIC UTILITIES AND CARRIERS
89 Jefferson Boulevard
Warwick, Rhode Island 02888

In Re: Block Island Cable TV, Inc. :
 Petition to Abandon Certificates : Docket No. 2006-C-7

FINAL ABANDONMENT ORDER

Whereas: On September 20, 2006 the Rhode Island Division of Public Utilities and Carrier's ("Division") received a petition filing from Block Island Cable TV, Inc. ("BICTV") through which BICTV sought authority to abandon its CATV certificates and cease cable television broadcasting. BICTV's petition cited significant financial losses as the basis for its decision to abandon its cable television operating license. Also, with respect to BICTV's obligation to remove all cable lines and equipment from power and telephone poles in its service area (New Shoreham), BICTV sought Division approval to take up to one year to satisfy this obligation.¹

Whereas: In response to BICTV's petition, the Division directed BICTV, under authority conferred by R.I.G.L. §39-19-6 and Chapter 5 of the Division's *Rules Governing Community Antenna Television Systems* ("Cable Rules"), to adhere to the following abandonment plan:

- Schedule a meeting with the Block Island Town Council to advise them of the plan and afford them the opportunity to comment;

¹ BICTV is the communications carrier and operator authorized by the Division to provide CATV services in Rhode Island's CATV Service Area 9, which consists of the Town of New Shoreham.

- Schedule a public meeting for BICTV subscribers to advise them of the plan and afford them the opportunity to comment;
- Invite prospective satellite television companies to attend the public meeting to offer their services to effected subscribers;
- Remove all cable lines and existing equipment from existing power and telephone poles within one year of abandonment, while continuing to meet its pole rental financial obligations.
- BICTV was also directed to send a notice of termination of service to each effected subscriber prior to the date of the public meeting; include details regarding the date, time and location of the public meeting in the notice of termination of service; and post public meeting notices in the Town Hall and public library.
- BICTV was further directed to provide copies of all related letters, notices and other correspondence to the Division's Associate Administrator of Cable TV.²

Whereas: The Division specified in its written response to BICTV's petition that it would issue an "interim abandonment order" upon its receipt and approval of the foregoing documentation and issue a "final abandonment order" upon a subsequent showing of proof that BICTV had removed all of its cable lines and equipment from all power and telephone poles located in Service Area 9. The Division further specified that it expected BICTV to satisfy

² Contained in a September 21, 2006 letter from Division Administrator Thomas F. Ahern to Clifford R. McGinnes, BICTV President.

this requirement within one year from the date of the approved interim abandonment, while continuing to meet its pole rental financial obligations.

Whereas: BICTV provided the Division with all the required documentation for an interim abandonment order on November 10, 2006. The documentation was contained in an “Abandonment Report” received from the Company.

Whereas: The Division subsequently determined that BICTV’s November 10, 2006 Abandonment Report, and attached documentation, satisfied the requirements of the Division’s prescribed conditions for an interim abandonment order.³ Accordingly, on November 17, 2007 the Division issued an order approving BICTV’s petition on an interim basis.⁴ In its order, the Division also directed BICTV to “immediately return its CATV certificates to the Division,”⁵ and “to remove its cable lines and equipment from all power and telephone poles located in Service Area 9 within one year from the issue date of this order.”⁶ BICTV was further directed to “honor all pole rental financial obligations.”⁷ The Division’s order also indicated that BICTV “may request a ‘final abandonment order’ from the Division upon a timely showing of proof that it has removed its cable lines and equipment from all power and telephone poles located in Service Area 9.”⁸

³ Evidenced by a November 15, 2006 memorandum from Eric Palazzo, the Division’s Associate Administrator of Cable TV.

⁴ Order No. 18774.

⁵ Required under Section 5.5 of the Division’s Cable Rules.

⁶ Order No. 18774, p. 3.

⁷ Order No. 18774, p. 3.

⁸ Order No. 18774, pp. 3-4.

Whereas: BICTV requested several time extensions from the Division in its efforts to satisfy the remaining prescribed certificate abandonment protocol. In response, the Associate Administrator of the Division's Cable TV Section approved the required time extensions and consequently supervised BICTV's activities during this compliance period. Final evidence of BICTV's full compliance with its regulatory obligations for certificate abandonment was received by the Division on January 8, 2009⁹ and February 25, 2009.¹⁰

Accordingly, it is

(19585) ORDERED:

That Block Island Cable TV Inc.'s September 20, 2006 petition seeking authority to abandon its CATV certificates and cease TV broadcasting is hereby approved.

Dated and Effective at Warwick, Rhode Island on February 26, 2009.

Thomas F. Ahern
Administrator

⁹ On January 8, 2009, BICTV forwarded the Division a letter it received from Verizon, dated December 18, 2008, as evidence of compliance. The Verizon letter confirms that BICTV has removed its cables and related attachments from Verizon's poles and that no outstanding billing issues remain between the companies.

¹⁰ BICTV returned its CATV certificates to the Division on this date.