

## **Rhode Island Division of Public Utilities and Carriers – Cable Section**

### **2008 Dockets**

#### **2008-C-1 REVIEW OF THE 60 DAY OPERATING CERTIFICATE RULE (CLOSED)**

In a Division Order issued on December 20, 2007 relating to the licensing of Verizon's cable service in service areas 2, 3 and 8, the Administrator of the DPUC directed that the Division evaluate the necessity of continued application of the 60 day notification requirement between the granting of the construction certificate, actual construction of all or a portion of the system, and the "turning on" of the cable system to cable subscribers.

The requirement, which is specified in Section 3.5 (b) of the Rhode Island cable rules, was questioned by Verizon in its licensing process. Originally incorporated into the rule to assure regulatory review that new cable companies had properly completed all required construction prior to making television service available to subscribers, Verizon felt that it has become an unnecessary regulatory requirement that slowed cable competition for customers.

A public hearing was held on February 13, 2008. Verizon presented its recommendation of elimination of the rule and Cox Communication and Full Channel Television took no position. Area 8 Advisory Committee chair Thomas Chinigo opposed the action defining concerns that potential cable licensing applications for companies with limited or no cable television experience should be subject to the advanced scrutiny. The Advocacy Section took a similar position.

The hearing officer issued a Division Order on March 24, 2008 approving the elimination of the 60 notification requirement for an operating certificate. He did, however, state "the Division finds that the public interest would be served by a compromise, more specifically, an amendment (modification) to section 3.5(b) that would neutralize the mandatory perfunctory 60-day notification period and replace it with a notification requirement that may be singularly triggered by the Division on a case-by-case basis.....".

#### **2008-C-2 COX COMMUNICATIONS RATE FILING (CLOSED)**

On December 1, 2008 Cox Communications submitted a rate filing with prospective rates to become effective on April 1, 2009. A public hearing on the request was held on January 22, 2009 attended by representatives of Cox and the Cable Section of the Division. Although the hearing was advertised in the Providence Journal, no one from the public attended the hearing.

The Division, by Federal statute, maintains regulatory control of only the basic cable rates, of which Cox is proposing no rate increase. The calculation of the prescribed federal forms does result in an increase in the maximum permitted rate (MPR) which is

based on past costs to provide cable service. This is the maximum a cable company can charge for basic service. As a result, Cox does maintain the right to increase the basic rate to a level no higher than the MPR after August 1, 2009 (no earlier than 12 months after the date of their last increase).

For the current period commencing April 1, 2009, however, no rate increase is proposed. The Division approved the rate filing effective January 23, 2009.