

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

IN RE: Application for a Compliance Order :
 Certificate by Full Channel TV, Inc. : Docket No. D-03-C-2

ORDER

In Response to Full Channel's September 25, 2007 "Motion to Remove Stay"

Whereas: On August 20, 2003, Full Channel TV, Inc. ("Full Channel"), 57 Everett Street, Warren, Rhode, filed an application with the Rhode Island Division of Public Utilities and Carriers ("Division") seeking authority to construct and operate a Competitive Community Antenna Television ("CATV") System in Rhode Island's CATV Service Area 4, which at the time was comprised of only the city of East Providence.

Whereas: The proceeding was stayed by order of the Division on August 12, 2005. The travel leading up to, and the legal basis for the stay were fully described and explained in two orders that were issued by the Division on August 12 and October 13, 2005, and consequently will not be repeated here (See order Nos. 18317 and 18399). For purposes of addressing the instant motion, it is only important to note at this time that the proceedings in this docket were originally stayed due to the then contemporaneous filings of criminal cases against two of Full Channel's managerial employees, Messrs. McGonagle and Rasmussen, and the Division's decision to stay the docket proceedings until the criminal cases had been concluded.

Whereas: In Full Channel's September 25, 2007 "Motion To Remove Stay", Full Channel reports that the criminal matters against Messrs. McGonagle and Rasmussen have been concluded and that these two individuals "have been summarily dismissed." Full Channel thereupon argues that the Division should now remove the stay, based on its contention that the issues that "formed the underpinning" of the [Division's] decision are now "non existing".

Whereas: Only two parties to the docket responded to Full Channel's September 28, 2007 motion. The Advocacy Section, in a letter dated October 1, 2007, agreed with Full Channel that the stay was no longer required in view of the dismissals of Messrs. McGonagle and Rasmussen. However, the Advocacy Section urged the Division to only remove the stay if Full Channel agreed to dismiss its (Full Channel's) related appeals to the Superior Court (C.A. No. PC 05-5489).

CoxCom, Inc. ("Cox"), another party to the docket, filed a responsive pleading on October 1, 2007. Cox argues that "given the staleness of the existing record" (over four years old), Full Channel's original application should be dismissed and Full Channel should be required to file a new application.

Whereas: The Division conducted a status conference to address Full Channel's motion on October 15, 2007. Full Channel, the Advocacy Section and Cox were present at the conference. Verizon New England ("Verizon"), who filed an application with the Division on September 28, 2007 for authority to construct and operate a CATV System in Rhode Island's Service Areas 1 and 4,

was also present at the conference. Predicated on the relevant pleadings and the arguments made at the status conference, the Division has reached several findings regarding this issue.

The Division has decided to remove the stay that it imposed earlier on August 12, 2005, but only on a conditional basis. The conditions are as follows:

- a. Full Channel shall dismiss the pending appeals it filed in Superior Court, supra, regarding the stay in issue;
- b. As Full Channel is currently an intervenor in Verizon's pending Service Area 4 docket, Full Channel shall waive any objections to having Verizon intervene, out of time, in the instant docket.
- c. Full Channel shall carefully examine the record in this docket for the purpose of determining which of its exhibits and documents remain relevant for continued inclusion in the record. To the extent that any exhibits and documents need to be updated, Full Channel shall identify which exhibits and documents it plans to update. Full Channel shall expeditiously report back to the Division with a list of the exhibits and documents it proposes to retain and/or update. All other Full Channel exhibits and documents will be purged from the record. The Division reserves the right to make the final decision on which exhibits and documents remain relevant for continued inclusion in the record.

Accordingly, it is,

(19104) ORDERED:

1. That Full Channel's Motion to remove the stay is hereby granted, subject to the conditions identified above.
2. That the Division shall, if deemed necessary, independently evaluate the existing record in order to purge irrelevant exhibits and documents. This exercise shall not be limited to only Full Channel's exhibits and documents.

DATED AND EFFECTIVE AT WARWICK, RHODE ISLAND ON OCTOBER 16, 2007.

John Spirito, Jr., Esq.
Hearing Officer

APPROVED: _____
Thomas F. Ahern
Administrator