

# CITY OF WALTHAM

MASSACHUSETTS

JOHN B. CERVONE  
CITY SOLICITOR

## LAW DEPARTMENT

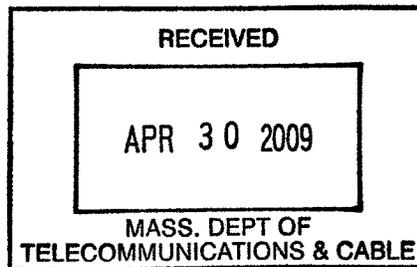
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April 29, 2009

Catrice C. Williams, Secretary  
Department of Telecommunications and Cable  
Two South Station, 4<sup>th</sup> Floor  
Boston, MA 02110

**RE: Verizon's Form 500 Amendment petition**

Dear Secretary Williams:

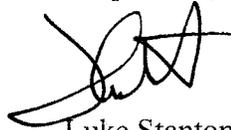
This letter will serve as the comment from the City of Waltham regarding the request of Verizon to eliminate the requirements of subscriber disclosures on the Form 500:

1. Verizon's statement that cable television was not subject to "effective competition" prior to their entry into the market is not entirely correct. In Waltham we have had cable competition between RCN and Comcast for many years and it has always been beneficial to the consumer. In November of 2007 Verizon entered into a contract to provide cable services to Waltham residents furthering competition but Verizon's statement that there was no "effective" competition until they entered the market is incorrect.
2. Verizon's position that they should not have to disclose subscribership data on the Form 500 runs counter to their position regarding competition. All providers of cable services are required to disclose this information as it allows a level playing field for all. The data gathered pertaining to complaints from consumers and their resolution allows your Department to carry out its purpose namely, to ensure that license holders act appropriately.
3. The provisions of MGL C. 166A, §10 provide your agency with the appropriate information to determine if a company providing cable services is properly servicing those consumers. While it is important for Verizon to obtain cable licenses in more than 75 cities it is equally important that your agency gather the appropriate information to insure license compliance. The Cable Act has numerous provisions that allow you to act should the activities under the license grant be improper. (See 166A §11 & §12)
4. Massachusetts has long favored giving the public broad access to governmental records. *See Globe Newspaper Co. v. Boston Retirement Bd.*, 388 Mass. 427, 436, 446 N.E.2d 1051, 1057 (1983). The statutory configuration expresses a fundamental purpose to ensure public access to government documents

with the result that the statutory exemptions must be strictly and narrowly construed. *General Elec. Co. v. Department of Environmental Protection*, 429 Mass. 798, 801–802, 711 N.E.2d 589, 592–593 (1999).

Based upon the foregoing the City of Waltham respectfully requests that the disclosures required on Form 500 remain and that this information be available in the public domain.

Respectfully Submitted;

A handwritten signature in black ink, appearing to read 'L. Stanton', with a horizontal line extending to the right from the end of the signature.

Luke Stanton

LS/wmw

cc: Hon. Jeannette McCarthy  
Mayor of Waltham