



**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

D.T.C. 15-1

June 23, 2015

Petition of CoxCom, Inc. d/b/a Cox Communications to establish and adjust the basic service tier programming, equipment, and installation rates for the Town of Holland.

**HEARING OFFICER RULING ON THE
TOWN OF HOLLAND'S PETITION TO INTERVENE**

On January 29, 2015, CoxCom, Inc., d/b/a Cox Communications ("Cox") filed FCC Form 1240 and FCC Form 1205 proposing basic tier programming, equipment, and installation rates for the Town of Holland. Pursuant to G.L. c. 166A, § 15, and 207 C.M.R. § 6.03, the Department of Telecommunications and Cable ("Department") investigates proposed basic service tier programming, equipment, and installation rates. This proceeding has been docketed as D.T.C. 15-1, and is a formal adjudicatory proceeding conducted under G.L. c. 30A and 801 C.M.R. § 1.00, *et seq.* of the Standard Adjudicatory Rules of Practice and Procedure.

On June 12, 2015, the Department received a petition to intervene from the Town of Holland ("Petition"). The Town of Holland through its Select Board, represented by its Select Board members is the Issue Authority for the current license under which Cox operates its cable television service in the Town of Holland. Petition at 1. Under Massachusetts regulations, issuing authorities are not automatically parties to rate proceedings. 801 C.M.R. § 1.01(9). An interested person may participate as a party only if it files a petition to intervene and the Department subsequently grants such petition. *Id.* The petition to intervene must state how the petitioner is substantially and specifically affected by the rate proceeding. *Id.* In determining whether a petitioner is substantially and specifically affected by a proceeding, the Department has broad discretion to determine whether to permit participation in Department proceedings,

and the extent of such participation. *Att’y Gen. v. Dep’t of Pub. Utils.*, 390 Mass. 208, 216 (1983); *Boston Edison Co. v. Dep’t of Pub. Utils.*, 375 Mass. 1, 45 (1978), *cert. denied*, 439 U.S. 921 (1978); *see also Robinson v. Dep’t of Pub. Utils.*, 835 F. 2d 19 (1st Cir. 1987); *Newton v. Dep’t of Pub. Utils.*, 399 Mass. 535, 543, n.1 (1959). Such a determination is “based on individual facts establishing the ‘substantial and specific’ affect that the proceeding may have on the individual or entity seeking to intervene.” *Bd. of Health of Sturbridge v. Bd. of Health of Southbridge*, 461 Mass. 548, 558 (2012).

The Town of Holland requests intervenor status because the town and its citizens will be affected by the results of this proceeding. Petition at 1. In support of its claim, the Town of Holland asserts: (1) that the current license between Cox and the Town of Holland is less than one year old; (2) that Cox is the only cable franchise presently licensed within the Town of Holland; and (3) that Cox has made changes to its programming to the detriment and great dissatisfaction of the citizens of Holland. *Id.* The Department has consistently found that rate-regulated communities are substantially and specifically affected by the outcome of a rate setting proceeding. *See, e.g., Petition of Comcast Cable Commc’ns., LLC to Establish & Adjust the Basic Serv. Tier Programming, Equip., & Installation Rates for the Cmtys. in Mass. Served by Comcast Cable Commc’ns., LLC that are Currently Subject to Rate Regulation (“Comcast Rate Setting Petition”)*, D.T.C. 13-5, *Hearing Officer Ruling on the Town of Somerset’s Petition to Intervene* (Oct. 2, 2013); *Comcast Rate Setting Petition*, D.T.C. 12-2, *Hearing Officer Ruling on Petition to Intervene* (July 6, 2012); *Comcast Rate Setting Petition*, D.T.C. 10-8, *Order at 1* (Jan. 27, 2012) (the Department granted the petitions to intervenes of three rate regulated communities). As such, the Department finds that the Town of Holland may be substantially and

specifically affected by this proceeding, and that the Petition otherwise satisfies the requirements of 801 C.M.R. § 1.01(9).

Accordingly, the Department GRANTS the Town of Holland's Petition in the above-referenced rate proceeding.

So Ordered,

A handwritten signature in blue ink that reads "Michael E. Scott". The signature is written in a cursive style and is positioned above a horizontal line.

Michael Scott
Hearing Officer

NOTICE OF RIGHT TO APPEAL

Under the provisions of G.L. c. 30A, § 11(8), any aggrieved party may appeal this Ruling to the Commissioner by filing a written appeal with supporting documentation within five (5) days of this Ruling. A copy of this Ruling must accompany any appeal. A written response to any appeal must be filed within two (2) days of the appeal.