



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

D.T.C. 15-4

August 23, 2016

Petition of Charter Communications to establish and adjust the basic service tier programming, equipment, and installation rates for the communities in Massachusetts served by Charter Communications that are subject to rate regulation.

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

On November 4, 2015, Charter Communications (“Charter”) filed FCC Forms 1240 and FCC Form 1205 proposing basic service tier programming, equipment, and installation rates for the communities in Massachusetts served by Charter currently subject to rate regulation.

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. 15-4, and is a formal adjudicatory proceeding conducted under G.L. c. 30A and the Standard Adjudicatory Rules of Practice and Procedure, 801 C.M.R. §§ 1.00.

On August 11, 2016, the Department received a petition to intervene from the Town of Dudley (“Petition”). The Board of Selectmen of Dudley is the Issuing Authority of the license under which Charter operates its cable television service in the Town of Dudley. The Petition is unopposed. 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 such petition is subsequently granted by the Department. *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 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. 14-4, *Hearing Officer Ruling on the Town of Somerset’s Petition to Intervene* (Mar. 18, 2015); *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).

The Town of Dudley requests intervenor status because it represents the interests of its residents in their purchase of cable television service from Charter, and because as ratepayers, those residents could be impacted by the outcome of this proceeding. Petition at 1. The Town of Dudley is a rate-regulated community served by Charter. Accordingly, residents of the Town of Dudley may be substantially and specifically affected by this proceeding, in which the Department will review Charter’s proposed rates. As the Town of Dudley represents the

interests of those residents, the Town of Dudley may be substantially and specifically affected by this proceeding. Additionally, the Petition is unopposed.

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



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Sean Carroll  
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.