

**Commonwealth of Massachusetts
Department of Telecommunications and Energy
Cable Television Division**

_____	)	Docket No. CTV 00-5
In the Matter of	)	Date Issued: May 15, 2001
Adelphia Communications)	
Corporation)	
	)	Abington, CUID MA 0225
Adelphia Cablevision	)	Adams, CUID MA 0001
Associates, L.P.	)	Amesbury, CUID MA 0049
	)	Aquinnah, CUID MA 0275
Campbell	)	Bourne, CUID MA 0247
Communications, L.L.C.	)	Cheshire, CUID MA 0002
	)	Clarksburg, CUID MA 0003
Century Berkshire	)	Duxbury, CUID MA 0302
Cable Corp.	)	Edgartown, CUID MA 0273
	)	Essex, CUID MA 0153
Harron Cablevision	)	Falmouth, CUID MA 0072
of Cape Cod, Inc.	)	Gloucester, CUID MA 0136
	)	Great Barrington, CUID MA 0008
Harron Cablevision	)	Halifax, CUID MA 0229
of Massachusetts, Inc.	)	Kingston, CUID MA 0159
	)	Lee, CUID MA 0009
Martha's Vineyard	)	Lenox, CUID MA 0010
Cablevision, L.P.	)	Manchester-by-the-Sea, CUID MA 0154
	)	Marshfield, CUID MA 0191
Mountain Cable	)	Merrimac, CUID MA 0165
Company	)	North Adams, CUID MA 0004
	)	Oak Bluffs, CUID MA 0272
New England Cablevision	)	Pembroke, CUID MA 0228
of Massachusetts, Inc.	)	Plymouth, CUID MA 0123
	)	Plympton, CUID MA 0245
all d/b/a	)	Rockland, CUID MA 0224
Adelphia Communications	)	Rockport, CUID MA 0137
Corporation	)	Salisbury, CUID MA 0162
	)	Sandwich, CUID MA 0246
For a Determination	)	Sheffield, CUID MA 0346
of Cable Television Rates	)	Stockbridge, CUID MA 0011
_____)	

ORDER APPROVING COMPLIANCE FILING

Craig A. Schmid

Director of Regulation
Adelphia Cable Communications
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AND

Gerald Buckley
Director of Government Relations
Adelphia Cable Communications
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FOR: ADELPHIA CABLE COMMUNICATIONS
Petitioner

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FOR: THE TOWNS OF AMESBURY AND BOURNE AND
THE CITY OF NORTH ADAMS
Intervenors

Peter A. Weissenstein
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AND

Richard Carlotta
P.O. Box 6
Housatonic, MA 01236

FOR: THE TOWNS OF LEE, LENOX, SHEFFIELD AND
STOCKBRIDGE
Intervenors

AND

THE TOWN OF GREAT BARRINGTON
Limited Participant

Edwin J. Thorne
Town Administrator
Pembroke Town Hall
100 Center Street
Pembroke, MA 02359

FOR: THE TOWN OF PEMBROKE
Intervenor

Walter E. Delaney
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Aquinnah, MA 02535

FOR: THE TOWN OF AQUINNAH
Limited Participant

On March 12, 2001, the Cable Television Division (“Cable Division”) of the Department of Telecommunications and Energy issued a rate order concerning Adelphia Communications Corporation’s (“Adelphia” or the “Company”) proposal to establish equipment and installation rates for the above-referenced communities. Adelphia Communications Corporation, CTV 00-5 (the “Rate Order”). In the Rate Order, the Cable Division approved Adelphia’s proposed maximum permitted equipment and installation rates, but also determined that the Company was charging rates for certain equipment that were higher than the maximum permitted rates. Id. at 2. The Cable Division directed Adelphia to adjust its rates accordingly, and to refund all overcharges, with interest, back to September 17, 2000. Id. at 3. We further directed Adelphia to file a refund plan for its equipment rate overcharges within 10 days of the issuance of the Rate Order. Id.

On March 22, 2001, Adelphia filed its refund plan with the Cable Division. On March 29, 2001, the Cable Division informed Adelphia that although the methodology it used to calculate the refund totals appeared to be reasonable, the refund plan failed to adequately address how it intended to identify the subscribers eligible for the refunds. On April 13, 2001, Adelphia responded, and explained that refunds were to be paid for each equipment unit in service as of the refund date. Following our review of this response, on April 19, 2001, we wrote Adelphia again, seeking assurance that the total amount of the Company’s overcharges will be refunded to subscribers, given the continuous monthly reduction in the number of units in service. On May 2, 2001, the Company explained that if the total number of the refunds made to current units in service is less than the refund total approved by the Cable Division, due to the reduction of units in service, Adelphia would provide an additional refund to current units in the following month. As part of its May 2, 2001 response, Adelphia also provided an updated refund plan, as of July 1, 2001.

The Cable Division has reviewed Adelphia’s updated refund plan. We find that the Company’s proposed method will result in the refund of all overcharges collected by the Company. While the Cable Division considers it most equitable if cable operators pay refunds to those subscribers who were actually overcharged, the Federal Communications Commission’s rate regulation applicable to refunds, 47 C.F.R. § 76.942, permits a cable operator to pay a refund as a credit on prospective bills to those subscribers who currently lease equipment. 47 C.F.R. § 76.942(d)(2). Adelphia has chosen to adopt this latter approach. Accordingly, we have determined, upon review, that the refund plan filed on May 2, 2001 is reasonable and in compliance with the Rate Order and the Federal Communications Commission’s rate regulation applicable to refunds, 47 C.F.R. § 76.942.

Accordingly, after review and consideration, it is

ORDERED: That the compliance filing made by Adelphia Communications Corporation on May 2, 2001 is hereby approved; and it is

FURTHER ORDERED: That Adelphia Communications Corporation pay refunds to subscribers in conformity with the May 2, 2001 compliance filing.

**By Order of the
Department of Telecommunications and Energy
Cable Television Division**

**/s/Alicia C. Matthews
Alicia C. Matthews
Director**