



COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION

**DEPARTMENT OF
TELECOMMUNICATIONS & ENERGY
Cable Television Division**

In the Matter of	)	Docket No. CTV 02-2			
AT&T Broadband	)	Date Issued: April 24, 2003			
)				
AT&T CSC, Inc.	)	Acton	Deerfield	Ipswich	North
Intermedia Partners, a	)	Acushnet	Dennis	Lakeville	Attleborough
California Limited	)	Agawam	Dighton	Lancaster	North
Partnership	)	Amherst	Dover	Lawrence	Reading
MediaOne of Brockton, Inc.	)	Andover	Dracut	Leominster	Northampton
MediaOne of	)	Ashburnham	East	Lincoln	Northfield
Massachusetts, Inc.	)	Ashland	Bridgewater	Littleton	Norton
MediaOne of Needham, Inc.	)	Attleboro	Eastham	Longmeadow	Norwell
MediaOne of	)	Avon	Easton	Lowell	Norwood
New England, Inc.	)	Ayer	Erving	Lunenburg	Orleans
MediaOne of New York, Inc.	)	Barnstable	Everett	Lynn	Palmer
MediaOne of Ohio, Inc.	)	Bedford	Fairhaven	Lynnfield	Peabody
MediaOne of Southern	)	Bellingham	Fall River	Malden	Phillipston
New England, Inc.	)	Belmont	Fitchburg	Mansfield	Plainville
MediaOne of Virginia, Inc.	)	Berkley	Foxborough	Marblehead	Provincetown
MediaOne of Western	)	Bernardston	Framingham	Marion	Quincy
New England, Inc.	)	Beverly	Franklin	Marlborough	Randolph
TCI Cablevision of	)	Billerica	Freetown	Mattapoisett	Raynham
Georgia, Inc.	)	Blackstone	Gardner	Maynard	Reading
TCI TKR of Georgia, Inc.	)	Boxborough	Georgetown	Medfield	Rehoboth
UACC Midwest, Inc.	)	Boxford	Gill	Medford	Revere
United Cable Television Corp.	)	Braintree	Granby	Medway	Rochester
of Eastern Connecticut	)	Bridgewater	Granville	Melrose	Rowley
United Cable Television	)	Brockton	Greenfield	Mendon	Salem
Services Corporation	)	Brookline	Groveland	Methuen	Saugus
Westmarc Development	)	Buckland	Hamilton	Middleborough	Scituate
Joint Venture	)	Burlington	Hanover	Middleton	Seekonk
all d/b/a	)	Cambridge	Hanson	Milford	Sharon
AT&T Broadband	)	Canton	Hardwick	Millis	Shelburne
For a Determination	)	Carlisle	Harwich	Milton	Sherborn
Of Cable	)	Chatham	Hatfield	Monson	Somerset
Television Rates	)	Chelmsford	Haverhill	Montague	South Hadley
	)	Chelsea	Hingham	Nahant	Southwick
	)	Chester	Holbrook	Nantucket	Springfield
	)	Clinton	Holliston	Natick	Stoneham
	)	Cohasset	Holyoke	Needham	Stoughton
	)	Concord	Hopedale	New Bedford	Stow
	)	Conway	Hopkinton	Newbury	Sudbury
	)	Danvers	Hudson	Norfolk	Sunderland
	)	Dartmouth	Hull	North	Swampscott
	)	Dedham	Huntington	Andover	

ORDER APPROVING COMPLIANCE FILING

APPEARANCES: Warren O. Fitting
Director of Regulatory Affairs
Comcast Cable Communications, Inc.
1500 Market Street – 32nd Floor
Philadelphia, PA 19102-2148
FOR: AT&T BROADBAND
Petitioner

Peter J. Epstein, Esq.
Epstein & August, LLP
101 Arch Street
Boston, MA 02110

FOR: THE CITIES OF CAMBRIDGE, FALL RIVER,
MEDFORD AND REVERE, AND THE TOWNS
OF BEDFORD, BROOKLINE, DANVERS AND
HOLLISTON
Intervenors

AND

THE TOWN OF WRENTHAM
Limited Participant

Diane M. Norris
Assistant Town Manager
Danvers Town Hall
1 Sylvan Street
Danvers, MA 01923
FOR: THE TOWN OF DANVERS
Intervenor

William Miller
Gene O'Neill
4 Summer Street
Haverhill, MA 01830
FOR: THE CITY OF HAVERHILL
Intervenor

Russell J. Dean
1471 Highland Avenue
Needham, MA 02492
FOR: THE TOWN OF NEEDHAM
Intervenor

William August, Esq.
Epstein & August, LLP
101 Arch Street, Suite 900
Boston, MA 02110

FOR: THE TOWN OF NORTH ANDOVER
Intervenor

AND

THE TOWN OF WINCHESTER
Limited Participant

David J. Marciello
Executive Secretary
148R Peck Street
Rehoboth, MA 02769

FOR: THE TOWN OF REHOBOTH
Intervenor

William H. Solomon, Esq.
319 Main Street
Stoneham, MA 02180

FOR: THE TOWN OF REHOBOTH
Intervenor

AND

THE TOWN OF STONEHAM
Limited Participant

John J. Clorite, Jr.
Chairman, Somerset Cable Advisory Committee
145 Windward Drive
Somerset, MA 02726-3925

FOR: THE TOWN OF SOMERSET
Intervenor

James A. Johnson
Town Administrator
272 Main Street
Townsend, MA 01469

FOR: THE TOWN OF TOWNSEND
Intervenor

Jerry McMahon
1146 Route 28
South Yarmouth, MA 02664
FOR: THE TOWN OF YARMOUTH
Intervenor

David Farrell
45 School Street
Brockton, MA 02301
FOR: THE CITY OF BROCKTON
Limited Participant

Hon. David Ragucci
Mayor, City of Everett
484 Broadway
Everett, MA 02149-3694
FOR: THE CITY OF EVERETT
Limited Participant

On April 8, 2003, the Cable Television Division (“Cable Division”) of the Department of Telecommunications and Energy rejected AT&T Broadband’s (“AT&T Broadband” or “the Company”) filing purportedly made in compliance with AT&T Broadband, CTV 02-2 (2003)(“Order”). AT&T Broadband, CTV 02-2 (April 8, 2003) (Order on Compliance Filing). In the Compliance Order, the Cable Division directed the Company to revise its Federal Communications Commission (“FCC”) Form 1240 for the City of Beverly in compliance with our Order and to submit the revised form for review. The Company submitted its compliance filing on April 16, 2003 (“Revised Form”).

The revised form for Beverly includes a Franchise Related Costs (“FRC”) Worksheet that contains a specific line item reduction of \$0.20 in the monthly FRC payment per subscriber (Revised Form at FRC Worksheet). This FRC Worksheet includes the notation: “Section 5.1(q) \$0.20 negotiated reduction,” which refers to the provision in the Beverly Renewal License requiring the reduction (id.; see Order at 9). This FRC Worksheet also removes a reduction in equipment funding that the Company included for the first time in the Compliance Filing, but which had not been directed by the Order (Revised Form at FRC Worksheet; see Compliance Order at 3, n.7).

These changes on the revised Beverly form result in a monthly FRC payment of \$1.51 per subscriber, instead of the \$1.71 per subscriber on the Company’s original Beverly FCC Form 1240 filing (Revised Form at FRC Worksheet; Exh. AT&T Broadband-15, at FRC Worksheet). They also reduce the FRC amounts included in the basic service tier (“BST”) rate calculation for the Projected Period to \$245,168, instead of the \$277,560 included on the original filing (Revised Form at Worksheet 7, Projected Period, Line 707; Exh. AT&T Broadband-15, at Worksheet 7, Projected Period, Line 707). This reduced FRC amount, together with updated inflation figures¹ and an adjusted Worksheet 7, True Up Period,² result in a BST maximum permitted rate (“MPR”) for Beverly of \$8.98, compared with a BST MPR of \$9.83 on the

¹ The Company is required to update its inflation figures if a rate form must be adjusted for reasons other than the availability of a more recent inflation figure. Comcast Cable Communications, Inc., DA 03-771, at 3, ¶ 6 (released March 13, 2003). There were decreases in the inflation figures reported on Lines C3 and C5 (Revised Form at 2; Exh. AT&T Broadband-15, at 2).

² Because the Beverly license was renewed during the true-up period, AT&T Broadband adjusted its FRC amount to reflect both its pre-renewal and post-renewal FRC amounts (Revised Form at FRC Worksheet). The Company’s initial FCC Form 1240 for Beverly had included the same FRC amount on Line 707 for both the true-up and projected periods, thus carrying back the post-renewal FRC to the beginning of the true-up period (Exh. AT&T Broadband-15, Worksheet 7, True-Up Period and Projected Period, Line 707). This change reduces the FRC amount reported for the true-up period to \$211,328, instead of the \$277,560 reported on the original filing (Revised Form at Worksheet 7, True-Up Period, Line 707; Exh. AT&T Broadband-15, Worksheet 7, True-Up Period, Line 707).

Company's original filing (Revised Form at 4, Line I9; Exh. AT&T Broadband-15 at 4, Line I9).

We find that AT&T Broadband's April 16, 2003 filing complies with our rulings in the Order and Compliance Order. We conclude that the BST MPR calculated on the April 16, 2003 filing is just, reasonable and in compliance with applicable law. Since the Company has elected to charge a BST rate in Beverly that is less than the revised MPR approved herein, no refunds are required.

Accordingly, after review and consideration, it is

ORDERED: That the compliance filing made by AT&T Broadband on April 16, 2003 is hereby approved, and it is

FURTHER ORDERED: That the Cable Division hereby accepts, as reasonable and in compliance with applicable statutes and regulations, AT&T Broadband's FCC Form 1240 as submitted on April 16, 2003 for Beverly.

The attached schedule provides, for each community, AT&T Broadband's previous and current basic service tier programming rates and equipment rates, as well as its proposed and approved maximum permitted rates.

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

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