



COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION

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

_____)
In the Matter of)
)
AT&T CSC, Inc.,)
AT&T Corp., and)
AT&T Comcast Corporation	Docket No. CTV 02-11)
)
Appellants)
)
v.	Date Issued: January 22, 2003)
)
Board of Selectmen of the)
Town of Bedford)
)
Appellee)
_____)

ORDER ON MOTION FOR ORDER APPROVING TRANSFER

On March 1, 2002, AT&T Corp., as the Transferor and the ultimate parent company of the licensee AT&T CSC, Inc., and AT&T Comcast Corporation, as the Transferee (together “Appellants”) submitted to the Board of Selectmen of the Town of Bedford (“Bedford”) an application for approval of a change of control of the Cable Television Renewal License (the “License”). Bedford voted to withhold consent to the License transfer, and on June 26, 2002, issued a written decision to the Cable Television Division (“Cable Division”) of the Department of Telecommunications and Energy pursuant to 207 C.M.R. § 4.05. On July 26, 2002, Appellants appealed Bedford’s decision to the Cable Division and filed a Motion for Summary Decision. Bedford responded to the Petition and filed a Cross Motion for Summary Decision. On November 18, 2002, the Cable Division issued an Order granting Appellants’ Motion for

Summary Decision and ordering that Bedford grant consent to the License transfer application.

AT&T CSC, Inc., et al. v. Board of Selectmen of the Town of Bedford, CTV 02-11 (Order on Motions for Summary Decision) (Nov. 18, 2002).

On January 21, 2003, Appellants filed a Motion for Order Approving Transfer (“Appellants Motion”) with the Cable Division. Appellants informed the Cable Division that Bedford has not granted consent to the transfer application and that all applicable periods for appealing the Cable Division’s Order have expired (Appellants Motion at 2). Appellants note that the Cable Division has previously ordered that a license be transferred when the issuing authority had refused to approve such a transfer. Continental Cablevision, Inc. v. Board of Selectmen of the Town of Randolph, A-75, Order (1996). Appellants request that the Cable Division issue an order granting consent to transfer control of the licensee, AT&T CSC, Inc., to Comcast Corporation.¹

Massachusetts law provides that the Cable Division has jurisdiction to hear appeals from cable operators who are aggrieved by an issuing authority’s decision to withhold consent to a license transfer application. G.L. c. 166A, § 14. After appropriate review, the Cable Division shall approve or disapprove of the action taken by the issuing authority, and if the Cable Division disapproves, shall order the issuing authority to conform with the decision. Id. Unlike rate proceedings, where the Superior Court is given jurisdiction to enforce Cable

¹ Upon consummating the merger between AT&T Broadband and Comcast Corporation, the newly created entity was named Comcast Corporation rather than AT&T Comcast Corporation as originally planned. The name change does not affect the ultimate control of the license at issue.

Division decisions, Section 14 provides a mechanism by which the Cable Division is able to take action to enforce decisions with respect to licensing issues when issuing authorities fail to comply with lawful orders. Id. Cf. G.L. c. 166A, § 15. Specifically, “if the issuing authority fails to ... perform any other disciplinary act when lawfully ordered so to do by the [Cable] Division upon appeal or otherwise, within such reasonable time as it may prescribe, the [Cable] Division may itself ... perform such act, with the same force and effect as if issued or performed by the issuing authority.” Id. Therefore, in accordance with Massachusetts law and Cable Division precedent, we find it appropriate to grant Appellants Motion.

Accordingly, it is

ORDERED: Appellants’ Motion for Order Approving Transfer is hereby GRANTED; and it is

FURTHER ORDERED: Approval to transfer the License in the Town of Bedford currently held by AT&T Corp. to Comcast Corporation is hereby GRANTED; and it is

FURTHER ORDERED: Control of AT&T CSC, Inc., the entity that operates the cable television franchise for the Town of Bedford, is hereby transferred from AT&T Corp. to Comcast Corporation.

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

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