

THE COMMONWEALTH OF MASSACHUSETTS

**DEPARTMENT OF
TELECOMMUNICATIONS AND ENERGY
CABLE TELEVISION DIVISION**

) Docket No. Y-99 INC, Y-99 EQU
) Date Issued: November 22, 1999
)
In the Matter of:)
)
A-R Cable) Acton, CUID MA 0196 Hudson, CUID MA 0139
Investments, Inc.) Ashburnham, CUID MA 0337 Leominster, CUID MA 0017
) Ayer, CUID MA 0257 Lexington, CUID MA 0140
A-R Cable Partners) Bedford, CUID MA 0210 Lincoln, CUID MA 0324
) Belmont, CUID MA 0316 Littleton, CUID MA 0294
Cablevision of Boston, Inc.) Boston, CUID MA 0182 Lunenburg, CUID MA 0077
) Boxborough, CUID MA 0289 Lynnfield, CUID MA 0167
Cablevision of Brookline) Braintree, CUID MA 0217 Maynard, CUID MA 0146
Limited Partnership) Brookline, CUID MA 0219 Norwood, CUID MA 0148
) Carlisle, CUID MA 0293 Peabody, CUID MA 0119
Cablevision of) Concord, CUID MA 0270 Stow, CUID MA 0256
Framingham, Inc.) Danvers, CUID MA 0279 Sudbury, CUID MA 0255
) Fitchburg, CUID MA 0015 Templeton, CUID MA 0127
For a Determination of) Framingham, CUID MA 0094 Townsend, CUID MA 0296
Cable Television Rates) Gardner, CUID MA 0016 Tyngsborough, CUID MA 0232
) Georgetown, CUID MA 0133 Westford, CUID MA 0192
) Groveland, CUID MA 0071 Westminister, CUID MA 0230
) Haverhill, CUID MA 0031 Westwood, CUID MA 0204

ORDER ON REFUND PLAN

APPEARANCES: Marti Green, Vice President, Law – Cable and Network Operations
Cablevision Systems Corporation
1111 Stewart Avenue
Bethpage, NY 11714
FOR: CABLEVISION SYSTEMS CORPORATION
Petitioner

John M. Urban, Vice President, Public Affairs
Cablevision of Massachusetts
28 Travis Street
Boston, MA 02134
FOR: CABLEVISION SYSTEMS CORPORATION
Petitioner

Sally Everett Williamson, Esq.
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
One Financial Center
Boston, MA 02111
FOR: CABLEVISION SYSTEMS CORPORATION
Petitioner

Charles J. Beard, Esq.
Foley, Hoag & Eliot LLP
1 Post Office Square
Boston, MA 02109-2170
FOR: THE CITY OF BOSTON
Intervenor

Michael J. Lynch, Director
Office of Cable Communications
43 Hawkins Street
Boston, MA 02114
FOR: THE CITY OF BOSTON
Intervenor

Peter J. Epstein, Esq.
101 Arch Street, Suite 900
Boston, MA 02110-1112
FOR: THE TOWN OF BROOKLINE
Intervenor

Timothy F. McCoy, Chairman
Cable Television Committee
Town Hall
78 Main Street
Hudson, MA 01749
FOR: THE TOWN OF HUDSON
Intervenor

David G. Kanter
48 Fifer Lane
Lexington, MA 02420-1224
FOR: THE TOWN OF LEXINGTON
Intervenor

Laura Dunbar, Executive Secretary
Office of the Selectmen
17 Main Street
P.O. Box 135
Lunenburg, MA 01462
FOR: THE TOWN OF LUNENBURG
Intervenor

Stephen L. Ledoux, Town Manager
Town of Sudbury
Office of Selectmen
288 Old Sudbury Road
Sudbury, MA 01776-1843
FOR: THE TOWN OF SUDBURY
Intervenor

Janice Mattila, Chair
Cable Advisory Committee
122 South Row Road
Townsend, MA 01469
FOR: THE TOWN OF TOWNSEND
Intervenor

Madonna J. McKenzie, Interim Town Manager
Town Hall
55 Main Street
Westford, MA 01886-2597
FOR: THE TOWN OF WESTFORD
Intervenor

I. INTRODUCTION

On September 29, 1999, the Cable Television Division (“Cable Division”) of the Massachusetts Department of Telecommunications and Energy issued a Rate Order establishing basic service tier and equipment rates for Cablevision of Massachusetts (“Cablevision” or “Company”). A-R Cable Investments, Inc., Acton et al., Y-98 INC, Y-98 EQU (1999). In this Rate Order, the Cable Division rejected certain rates as unreasonable and ordered the Company to make refunds to its subscribers. Id. at 4. The Cable Division directed the Company to submit a refund plan to the Cable Division for our review. Id. at 5. Cablevision submitted a refund plan on October 14, 1999.

Upon review of the proposed refund plan, the Cable Division issued information requests to the Company. By letter dated November 8, 1999, the Company clarified several aspects of its refund plan and revised other parts. This Order addresses the Company’s refund plan so clarified and revised.

II. ANALYSIS AND FINDINGS

In our Rate Order, the Cable Division directed Cablevision to make three categories of refunds. Id. at 4. First, Cablevision had initially filed its FCC Form 1205 for its Suburban Massachusetts communities showing a proposed hourly service charge (“HSC”) rate of \$45.4525. Id. at 3. During the rate proceeding, the Company acknowledged that it had inadvertently omitted certain data, and refiled its FCC Form 1205 showing an HSC of \$32.2495. Id. at 3-4, citing (RR-CATV-8). Under its refund plan, Cablevision has proposed to pay refunds to those subscribers who were charged more than \$32.2495 per hour for HSC related activity, such as installations and additional outlet connections. Second, we concluded that the maximum permitted equipment rates for addressable converters and remote controls were \$1.19 and \$0.28, respectively. Since the Company had put rates of \$1.21 and \$0.29 into effect for this equipment, the Cable Division ordered the Company to make refunds. Id. at 4. Cablevision has proposed to pay refunds to those subscribers who were overcharged for this equipment. In both instances, the Company has proposed to make refunds to only those subscribers who paid excessive HSCs or who leased this type of equipment, rather than to distribute its total refund liability among all of its subscribers. Finally, the Cable Division determined that the maximum permitted monthly rate for Home Wiring Maintenance was \$0.38. Id. In its former A-R Cable Partners communities, the Company charges the subscribers a monthly rate of \$0.49 for Home Wiring Maintenance. Cablevision has proposed to make refunds all of its subscribers in its former A-R Cable Partners communities, who were charged a monthly rate of \$0.49

for Home Wiring Maintenance. Cablevision seeks to make all of these refunds as a credit on subscribers' bills during the month of January 2000.

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III. ORDER

We find that Cablevision has proposed refund amounts that are consistent with the directives contained in our Rate Order. We determine that Cablevision's proposal to make refunds to only those subscribers who were overcharged is reasonable and justified. In addition, we find that the Company's proposal to include the refunds as a credit on subscribers' bills in the month of January 2000 is within the Company's discretion under the federal rules. 47 C.F.R. § 76.942(d). Therefore, the Cable Division hereby approves of Cablevision's proposed refund plan.

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

s/ Alicia c. Matthews

**Alicia C. Matthews
Director**