

**THE COMMONWEALTH OF MASSACHUSETTS**

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

In the Matter of ) Docket No. Y-99 INC, Y-99 EQU  
) Date Issued: January 12, 2000  
)  
Charter ) Auburn, CUID MA 0073 Northbridge, CUID MA 0180  
Communications ) Boylston, CUID MA 0260 Oxford, CUID MA 0120  
Entertainment I, ) Chicopee, CUID MA 0087 Paxton, CUID MA 0304  
L.L.C. ) Dudley, CUID MA 0036 Southborough, CUID MA 0259  
) East Longmeadow, CUID MA 0092 Southampton, CUID MA 0184  
) Easthampton, CUID MA 0107 Southbridge, CUID MA 0029  
) Grafton, CUID MA 0177 Spencer, CUID MA 0043  
For a ) Hampden, CUID MA 0103 Sturbridge, CUID MA 0209  
Determination ) Holden, CUID MA 0179 West Boylston, CUID MA 0319  
of ) Leicester, CUID MA 0044 West Brookfield, CUID MA 0305  
Cable Television ) Ludlow, CUID MA 0081 Westborough, CUID MA 0198  
Rates ) Millbury, CUID MA 0121 Wilbraham, CUID MA 0054  
) Northborough, CUID MA 0197 Worcester, CUID MA 0018

**ORDER ON REFUND PLAN**

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APPEARANCES: Richard H. Tuthill, Director of Operations  
Charter Communications  
95 Higgins Street  
Worcester, MA 01606

- and -

Robert Gaboury, Director of Operations  
Luann J. Canedy, Business Manager  
Charter Communications  
355 Front Street  
Chicopee, MA 01013

- and -

Denise M. Jones, Manager of Regulatory Compliance  
Charter Communications  
2911 Turtle Creek Boulevard, Suite 600  
Dallas, TX 75219  
FOR: CHARTER COMMUNICATIONS  
Petitioner

Mayor Michael A. Tautznik  
Town Hall  
43 Main Street  
Easthampton, MA 01027  
FOR: THE TOWN OF EASTHAMPTON  
Intervenor

Barry M. Brenner, Town Administrator  
Town Offices  
63 Main Street  
Northborough, MA 01532-1994  
FOR: THE TOWN OF NORTHBOROUGH  
Intervenor

Michael E. Traynor, Deputy City Solicitor  
City Hall, Room 301  
Worcester, MA 01608  
FOR: THE CITY OF WORCESTER  
Intervenor

On November 22, 1999, the Cable Television Division ("Cable Division") of the Massachusetts Department of Telecommunications and Energy issued a rate order in Charter Communications Entertainment I, L.L.C., Y-99 ("Rate Order"). In the Rate Order, the Cable Division directed Charter to submit revised FCC Form 1240s for the Towns of Boylston, Leicester, Millbury and West Brookfield, revised FCC Form 1205s for Charter's Central and Western Massachusetts systems, and a refund plan for the Town of Boylston. Charter complied with the Cable Division's directive on December 3, 1999.

We also directed Charter to refile its FCC Form 1240s for Dudley, Southbridge and Spencer because the basic service tier ("BST") rate actually charged subscribers was lower than both the maximum permitted rate ("MPR") and the operator selected rate shown on each community's FCC Form 1240. Rate Order at 4. Charter did not file revised FCC Form 1240s for these three communities. Instead, Charter presented the Cable Division with rate cards for Dudley, Southbridge and Spencer that showed that when each community's public access fee is added to the BST rate shown on the community's rate cards, the total equals the MPR and the operator selected rate reported on each community's FCC Form 1240 (see Exhs. Charter-4, -19, and -20; Exh. CATV-1). The Cable Division has reviewed the FCC Form 1240s filed on November 29, 1998 for Dudley, Southbridge and Spencer, and determined that Charter computed the BST MPRs for these communities with the public access fees included as an external cost. The Cable Division will accept these FCC Form 1240s as properly completed.

The Cable Division requested additional information regarding the Boylston refund plan. Charter filed a response on January 7, 2000. Pursuant to its refund plan and the additional information the Company filed on January 7, 2000, Charter will issue the refund for the twelve-month period March 1999 through February 2000. Charter proposes that once the number of Boylston subscribers has been determined for the month of February 2000, Charter will calculate the total refund with interest, and credit the refund on Boylston subscribers' next monthly statement. Charter estimates that the total refund per subscriber will be \$0.49. As soon as Charter establishes the date of the refund, it will notify the Cable Division of the exact date the refund will be issued and the actual amount.

The Cable Division hereby accepts as reasonable and in compliance with applicable statutes and regulations, Charter's FCC Form 1240s as filed on December 3, 1999 for Boylston, Leicester, Millbury and West Brookfield. The Cable Division also accepts as reasonable and in compliance with applicable statutes and regulations,

Charter's FCC Form 1240s as filed on November 29, 1998 for Dudley, Southbridge and Spencer.

The Cable Division hereby accepts as reasonable and in compliance with applicable statutes and regulations, Charter's FCC Form 1205s as filed on December 3, 1999 for Auburn, Boylston, Chicopee, Dudley, East Longmeadow, Easthampton, Grafton, Hampden, Holden, Leicester, Ludlow, Millbury, Northborough, Northbridge, Oxford, Paxton, Southborough, Southampton, Southbridge, Spencer, Sturbridge, West Boylston, West Brookfield, Westborough, Wilbraham and Worcester.

The Cable Division also approves Charter's proposed refund plan for the Town of Boylston.

The attached schedule provides the current and approved maximum permitted basic service tier programming and equipment rates for each community.

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

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**Alicia C. Matthews  
Director**

### **APPEALS**

Appeals of any final decision, order or ruling of the Cable Division may be brought within 14 days of the issuance of said decision to the full body of the Commissioners of the Department of Telecommunications and Energy by the filing of a written petition with the Secretary of the Department praying that the Order of the Cable Division be modified or set aside in whole or in part. G.L. c. 166A, § 2, as most recently amended by St. 1997, c. 164, § 273. Such petition for appeal shall be supported by a brief that contains the argument and areas of fact and law relied upon to support the Petitioner's position. Notice of such appeal shall be filed concurrently with the Clerk of the Cable Division. Briefs opposing the Petitioner's position shall be filed with the Secretary of the Department within seven days of the filing of the initial petition for appeal.