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December 12, 2019

BY ELECTRONIC MAIL: shonda.green@mass.gov
CONFIRMATION BY OVERNIGHT DELIVERY

Ms. Shonda Green
Executive Administrative Coordinator
Commonwealth of Massachusetts
Department of Telecommunications and Cable
1000 Washington Street, Suite 600
Boston, MA 02118-6500

Re: CoxCom, LLC d/b/a Cox Communications; Notice of Change in Annual Rate
Filing Date; Town of Holland Basic Service, Equipment, and Installation Rates

Dear Secretary Green:

Pursuant to Sections 76.922(e)(1) and 76.923(n)(3) of the rules of the Federal Communications Commission ("FCC"), 47 C.F.R. §§ 76.922(e)(1) and 76.923(n)(3), and Sections 1.01(3) and 2.03 of the rules of the Massachusetts Department of Telecommunications and Cable, 207 CMR §§ 1.01(3) and 2.03, CoxCom, LLC d/b/a Cox Communications ("Cox") is notifying the Division that Cox: (i) has elected to revise its annual filing date for FCC Forms 1240 and 1205 from March 7 back to December 16; (ii) has elected not to submit an FCC Form 1240 on December 16 (thereby foregoing any basic service tier rate adjustment until at least March 16, 2021); and (iii) is requesting a waiver of Section 76.923(n)(3) of the FCC's rules so Cox may submit its next annual FCC Form 1205 on December 16, 2019 (thereby allowing earlier reductions in Cox's equipment rates on March 16, 2020 rather than June 5, 2020).

You may recall that on March 5, 2019, Cox notified the Division of its election to change the annual filing date for its FCC Forms 1240 and 1205 from December 1 to March 7 pursuant to Section 76.922(e) of the FCC's rules, 47 C.F.R. § 76.922(e).¹ Cox submitted its 2019 Forms 1240 and 1205 to the Division on March 7, 2019 and implemented basic service tier ("BST") and associated installation and equipment rate adjustments on June 5, 2019.² Cox's BST service

¹ The previous change in Cox's annual filing date was necessary due to internal accounting issues which prevented Cox from filing its FCC Forms 1240 and 1205 according to its traditional December schedule.

² The Division currently is reviewing Cox's 2019 FCC Forms 1240 and 1205 in Docket D.T.C. 19-3, and held a public hearing in that Docket on December 4, 2019.

rates (FCC Form 1240) increased while its associated installation and equipment rates (FCC Form 1205) generally decreased. To ensure that its customers would not be prejudiced by the unavoidable delay in Cox's filing of its last FCC Form 1205, Cox credited customer accounts for installation and equipment rate decreases for the period from March 1, 2019 through June 5, 2019 (*i.e.*, from the date that installation and equipment rate decreases would have taken effect had Cox filed its FCC Form 1205 on its traditional December 1 filing date). Cox now is returning to a more traditional December 16 filing date and March 16 rate adjustment date.

Cox's determination to implement a December 16 annual filing date will benefit its Holland, Massachusetts customers and the Division in several ways.

- First, Cox's election not to file an FCC Form 1240 for the upcoming rate year will essentially freeze BST rates and avoid any potential increase in Cox's regulated BST rate until at least March 16, 2021, which is consistent with FCC policies and which will reduce regulatory burdens on the Division.³
- Second, customers in Holland will return to a more predictable and accustomed adjustment schedule for regulated rates.
- Third, by allowing Cox to submit its FCC Form 1205 on December 16, customers in Holland will enjoy another decrease in their regulated equipment rates on March 16, 2020 rather than having to wait until June 5, 2020.
- Fourth, while implementing significant equipment rate decreases as soon as possible, Cox also will forego any installation rate increases justified on its December 16 FCC Form 1205 until June 5, 2020 (*i.e.*, until one year after the most recent installation and equipment rate adjustment).

Cox acknowledges that Section 76.923(n)(3) of the FCC's rules otherwise would require Cox to submit its FCC Form 1205 on the anniversary date of its last filing (*i.e.*, not until March 7, 2020), and therefore respectfully requests that the Division waive this requirement for the benefit of Cox's customers in Holland. This will allow Cox to reduce its regulated equipment rates on March 16, 2020 instead of waiting until June 5, 2020, freeze its regulated basic tier rates until March 16, 2021, and freeze its regulated installation rates until June 5, 2020.

³ See Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992: Rate Regulation, *Thirteenth Order on Reconsideration*, 11 FCC Rcd 388, 423 at para. 86 (1995) (preserving rate stability on the BST and reducing regulatory burdens on local franchising authorities justifies unlimited mid-year channel additions to other tiers); *Sixth Order on Reconsideration*, 10 FCC Rcd 1226, 1250-51 (1994). The FCC's rules permit cable operators to elect not to submit an FCC Form 1240 in a given year so long as net external costs have not decreased. 47 C.F.R. § 76.922(e)(2)(ii)(B). Cox's net external costs have increased significantly, so FCC rules authorize Cox's election to defer submission of an FCC Form 1240 this year.

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Please contact the undersigned if you have any questions or concerns regarding the change in Cox's annual filing date for FCC Forms 1240 and 1205.

Sincerely,

A handwritten signature in black ink, appearing to read "Lutzker", with a stylized flourish at the end.

Gary S. Lutzker
Counsel for CoxCom, LLC d/b/a Cox
Communications

cc: Sean M. Carroll, Esq., General Counsel (sean.m.carroll@mass.gov)
Mr. Michael Mael, Senior Financial Analyst (michael.mael@mass.gov)