



COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION

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

_____)
In the Matter of)
)
MediaOne of Massachusetts, Inc.,)
AT&T Corp., and)
AT&T Comcast Corporation	Docket No. CTV 02-12)
)
Appellants)
)
v.	Date Issued: February 26, 2003)
)
Town Manager of the)
Town of Barnstable)
)
Appellee)
_____)

ORDER APPROVING TRANSFER

On November 15, 2002, the Cable Television Division (“Cable Division”) issued an Order finding that the Town Manager of the Town of Barnstable (“Barnstable”) unreasonably withheld consent to an application for transfer of control of the Cable Television Restated and Renewal License (“License”) from AT&T Corp. to Comcast Corporation.¹ MediaOne of Massachusetts, Inc., et al. v. Town Manager of the Town of Barnstable, CTV 02-12 (Order on Motions for Summary Decision) (Nov. 15, 2002) (“2002 Order”). The Cable Division ordered that Barnstable grant consent to the License transfer application. Id. Barnstable took no action on the Cable Division’s decision.

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.

As such, on February 11, 2003, the Cable Division issued an Order To Show Cause requiring Barnstable to show cause as to why it has not yet complied with the 2002 Order and granted approval for transfer of control of the License from AT&T Corp. to Comcast Corporation. On February 21, 2002, Barnstable responded to the Order To Show Cause and reiterated its determination that it will not consent to the transfer application. In its response, Barnstable cites its Transfer Report issued June 28, 2002, in which it denied the transfer application and provides as justification a concern with Transferee's financial capabilities, an issue that was raised, considered, and rejected by the Cable Division in the 2002 Order. Further, Barnstable had the opportunity to appeal the Cable Division's decision, and the procedure to be followed in filing an appeal was, in fact, provided on the last page of the 2002 Order. However, Barnstable did not appeal the Cable Division's decision and the time for such appeal has long since expired.

The Cable Division is authorized by Massachusetts law to hear appeals, issue decisions, and take action to enforce decisions. G.L. c. 166A, § 15. Barnstable did not comply with a lawful decision issued by the Cable Division and did not show cause as to its failure to comply. In the case where an issuing authority fails to comply with a lawful decision, the Cable Division takes action to enforce that decision, here by assuming the Issuing Authority's role and granting consent to transfer control of the License.

Accordingly, it is

ORDERED: Approval to transfer control of the License in the Town of Barnstable from AT&T Corp. to Comcast Corporation is hereby GRANTED.

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

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