
Order Adopting)
Revised Form 500)
_____)

June 11, 1999

ORDER

I. INTRODUCTION

In this order, the Department of Telecommunications and Energy's Cable Television Division (Cable Division) adopts the Form 500 as the prescribed form for cable operators to comply with the complaint reporting requirement of G.L. c. 166A, § 10. Specifically, Section 10 requires cable operators to report [c]omplaints of subscribers received during the reporting period and the manner in which they have been met, including the time required to make any necessary repairs or adjustments to the Cable Division and Issuing Authorities. G.L. c. 166A, § 10. With the adoption of this revised Form 500, the Cable Division eliminates the CATV Forms 500A (Licensee Complaint Form), 500B (Quarterly Complaint Form), and 500C (Significant Service Interruption Form), previously required by the Cable Division. The Form 500 shall be filed with the Cable Division on an annual basis as required by Section 10, most recently amended by St. 1997, c. 164, § 274.

II. HISTORY OF THE PROCEEDING

On December 29, 1996, the Cable Division released its Report and Order in In the Matter of Amendment of 207 CMR §§ 2.00 through 10.00, Docket No. R-25 (Report), removing the Cable Division's statutory reporting forms, including the operator complaint forms, from its

regulations. In its Report, the Cable Division stated that it would review the reporting forms as appropriate, seeking input from both cable operators and issuing authorities, and update the forms as needed. Report, ? 142.

In 1997, the Massachusetts Legislature amended G.L. c. 166A, ? 10, to make the filing of cable operators' complaint forms an annual rather than a quarterly requirement. St. 1997, c. 164, ? 274. On September 1, 1998, the Cable Division issued an Order Soliciting Comments which contained proposed revisions to the complaint forms. In response to the Order, the Cable Division received comments from John M. Urban, Vice President for Government Relations, Cablevision Systems Corporation (?Cablevision?); James C. Sweeny, Regional Manager, Adelphia Cable Communications (?Adelphia?); Alan D. Mandl, Esq., Ottenberg, Dunkless, Mandl & Mandl for Greater Media Cable (?Greater Media?); Mary E. McLaughlin, Counsel and Director of Government Affairs, MediaOne; David G. Kanter, Cable Television Communications and Advisory Committee of Lexington (?Town of Lexington?); Timothy McCoy, Town of Hudson Cable Television Committee, (?Town of Hudson?); and Richard T. Kwiathowski, Tammra A. Russell, and Robert P. Beaudette, Town of Charlton Board of Selectmen (?Town of Charlton?).

On January 20, 1999, the Cable Division held a technical conference at our offices in Boston to discuss any practical problems in implementing the Form 500 software. The Cable Division received comments from both municipal and cable company representatives regarding the implementation of the Form 500 during the course of the technical conference.

III. THE FORM 500

In response to comments from interested persons, and upon further review, the Cable Division amends the proposed Form 500.

A. Complaint Definition

In response to the our Order Soliciting Comments, several commenters sought clarification from the Cable Division with respect to our understanding of what constitutes a "complaint" for the purposes of tracking information on the proposed complaint form. All of the municipal commenters urged the Cable Division to adopt a definition of "complaint." Some of the concerns expressed by the commenters were as follows: (1) Are written and verbal complaints to be treated the same? (2) Are complaints resolved during a conversation with a customer service representative to be considered complaints to be reported? (3) Are calls to automated systems to be considered complaints?

Further, Cable operators expressed concern that the Cable Division's proposed Form 500 might create difficulties differentiating "complaints" from routine "service calls" and "inquiries" and that, as a result, the operators would be required to track these calls as complaints.¹ As an example of the fine line between subscriber "complaints" and "inquiries," operators offered the example of a subscriber call concerning a malfunctioning remote control, pointing out that problems with technical equipment can occur through no fault of the operator and that routine calls to the cable operator for repairs, troubleshooting, or replacement of the cable equipment should not be tracked as "complaints." Adelphia suggested that the Cable Division review its definition of "complaint" with an eye toward the "useful purpose" of requiring operators to report such information. Adelphia also questioned the "useful purpose" of reporting service calls concerning equipment failures such as a malfunctioning remote control.

The Town of Lexington offered a definition of complaint that emphasized a subscriber's expression of dissatisfaction with an action, procedure or service of their cable television provider.

¹ MediaOne reported that the company's call center handles more than 350,000 calls per month.

Both the Towns of Lexington and Hudson expressed reluctance to leave "complaint" undefined. The Town of Hudson suggested that the lack of a definition of complaint would be fatal to the complaint reporting process.

The Form 500 is designed to collect complaint data that is useful to operators, municipalities, and the Cable Division in measuring cable operators' performance. Specifically, the Form 500 requires operators to report how they respond to customers' concerns about the operation of their cable systems, including the time it takes to resolve a complaint. Section 10 also requires operators to report complaints about the operation of their CATV system, which suggests that the complaints must arise from conditions that are within the operator's control. Accordingly, any definition of complaint with respect to the Form 500 should require operators to report complaints upon which they were able to take corrective measures, and not complaints arising from conditions outside of an operator's control. Limiting the scope of the complaint definition will limit the administrative burdens on operators that will need to track and report contacts with subscribers, and on municipalities and the Cable Division that will need to review the complaint data.

Based on the above concerns, the Cable Division adopts the following definition of complaint for the purposes of the reporting requirements in the Form 500:

Any written or verbal contact with a cable operator in connection with a subscription in which a person expresses dissatisfaction with an act, omission, product or service that is (1) within the operator's control, and (2) requires a corrective measure on the part of the operator.

This definition is based in large measure on NECTA's written comments to one of the Cable Division's earlier rulemaking proceedings involving the Cable Division's operator complaint forms. In re Complaints, Service Visits and Customer Service Standards, Docket No.

R-20. The definition also incorporates comments received from municipalities during the course of the current proceeding. The Cable Division concludes that if used in conjunction with complaint categories and examples, this definition will lead to more accurate reporting of actual subscriber complaints. The definition will also provide a distinction between complaints and routine service calls.

Under this complaint definition, operators will be responsible for reporting complaints when the conditions prompting a complaint should be changed to restore or correct an action which has created the dissatisfaction. "Corrective measures" shall mean actions on the part of the cable operator to resolve a subscriber's complaint in a manner that puts the subscriber in the same position as other subscribers, whether it is applying a credit to an improperly billed account, changing a policy to comply with a governmental regulation, or making good on a marketing offer. For example, if a subscriber calls about a malfunctioning remote and the malfunction is caused by faulty equipment supplied by the operator, and the operator must take corrective measures to replace or repair the remote, this call should be reported as a complaint. However, if the cause of the malfunction is due to misuse or mistreatment of the equipment by the subscriber, the operator is not required to report this communication as a complaint, even if the operator took corrective measures such as repair or replacement of the remote on its own accord. In addition, operators are not required to report instances where "courtesy credits" are granted to a subscriber solely for the purpose of fostering good will and where the credit is not a corrective measure specific to the complaint.

B. Average Resolution Time

The Cable Division received comments stating that the requirement to track average resolution time is unnecessary and not warranted given the time that would be required to track

and record such data. However, the Cable Division is directed by G.L. c. 166A, § 10 to track the time required for repairs and adjustments made in response to subscriber complaints. Upon re-examination, however, the Cable Division has consolidated the time frames to reduce the number of reporting categories and reduce the administrative burden of tracking the resolution process to the exact hour. The new reporting time frames are categorized as follows: (1) Less than 1 day; (2) 1-3 days; (3) 4-7 days; (4) 8-14 days; (5) 15-30 days; (6) >30 days.

C. Complaint Categories

The complaint categories on the Form 500 reflect areas within the operators' control where corrective measures should be taken in response to subscriber complaints. These categories will facilitate a consistent reporting system that is both practical and useful. The categories should be used to collect data about subscriber complaints that are a result of conditions that are within the control of the operator.

Upon further review, and based on the comments, the Cable Division has modified our list of categories. We eliminated the "Program Content" and "Deletion of Program(s)" categories previously required in the Forms 500 A and B, as content-based complaints are largely subjective, beyond the regulatory scope of the Cable Division, and involve a number of conditions that may or may not be within the control of the operator. The remaining categories from the Forms 500 A and B are represented in the revised categories on the Form 500. For example, the "Failure to service original complaint satisfactorily" category will be captured by the "Resolved, customer not satisfied" manner of resolution. "Complaints with respect to services other than television" can be recorded in several new categories including, "Advertising/ Marketing," "Customer Service," or "Other."

The new categories on the Form 500 will record complaints commonly received by the Department of Telecommunications and Energy. The Cable Division recognizes that not every cable operator's complaint tracking mechanisms will track subscriber complaints using the exact terms required in the Form 500. We have found, however, that most cable operators are tracking complaints in categories that are substantially similar to the Cable Division's categories. We therefore direct operators to use their best efforts to report complaints according to the categories provided on the Form 500. To the extent that operators' tracking mechanisms might collect more data than required by the Form 500, operators are encouraged to provide supplemental written information explaining any differences. If there are any cable operators that are not currently tracking complaints in any of the required categories, they are hereby directed to do so upon the release of this Order.

The complaint categories with illustrative examples are as follows:

Billing - A complaint concerning billing errors.

Example: A subscriber complains that she was charged for services she did not receive.

Customer Service - A complaint concerning a cable provider's customer service.

Example: A subscriber complains that a customer service representative was rude, not helpful, or gave him incorrect information.

Example: A subscriber complains that the customer service representative would not allow him to speak to a manager.

Unable to Contact - A complaint concerning an unsuccessful attempt to contact the cable provider by telephone, mail, or other means.

Example: A subscriber calls her provider to discuss a billing issue and is unable to get through to a customer service representative because the telephone lines are busy.

Example: A subscriber sends a letter to her cable provider and does not receive a response.

Failure to Respond to Original Complaint - A complaint regarding lack of action or responsiveness on the part of the cable operator.

Example: A customer service representative informs a subscriber that he will call the subscriber back with a resolution to a billing complaint within two business days. A week later, the subscriber calls the company again to complain that the representative never called back.

Reception - A complaint about the quality of the cable reception (picture or sound.)

Example: A subscriber complains about static, "snow", uneven volume, or interference.

Advertising/Marketing - Any complaint concerning advertising, marketing, or promotions.

Example: A subscriber complains because he was offered a free trial of a new product and was told that he could remove it at no cost any time before the end of the 60 days; however, the subscriber was charged a transaction fee when he removed the product during this period.

Example: A subscriber complains that his cable provider sold him a new service, but misrepresented the monthly costs to him.

Installation - A complaint regarding the installation or activation of equipment to provide cable service.

Example: A subscriber complains about the quality of an installation.

Example: A non-subscriber complains that she has been denied an installation.

Equipment - A complaint concerning equipment (i.e.: converter box, remote, wiring.)

Example: A subscriber complains about a defective converter box or remote.

Example: A subscriber complains about cable lines carelessly draped across the facade of her building.

Appointment/Service Call - A complaint concerning appointments and service calls, but excluding installation appointments.

Example: A subscriber complains that her cable provider failed to honor a service appointment.

Example: A subscriber complains that her cable provider's service person was rude, unhelpful, incompetent, etc.

Defective Notice - A complaint concerning lack of notification or insufficient notice of a channel addition or deletion, a rate change, or a disconnection.

Example: Subscriber complains that he was disconnected for non-payment without receiving prior written notice.

Service Interruption - A complaint concerning an interruption in cable service.

Example: A subscriber complains that his cable has been intermittently going on and off.

Example: A subscriber complains that his cable provider failed to credit him for a service outage.

Other - A complaint that cannot fit into an existing category. (Operator must fill in the form field to report this complaint type.)

D. Service Interruptions

Adelphia and municipal commenters suggested that the service interruptions category should be reported with more specificity on a separate section in the Form 500. Cablevision emphasized that the current Form 500 C, which requires operators to report service interruptions,

?provides verifiable data concerning the performance of a key service operating indicator.? In response to these comments, we have created a separate reporting section on the Form 500 so that operators may report more information about service interruptions, including the date, duration and number of subscribers affected for each outage.

E. Manner of Resolution

The Cable Division has eliminated the manner of resolution category entitled ?Opinion, not complaint? from the Form 500. The new definition of complaint does not require operators to report contacts with subscribers that do not require corrective measures to be taken. Therefore, operators shall not be required to report as complaints contacts where subscribers express their opinion on a service, policy or business decision of the operator. The manner of resolution codes have been simplified as follows: (1) Resolved to the satisfaction of both parties; (2) Resolved, customer dissatisfied; (3) Not Resolved.

IV. REPORTING REQUIREMENTS FOR 1999

Along with this Order, the Cable Division provides operators a CD-ROM version of the Form 500. Operators may install this software on the computers of all necessary personnel. As ?Attachment A? to this Order, the Cable Division provides the instructions for completing the Form 500 electronically. The instructions for completing the form and instructions for filing the form electronically are also provided on the CD-ROM. As ?Attachment B? to this Order, the Cable Division provides a paper version of the Form 500 and the instructions for filing the paper version with the Division. Please note that cable operators that wish to file the paper version must contact the Cable Division prior to the filing deadline to make the necessary arrangements.

All categories will be required for next year?s filing. Operators should begin to use the Form 500 to record complaint data for calendar year 1999. Operators are directed to adjust their

subscriber tracking mechanisms to collect the data required. The deadline to submit 1999 complaint data to the Cable Division will be January 31, 2000.

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

**Alicia C. Matthews
Director**