



COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION

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

In the Matter of:)	
)	Docket No. CTV 02-16
)	Date Issued: October 30, 2003
Time Warner Entertainment- Advance/Newhouse Partnership)	Athol, CUID MA 0013
)	Dalton, CUID MA 0027
d/b/a Time Warner Cable)	Orange, CUID MA 0014
)	Pittsfield, CUID MA 0028
For a Determination of Cable Television Rates)	Richmond, CUID MA 0096
)	

ORDER MANDATING COMPLIANCE

APPEARANCES: Gary R. Matz
Vice President and Assistant General Counsel
Time Warner Cable
290 Harbor Drive
Stamford, CT 06902
FOR: TIME WARNER ENTERTAINMENT-
ADVANCE/NEWHOUSE PARTNERSHIP
Petitioner

On September 30, 2003, the Cable Television Division ("Cable Division") of the Department of Telecommunications and Energy ("Department") issued a Rate Order rejecting Time Warner Entertainment-Advance/Newhouse Partnership's ("Time Warner") Federal Communications Commission ("FCC") Form 1240 as filed on October 2, 2002, for Dalton, Pittsfield and Richmond. The Cable Division directed Time Warner to refile its FCC Form 1240 for Dalton, Pittsfield, and Richmond and file a refund plan on or before October 15, 2003, for BST overcharges that resulted from its treatment of programming costs.

Time Warner did not comply with the Cable Division's Rate Order and instead appealed the Cable Division's decision to the Department on October 14, 2003. Due to the pending appeal, the Cable Division did not take further action to enforce compliance with its Rate Order. On October 27, 2003, the Department issued its Decision and upheld the Cable Division's Rate Order. See Time Warner Entertainment-Advance/Newhouse Partnership, D.T.E. 03-97 (Oct. 27, 2003). Accordingly, we now direct Time Warner to refile its FCC Form 1240 and refund plan in accordance with the Rate Order, along with any supporting documentation. The revised FCC Form 1240, refund plan, and supporting documentation must be filed with the Cable Division on or before November 14, 2003.

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

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