



KOPELMAN AND PAIGE, P.C.
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April 30, 2009

William Hewig III
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BY E-MAIL: Catrice.williams@state.ma.us and
BY HAND DELIVERY

Department of Telecommunications and Cable
Two South Station, 4th Floor
Boston, MA 02110
ATTN: Catrice Williams, Secretary

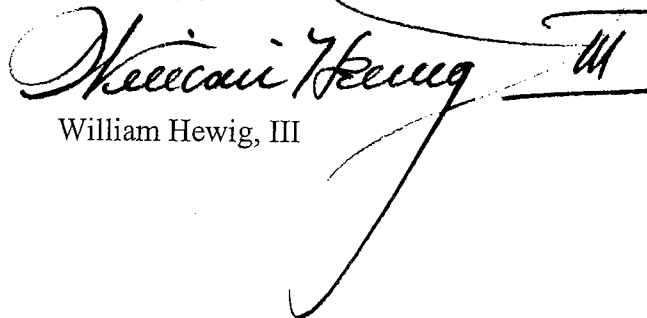
Re: Petition By Verizon New England, Inc. for Amendment of Cable Division Form 500
DTC 08-12

Dear Ms. Williams:

Pursuant to 220 CMR §1.03, enclosed please find the following:

- (a) Petition of Town of Watertown, Massachusetts To Intervene and Participate in Proceedings;
- (b) Petitioner Town of Watertown's Statement of Initial Comments; and
- (c) Certificate of Service.

Very truly yours,



William Hewig, III

WH/eon

Enc.

cc: Town Manager
Town Council
Executive Director, WCAC-TV

372834/WATR/0029

CERTIFICATE OF SERVICE

I, William Hewig III, hereby certify that on the below date, I served a copy of the foregoing Petition of Town of Watertown, Massachusetts To Intervene and Participate in Proceedings, and Petitioner Town of Watertown's Statement of Initial Comments, by hand delivery to the following counsel of record:

Bruce P. Beausegour, Esq.
Alexander W. Moore, Esq.
Verizon New England, Inc.
185 Franklin Street, 13th Floor
Boston, MA 02110

Dated: _____

April 30, 2009



William Hewig III

372835/WATR/0029

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

Petition by Verizon New England, Inc. for
Amendment of Cable Division's Form 500
"Cable Operator's Annual Report of Consumer
Complaints"

DTC 08-12

**PETITIONER TOWN OF WATERTOWN, MASSACHUSETTS' STATEMENT OF
INITIAL COMMENTS**

Pursuant to the Commonwealth of Massachusetts' Department of Telecommunications and Cable's ("DTC") request for comment and notice of public hearing, dated March 27, 2009, and also pursuant to 220 CMR §1.03(1), the petitioner Town of Watertown ("Watertown"), submits herewith its Statement of Initial Comments as follows:

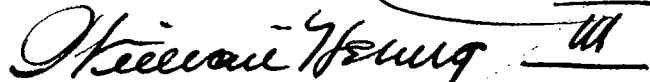
- (1) The continuing availability of subscribership numbers within the public domain is essential for cable television issuing authorities to monitor the compliance of cable operators with their legal obligations under M.G.L. c.166A, §9, as well to monitor compliance with parallel provisions contained in most currently-effective cable licenses;
- (2) The continuing availability of subscribership numbers within the public domain is also an essential tool which issuing authorities need in order to conduct effective license renewal negotiations in the context of a competitive market;
- (3) Verizon has failed to make its case that disclosure of subscribership numbers in the public domain has somehow adversely affected its ability to effectively compete; and
- (4) Transparency is essential to the proper functioning of a competitive market when the participants are licensed by, and regulated by a public authority; permitting regulated

license-holders to lurk behind veils of secrecy, free from public scrutiny, will serve to promote neither competition nor the public interest.

Respectfully submitted,

TOWN OF WATERTOWN

By its attorney,

A handwritten signature in cursive script, appearing to read "William Hewig, III", written over a horizontal line.

William Hewig, III (BBO# 541910)
Kopelman and Paige, P.C.
Town Counsel
101 Arch Street, 12th Floor
Boston, MA 02110-1109
(617) 556-0007

Date:

April 30, 2009

372836/WATR/0029

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

Petition by Verizon New England, Inc. for
Amendment of Cable Division's Form 500
"Cable Operator's Annual Report of Consumer
Complaints"

DTC 08-12

**PETITION OF TOWN OF WATERTOWN, MASSACHUSETTS TO INTERVENE AND
PARTICIPATE IN PROCEEDINGS**

Now comes the Town of Watertown, Massachusetts ("Watertown"), by and through its attorney William Hewig III, and respectfully moves the Department of Telecommunications and Cable ("DTC") for leave to intervene and to participate in the proceedings of the above-captioned matter, including leave to be heard at the May 15, 2009 hearing. Pursuant to the requirements of 220 CMR §1.03(1), Watertown states as follows:

- (a) Name and Address of Petitioner (Including Those For Whom Leave Be Heard at Hearing is Requested):

Town of Watertown, Massachusetts, by and through:

William Hewig III, Esq.
Kopelman and Paige, P.C.
101 Arch Street, 12th Floor
and
Boston, MA 02110

Mr. Michael J. Driscoll
Town Manager
Watertown Administrative Building
149 Main Street
Watertown, MA 02472

Its attorney

Its Town Manager

- (b) Manner in Which Petitioner is Affected by the Proceeding:

Watertown is the Issuing Authority for a cable television license issued to AT&T Broadband (now Comcast) on January 23, 2004, and a competitive OVS Agreement issued to RCN on January 7, 1999. As issuing authority of those two agreements, Watertown has an interest in and an obligation to ensure that all information essential to the monitoring of

compliance with its licenses or agreements, and all information and tools essential to effective negotiations for future renewal licenses be kept available and soundly within the public domain.

(c) Contention of the Petitioner:

Subscribership numbers are essential to monitor the compliance of cable operators with cable television licenses issued by the Town and with state statutes; subscribership numbers are also an essential tool for effective renewal license negotiations in the context of a competitive market; Verizon has failed to make its case that disclosure of subscribership numbers adversely affects its ability to effectively compete; transparency is essential to the proper functioning of a competitive market when the actors are licensed by a public authority; and permitting a publicly licensed cable operator to lurk behind veils of secrecy will not promote competition or the public interest.

(d) Relief Sought:

Watertown requests that Verizon's petition be denied by the DTC.

(e) Statutory or Other Authority for Relief, and Nature of Evidence Petitioner Will Present:

DTC June 8, 2007 ruling; and

M.G.L. c.166A, §10; and others to be identified.

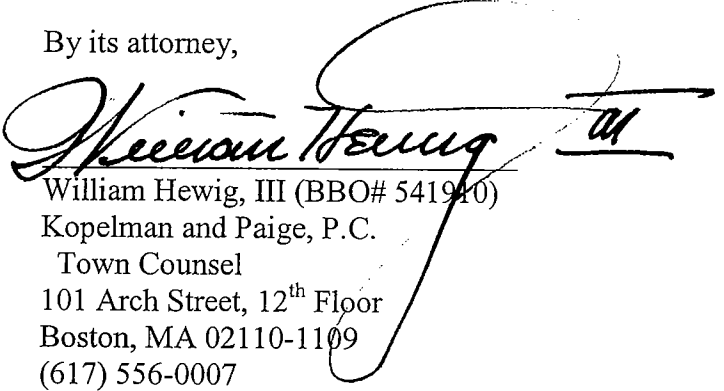
(f) Nature of the Evidence Petitioner Will Present if Petition Is Granted:

Petitioner will present documentary evidence in the form of affidavits, briefs and oral testimony.

Respectfully submitted,

TOWN OF WATERTOWN

By its attorney,


William Hewig, III (BBO# 541940)
Kopelman and Paige, P.C.
Town Counsel
101 Arch Street, 12th Floor
Boston, MA 02110-1109
(617) 556-0007

Date: April 30, 2009

372837/WATR/0029