



TOWN OF YARMOUTH

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BOARD OF
SELECTMEN

TOWN
ADMINISTRATOR
Robert C. Lawton, Jr.

June 26, 2006

Andrea Nixon
Clerk, Cable Television Division
Department of Telecommunications and Energy
One South Station
Boston, MA 02111



RE: CTV 06-1

Dear Clerk:

The Town of Yarmouth Board of Selectmen does not support Verizon's proposed revision to cable television licensing regulations which are the subject of the Cable Television Division proceeding CTV 06-1. For the reasons cited below, the Town urges the Division to reject the Verizon petition.

The issues that need to be considered and addressed in a cable license application are important and complex. The municipal right-of-way is a valuable asset that must be managed in the public's interest. There are issues of safety and provisions for removing obsolete equipment that must be taken into consideration. We also need to ensure that construction is done in such a way that the public's considerable investment in Town roadways is not compromised. Finally, there are competing public interests that must be weighed carefully. For example, the Town would like to facilitate competition in order to achieve lower cost cable services for local customers but we would also like to require universal service to all neighborhoods. We recognize that such a requirement will reduce the profitability of a prospective cable operator and it could result in blocking competition unless we are able to negotiate a phased build-out that is agreeable to both parties.

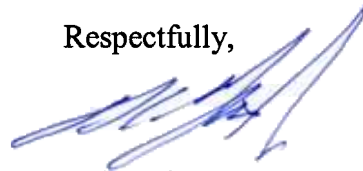
Thirty days is not nearly enough to address these issues and we have mentioned only a small subset of the issues that will need to be considered as part of a cable license application. Past experience with cable negotiations tells us that neither the cable television companies nor the Town can comply with the proposed 30 day deadline for acting on a cable license application. As an example, the Dennis-Yarmouth Regional School system was recently informed that it would take Comcast two months to provide a cost estimate for an extension to an existing I-NET (i.e. an additional drop.) This timeframe is not unique to Comcast which has actually been better than some previous operators. Verizon has been slow to respond on such things as utility pole relocations as demonstrated locally this year on the Willow Street renovation in West Yarmouth (a



Mass Highway project.) On the Town's side, the staff and volunteer Board of Selectmen have many issues to address on a weekly basis. It is not feasible to think that the Town can put all other business aside to address a cable license application within 30 days of the hearing.

In sum, we believe Verizon's proposed revision to 207 CMR § 3.00 is completely unrealistic and counter to the public interest. The Town is not opposed to some streamlining of the process but this proposal is not even a good starting point for discussion. We ask that you deny the petition and solicit the input of municipalities through the Massachusetts Municipal Association to craft new regulations that would facilitate competition without eviscerating the ability of local officials to protect its assets.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Robert C. Lawton, Jr.', with a stylized flourish at the end.

Robert C. Lawton, Jr.
Town Administrator

cc: Board of Selectmen
Cable Advisory Committee
Geoffrey Beckwith, MMA Executive Director
Honorable Cleon Turner, State Representative
Honorable Demetrius Atsalis, State Representative
Honorable Robert O'Leary, State Senator