



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION
COMMUNITY ANTENNA TELEVISION COMMISSION
LEVERETT SALTONSTALL BUILDING
100 CAMBRIDGE STREET, BOSTON 02202

RECEIVED

90 AUG 23 AM 9:16

OFFICE OF THE CITY MANAGER

ROSALIND A. NILES
Commissioner

(617) 727-6925

August 21, 1990

George Welch, Jr.
3 Woodrow Wilson Court #24
Cambridge, MA 02139

Dear Mr. Welch:

On April 5, 1990, the Commission wrote to you requesting that you state in writing certain verbal complaints you have made concerning Cambridge Community Television ("CCTV"). You did not respond to this request until August 14, 1990, when you submitted a written complaint (copy attached) under M.G.L. ch.166A, §10. First, please note that the Commission has forwarded a copy of your complaint to the city of Cambridge. Second, this complaint listed three separate issues which you wanted the Commission to examine. However, on August 20, 1990, you telephoned the Commission three times to ask that the Commission withdraw the second and third issues. Therefore, as requested by you, one issue remains to be discussed.

Before the Commission reaches that issue, however, the Commission notes that it has reason to believe that you may have filed the complaint under false pretenses. In the complaint, you identify yourself as "member and elected representative of the 700 plus members of Cambridge Community Television." On July 19, 1990, CCTV advised the Commission by letter that "on May 30, by a unanimous vote of the Board of Directors [George Welch's] membership privileges were permanently suspended. On June 21, by a unanimous vote of the Members' Advisory Group, he was removed from that body." (Emphasis added.)

Thus, CCTV's letter squarely contradicts your representation that you are an elected representative of CCTV's members. The Commission wants to stress the importance of its requirement that complaints accurately reflect a complainant's representative status. Moreover, you have already advised the Commission that you have complained about CCTV to the Division of Banks, the Internal Revenue Service, the Neiman Foundation, the District Attorney, the City of Cambridge, Continental Cablevision and others. In light of the wide circulation of your complaints, it is especially important that the record be accurate concerning your status. The Commission therefore accepts your complaint as an individual, and not as a representative of CCTV.

The issue raised in your complaint is whether "Amos Hostetter, Chief Executive Officer of Continental Cablevision and his designees and assigns . . . [is] wrongfully collecting and raising rates in the City of Cambridge." You base this claim on alleged violations of the final license as well as violations of a 1985 agreement between Continental's predecessor, American Cablesystems and the Cambridge Public Access Corporation.

Letter to George Welch, Jr.
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Under §623 of the Cable Communications Policy Act of 1984, 47 U.S.C. §543, Continental Cablevision may raise its rates, notwithstanding allegations of license non compliance. This means that neither the Commission nor the city of Cambridge has the authority to prevent ordinary rate increases by Continental Cablevision. Thus, whether there have been in fact any procedural or other violations in complying with the license, the harm you point to--rate increases--could have occurred at any time without regard to any alleged license violations. Accordingly, the Commission finds your complaint is beyond the powers of the Commission to redress.

Thank you for your cooperation in this matter.

Very truly yours,

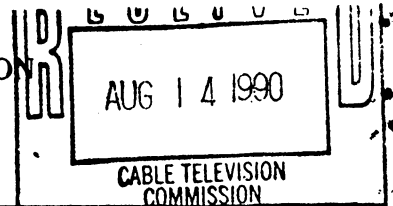


Rosalind A. Niles
Commissioner

enc.

cc: Amos B. Hostetter, Jr., Continental Cablevision
Paul Horwitz, Executive Office of Consumer Affairs and Business Regulation
Penny Wells, Executive Office of Consumer Affairs and Business Regulation
Robert Sachs, Continental Cablevision
Roy Heffernan, Continental Cablevision
Phil Ripa, Continental Cablevision
✓ Robert W. Healy, City of Cambridge
Ned Casey, City of Cambridge
Irwin Hipsman, CCTV

The Commonwealth of Massachusetts
MASSACHUSETTS CABLE TELEVISION COMMISSION
100 CAMBRIDGE STREET
BOSTON, MASSACHUSETTS 02202
(617) 727-6925



COMPLAINANT: ^{member and elected representative of the 700+ members of Cambridge Community Televis (CC)}
Name: George F. Welch Jr Home Phone: 354-1307
Address: 3 Woodrow Wilson Ct #24 Cambridge Business Phone: Same
Former Address: N/A Date Received: 14 August 1990
Date Resolved: _____

Community: Cambridge MA REFERRAL:
Cable Operator: Continental Cablevision () Phone () Letter () AG's Referral
Contact: Amos Hostetter, Chief Executive Officer () Other _____
Phone: 742-9500

TYPE OF COMPLAINT:

() Installation () Service () Billing
() Disconnection () Marketing (X) Other

Was complaint discussed with Cable Operator? (✓) Yes () No
Date: Phil Rupa, Pety Heffernan, Robert Sacks of Continental various times between April 1990 & Present

DESCRIBE COMPLAINT:

1. This is a complaint against Amos Hostetter, Chief Executive Officer of Continental Cablevision and his designees and assigns for wrongfully collecting and raising cable rates of the City of Cambridge cable subscribers when he and his designees and assigns have known or should have known that a no time between the time of the Transfer Application in 1987 for the City of Cambridge Operation and the present have he or his designees and assigns complied with Section 2.2 (a) (2) (3) of the 1985 Final License or Section 7.2, Section 6.5 Section 6.4, Section 6.1, Section 5.5, Section 5.3, Section 4.1(a) Section 3.2, Section 2.8 b, Section 2.1 b of the Separate 1985 agreement between the Cambridge Public Access Corporation and Continental's limited partner American Northeast.

2. This is also a complaint against the City of Cambridge's Issuing Authority, Robert Heally and City Solicitor Russel Huggley for their breach of duty in 1988 of

ACTION TAKEN (Be Specific):

Cover
- Called George 8-16-90 to discuss; left message in voicemail
- he called back three times today & he told April
- he will come in tomorrow; (4 times 8-16-90)

Complaint Resolved:

() Yes () No

If No, why:

FOR CABLE OPERATOR USE ONLY
ACTION TAKEN (Be Specific):

As 2 3 withdrawn pursuant
request of Mr. Welch on
8/20/90

Name: _____

Date: _____

Complaint Resolved:

() Yes () No

If No, why:

VOID
08/20/90

Vol 11
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a. failing to execute a Certificate As To Satisfaction of Condition with regard to the granting of Continental Cablevision's Application for Transfer (See Section 21.15 of the final CATV License) and for failing and refusing on May 31, 1990 to perform the duties of Issuing Authority as set out in Section 14.19 (Determination of Breach) based upon written information provided by the complainant George F. Welch Jr that Continental had not been in compliance since 1988 with the Licensee's ^{between the Cambridge Public Access Corp and American} by providing the 8 channels and necessary equipment as required by the Final License.

3. This is also a Complaint against Irwin Hipsman, an employee of the individuals claiming to be members of the Board of Directors of the Cambridge Community Television Inc., the management Corporation of the Cambridge Public Access Cable facility and against the following named individuals who since becoming alleged members of CCTV's board of directors have concealed from CCTV's members and the Issuing Authority of Cambridge, Robert Healey, facts showing that each of them was a member of CCTV, and had ^{before claiming a position on the board,} complied fully and completely with CCTV's BY-Law requirements for CCTV Board Members, and that they are legally entitled to receive and spend CCTV's money or manage its property, those individuals of question are, (1) Robert Hilliard, 38 Essex St Cambridge, Karen Kosko 49 Thingvalla Ave Cambridge (3) Margaret Lazarus 242 Lexington Ave Cambridge (4) Paula Van Gelder 12 Ware St Cambridge (5) Peter Ladue 2 Speridakis Terr Camb, (6) Bill Murphy 34 Ash St Cambridge (7) Dinah Olanooff 30 Antrim St Camb, (8) Geri Hamlin Po Box 8435 Boston 02114 (9) Carolyn Jones 205 Walden St 4A Cambridge (10) Susan Richards, Community Arts Center For Boys 554 Camb (11) Peter Wyman, Cambridge Trust Cor 1336 Mass Avenue, Cam. (12) Johnathan Bliss 18 Turf St. Camb.

~~Based on~~ The basis for this complaint is more fully set out in my April 17, 1990 letters and my April 24, 1990 letter copies of which are attached.

12.

S 949

Comm. from Rosalind A. Niles, Commissioner,
Community Antenna Television Commission, 100
Cambridge Street, Boston, sent to Mr. Welch.

In City Council,

Oct. 1, 1990

Placed on file
Copy to City Solicitor
Copy sent to City Solicitor
10/2/90 @