

COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION

DEPARTMENT OF
TELECOMMUNICATIONS & ENERGY

Cable Television Division

ONE SOUTH STATION
BOSTON, MA 02110

Telephone: (617) 305-3580

Facsimile: (617) 478-2590

2003 MAY -8 P 4: 19

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

May 6, 2003

RE: Comcast Cable Communications, Inc., CTV 03-1

Dear Issuing Authority:

The Cable Television Division ("Cable Division") of the Department of Telecommunications and Energy will hold a public and evidentiary hearing to investigate the proposed basic service tier ("BST") programming, equipment, and installation rates for all of the affected communities in Massachusetts currently served by Comcast Cable Communications, Inc. ("Comcast"). See G.L. c. 166A, § 15; 207 C.M.R. § 6.03. The Forms 1240 and 1205 related to the proposed BST programming, equipment, and installation rates were submitted to you by Comcast on March 1, 2003. The hearing will be held on Tuesday, September 16, 2003, at our offices and is a formal hearing conducted under General Laws Chapter 30A and the Standard Adjudicatory Rules of Practice and Procedure at 801 C.M.R. § 1.00 et seq.

As the issuing authority for a municipality served by Comcast, you may want to participate in this hearing. While our proceedings allow for full public input from all interested persons, under Massachusetts regulations, issuing authorities are not automatically parties to a rate proceeding. 801 C.M.R. § 1.01(9). Rather, an interested person may participate as a party only if it files a petition to intervene and such petition is subsequently granted by the Cable Division. *Id.* An issuing authority that is granted intervention status has the right to participate fully in the proceeding, including the right to cross-examine the cable operator's witnesses, the right to call your own witnesses, the right to submit exhibits, and the right to receive all correspondence and documents provided by the cable operator to the Cable Division. As a party to an adjudicatory process, you would also have the right to appeal the Cable Division's Rate Order.

In the past, parties granted intervention status have, on occasion, failed to participate in discovery or to be adequately prepared to conduct cross-examination at the hearing. In reviewing our regulations, it appears that such a failure might be related to the strict notice requirements. See 207 C.M.R. § 2.02. Our regulations require that Comcast, as a cable operator serving your community, arrange for legal notice of the hearing, and that such notice by newspaper publication must be provided in two successive weeks. 207 C.M.R. § 2.02(1).

In order to provide for full public participation, we typically require that such notice be given a few weeks prior to the hearing. However, this late notice may result in an insufficient time for an issuing authority or other interested person to file a petition for intervention, and upon being granted intervention status, to conduct discovery and prepare cross-examination.

We may, on our own initiative, waive notice regulations for good cause. 207 C.M.R. § 2.04. We find good cause exists to alter the notice requirements such that parties may adequately prepare for the hearing and the public may have reminder of the hearing shortly before the actual hearing date. Therefore, we will waive the requirement that notice be published in two successive weeks and will require that Comcast provide the first legal notice at this time and provide the second legal notice 10 days prior to the hearing. As such, we have ordered Comcast to publish the first legal notice no later than Friday, May 23, 2003, and publish the second notice in early September, 2003, and in no event later than Monday, September 8, 2003. A copy of the Order of Notice and hearing notices that were provided to Comcast for publication are enclosed for informational purposes.

The first published notice contains the deadline of Monday, June 16, 2003, for petitions to intervene or participate. The petition to intervene must state with specificity how the petitioner is substantially and specifically affected by the rate proceeding.

801 C.M.R. § 1.01(9). We will rule promptly upon any petitions received, and issuing authorities should begin discovery immediately upon the Cable Division's granting of any petition to intervene. Discovery provides the issuing authority with the opportunity to submit written questions to the cable operator and assuming timely submission, to receive written responses from the cable operator prior to the hearing. In order to allow the issuing authority with sufficient time to review the cable operator's response and prepare for cross-examination, discovery should be completed at least one week prior to the hearing.

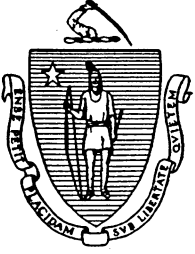
If you have any questions or comments regarding the hearing procedures, please contact me.

Sincerely,



Andrea Nixon
Clerk of the Division

cc: Cable Advisory Committee (with attachments)



COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION

DEPARTMENT OF
TELECOMMUNICATIONS & ENERGY
Cable Television Division

ORDER OF NOTICE

CTV 03-1

Comcast Cable Communications, Inc. ("Comcast") is required to publish the attached legal notice, both by newspaper publication and by cablecasting. G.L. c. 166A, § 15; 207 C.M.R. § 6.05; see also 207 C.M.R. § 2.02. Legal notice shall be published in a newspaper of general circulation serving each of the affected communities.

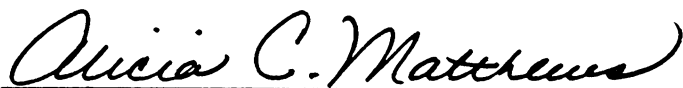
207 C.M.R. § 2.02(1). While our regulations require that legal notice by newspaper publication be provided in two successive weeks, we are able to waive such regulations for good cause. 207 C.M.R. § 2.04. In order to allow appropriate time for intervening parties and the Cable Division to conduct discovery and develop the record, we find it appropriate to require that the first legal notice be provided at this time and the second legal notice be provided 10 days prior to the hearing. Therefore, the first legal notice shall be published no later than Friday, May 23, 2003. The second notice shall be published in early September 2003, and in no event later than Monday, September 8, 2003.

Where the cable operator has cablecasting facilities within its control, legal notice shall be cablecast at least twice a week, on separate days, during each of the two weeks preceding the hearing date at times most likely to reach the maximum viewing audience.

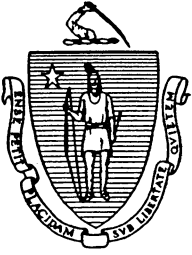
207 C.M.R. § 2.02(2). If the cable operator does not have cablecasting facilities within its control, it shall use its best efforts to cablecast the prescribed notice in conformance with the timeframe set forth above. Id. In addition, Comcast shall provide actual notice to any person who has filed a request for notice with the Company.

Comcast shall provide the Cable Television Division with proof of appropriate notice of the hearing ten days prior to the hearing date. Such proof shall include, at a minimum, a sworn statement that lists the newspaper(s) in which the legal notice appears for each community, the dates of newspaper publication, and the cablecast dates. Any proofs of publication and cablecasting as well as sworn statements will be entered into the record. 207 C.M.R. § 2.02.

By Order of the Cable Television Division


Alicia C. Matthews, Director

Date Issued: May 6, 2003



COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION

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

NOTICE OF PUBLIC HEARING ON CABLE TELEVISION RATES

Comcast Cable Communications, Inc.

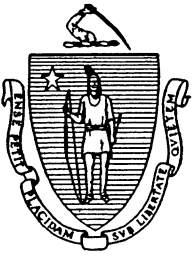
Issued: May 6, 2003

The Cable Television Division ("Cable Division") of the Department of Telecommunications and Energy, pursuant to G.L. c. 166A, § 15, and 207 C.M.R. § 6.03, will hold a public and evidentiary hearing to investigate Comcast Cable Communications, Inc.'s ("Comcast") basic service tier ("BST") programming, equipment, and installation rates. The hearing will be held at the Cable Division's offices, Hearing Room A, One South Station, Boston, Massachusetts, on Tuesday, September 16, 2003, at 10:00 A.M.

At the hearing, the Cable Division will investigate Comcast's Forms 1240 and 1205 submitted March 1, 2003, related to proposed BST programming, equipment, and installation rates in the communities of Acton, Acushnet, Agawam, Amherst, Andover, Ashburnham, Ashland, Attleboro, Avon, Ayer, Barnstable, Bedford, Bellingham, Belmont, Berkley, Bernardston, Beverly, Billerica, Blackstone, Boxborough, Boxford, Braintree, Bridgewater, Brockton, Brookline, Buckland, Burlington, Cambridge, Canton, Carlisle, Chatham, Chelmsford, Chelsea, Chester, Clinton, Cohasset, Concord, Conway, Danvers, Dartmouth, Deerfield, Dennis, Dighton, Dover, Dracut, East Bridgewater, Eastham, Easton, Erving, Everett, Fairhaven, Fall River, Fitchburg, Foxborough, Framingham, Franklin, Freetown, Gardner, Georgetown, Gill, Granby, Granville, Greenfield, Groveland, Hamilton, Hanover, Hanson, Hardwick, Harwich, Hatfield, Haverhill, Hingham, Holbrook, Holliston, Holyoke, Hopedale, Hopkinton, Hudson, Hull, Huntington, Ipswich, Lakeville, Lancaster, Lawrence, Leominster, Lincoln, Littleton, Longmeadow, Lowell, Lunenburg, Lynn, Lynnfield, Malden, Mansfield, Marblehead, Marion, Marlborough, Mattapoisett, Maynard, Medfield, Medford, Medway, Melrose, Mendon, Methuen, Middleborough, Middleton, Milford, Millis, Milton, Monson, Montague, Nahant, Nantucket, Natick, New Bedford, Newbury, Norfolk, North Andover, North Attleborough, North Reading, Northampton, Northfield, Norton, Norwell, Norwood, Orleans, Palmer, Peabody, Pelham, Phillipston, Plainville, Provincetown, Quincy, Randolph, Raynham, Reading, Rehoboth, Revere, Rochester, Rowley, Salem, Saugus, Scituate, Seekonk, Sharon, Shelburne, Sherborn, Somerset, South Hadley, Southwick, Springfield, Stoneham, Stoughton, Stow, Sudbury, Sunderland, Swampscott, Swansea, Taunton, Templeton, Tewksbury, Topsfield, Townsend, Truro, Tyngsborough, Upton, Wakefield, Walpole, Waltham, Ware, Wareham, Warren, Watertown, Wayland, Wellesley, Wellfleet, Wenham, West Bridgewater, West Newbury, West Springfield, Westfield, Westford, Westhampton, Westminster, Weston, Westwood, Weymouth, Whitman, Williamsburg, Wilmington, Winchendon, Winchester, Winthrop, Wrentham, and Yarmouth.

The matter is docketed as CTV 03-1, and is a formal hearing conducted under G.L. c. 30A and 801 C.M.R. § 1.00 et seq. of the Standard Adjudicatory Rules of Practice and Procedure.

Any person who desires to participate in the adjudicatory proceeding concerning Comcast's proposed BST programming, equipment, and installation rates must file a written petition for leave to intervene or to participate in the proceeding with Andrea Nixon, Clerk, Cable Television Division, Department of Telecommunications and Energy, One South Station, Boston, Massachusetts, 02110, not later than the close of business on Monday, June 16, 2003. Receipt by the Cable Division constitutes filing and determines whether a petition has been timely filed. A petition for leave to intervene must satisfy the substantive requirements of 801 C.M.R. § 1.01(9).



COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION

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

NOTICE OF PUBLIC HEARING ON CABLE TELEVISION RATES

Comcast Cable Communications, Inc.

Issued: May 6, 2003, for publication September 2003

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The matter is docketed as CTV 03-1, and is a formal hearing conducted under G.L. c. 30A and 801 C.M.R. § 1.00 et seq. of the Standard Adjudicatory Rules of Practice and Procedure.

S-172

Communication #2

A communication was received from Department of Telecommunications & Energy, Cable Television Division, transmitting notice of a public and evidentiary hearing to investigate the proposed basic service tier programming, equipment, and installation rates for all of the affected communities in Massachusetts currently served by Comcast Cable on September 16, 2003 at One South Station, Boston, MA.

In City Council May 12, 2003

PLACED ON FILE.