



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300
FAX. 349-4307



EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

December 16, 1997

RICHARD C. ROSSI
Deputy City Manager

By Certified Mail

Susan M. Eid, Esquire
Vice President
MediaOne
Riverbend Business Park
6 Campanelli Drive
Andover, Massachusetts 01810-1095

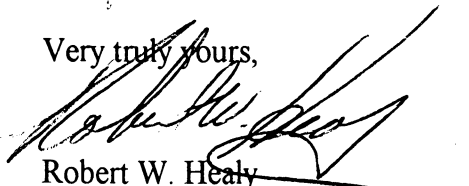
RE: FCC Customer Service Obligations

Dear Ms. Eid:

Pursuant to 47 CFR §76.309 (a), as statutory Issuing Authority, I am hereby giving MediaOne ninety (90) days written notice of my intention to enforce the Customer Service Obligations contained in Section 76.309 (c). I will begin such enforcement ninety (90) days after MediaOne's receipt of this letter. This letter constitutes the required notice pursuant to 47 CFR §76.309 (a).

The City of Cambridge intends to enforce all of the FCC Customer Service Obligations and reserves all of its rights pursuant to 47 CFR §76.309.

Very truly yours,



Robert W. Healy
City Manager

Certified Mail #Z 787 136 366
Return Receipt Requested

cc: City Council
City Solicitor's Office
Peter J. Epstein, Esquire



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300
FAX. 349-4307



EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

December 18, 1997

By Facsimile and
Certified Mail

Mark E. Reilly, Esquire
Director of Government
and Regional Affairs
MediaOne
6 Campanelli Drive
Andover, Ma. 01810

RE: Signal Quality Problems

Dear Mr. Reilly:

I am writing to you in my role as statutory Issuing Authority for the City of Cambridge, regarding signal quality problems in the City. This letter is being sent to you pursuant to Section 14.19 of the Final Cable Television License (the "Final License").

Over the past several months, the City has been receiving complaints from residents about poor signal quality on MediaOne's Cambridge Cable Television System. In some cases, the Cable System has gone "dark" for varying periods of time. I am personally familiar with at least one recent instance in which the cablecast of a regularly-scheduled City Council hearing was interrupted and not received by cable subscribers. In addition, Cambridge subscribers are indicating to the City their overall confusion regarding MediaOne's new line-up and channel locations. Unfortunately, these problems appear to be worsening rather than improving. MediaOne must resolve these signal quality problems immediately.

I believe that MediaOne is in violation of the Final License including, but not limited to, Section 5.13 ("Technical Standards"). In addition, Section 2.9 of the Final License ("Governing Requirements") specifies that MediaOne must comply with all applicable local, state and federal laws and regulations. As a result, as a matter of the Final License and federal law, MediaOne is required to comply with the FCC's Technical Standards, codified at 76 C.F.R. 76.605. Because of the Subscribers Network problems reported by subscribers, it appears that MediaOne is not complying with said Federal License and FCC standards.

Mark E. Reilly, Esquire
December 18, 1997
Page Two

Pursuant to Section 14.19 (a) of the Final License, MediaOne has fourteen (14) days to respond to this letter, either (i) contesting the "default assertion(s)", or (ii) resolving said defaults, and/or taking reasonable steps to do so.

In addition to Section 14.19 referenced above, Section 14.12 of the Final License ("Quality of Service") states that:

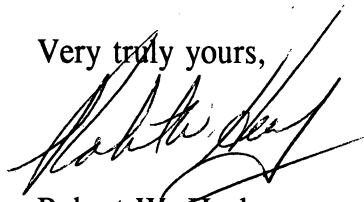
Where there exists substantial evidence, which, in the judgement of the Issuing Authority casts doubt upon the reliability or technical quality of cable service, the Issuing Authority shall have the right and authority to require Licensee to test, analyze, and report on the performance of the System.

Pursuant to Section 14.19, I am hereby requesting such a report to be prepared by MediaOne and submitted to me within thirty (30) days of your receipt of this letter. MediaOne's report should include, at a minimum, all of the information enumerated in Section 14.19 (a)-(e).

Finally, pursuant to Section 4.2 of the Final License ("Maintenance Log"), please provide to me as quickly as possible MediaOne's annual log "...showing the date, approximate time and duration, type and probable cause of all Cable Television System outages, whole or partial, due to causes other than routine testing or maintenance."

Thank you for your prompt attention to these serious signal quality problems affecting cable television subscribers in Cambridge.

Very truly yours,



Robert W. Healy
City Manager

RWH/dls
cc: City Council
Law Department
Peter J. Epstein, Esquire



CAMBRIDGE CONSUMERS' COUNCIL

831 Massachusetts Ave. Cambridge, MA 02139

Tel. (617) 349-6150

349-6153

City Of Cambridge

Paul J. Schlaver
Executive Director

serving the
residents of:

Cambridge
Boston

TO: Robert Healy, City Manager
 FROM: Paul Schlaver, Exec. Director CCC
 DATE: December 16, 1997

RE: Report and Recommendations regarding MEDIA ONE'S Sales and Services
 Practices in Cambridge in Response to Recent City Council Orders

OFFICE OF THE CITY MANAGER

97 DEC 17 AM 11:38

RECEIVED

Background:

Five City Council orders regarding Media One have issued over the past several weeks. Even though some of these might also prompt a response directly from Media One or possible from some other city department, this report will reference all of the Council Orders.

Report:

Two of the Council orders (#019, dated 11/03/97 RE: *Cease the Selling Tactics of Media One and #072, dated 11/17/97 RE: Consumer Protections During the Media One's Home Visits and Sales Presentations*) specifically focused on the city-wide Media One program that called for home visits to cable TV subscribers to conduct "in-home service inspections, (offer) converter exchanges and (make) marketing presentations."

On November 17, 1997, the Consumers' Council sent a letter to the Media One's Manager of Government Affairs with a copy to Media One's Director of Government Affairs and to the Cambridge's Licensing Chair. (*copy attached*) This letter attempted to obtain a written, detailed response to many of the questions and concerns raised by the Consumers' Council, the City Council and the general public concerning the recent activities of Media One in Cambridge. The requested detailed written response was received in a letter dated November 24th. (*copy also attached*)

The Consumers' Council letter to Media One followed the November 13th public forum sponsored by the Cambridge Consumers Advisory Commission that was held at the

Cambridge Senior Center. The Cambridge Cable TV office was present at the November 13th event and has re-broadcasted that lengthy program twice weekly since November 24th. The City Council, the Consumer Advisory Commission and the Consumers' Council staff has tried diligently to convey to this very large, national company that good customer service and community responsiveness is a locally driven activity that cannot be conducted by a corporate marketing office by trying to serve the entire company's customer base in a generic manner.

Media One claims that retraining of anyone doing home visits occurred immediately following the November 13th public forum. It also reported that the additional hiring of telephone personnel greatly reduced the waiting time for customers trying to reach the company. The completion of the digging for and installation of a fiber optic network city-wide as well as Media One's home visit installation campaign is nearing completion. Therefore, some of the requests made to this company via the various City Council Orders are now almost moot points but were certainly heard. The success of these attempts to prompt changed behavior triggered by the City Council, the Consumer Advisory Commission or by the Consumers' Council must be evaluated by reviewing Media One's written response as well as any recent direct feedback that has been received from consumers.

The other three Council Orders (**#071, dated 11/17/97 RE: Legality of Requiring Purchase of the Customer Service Protection Plan ; #074, dated 11/17/97 RE: Obtaining Free Internet Installation from Media One for Cambridge Residents and #033, dated 11/24/97 RE: Request that Media One adds the Food Channel as a Program Choice**) all dealt with questions about the pricing of services or programming choices.

Some specific items that were sought by the Council Orders or in requests from the Consumers' Council received the following Media One's response:

- 1) The 99 cent Customer Service Protection Plan is definitely optional;
- 2) A half-price installation discount (\$50 savings) for Internet service is currently being offered to Cambridge residents as well as to residents of other communities and that no free installation was being offered in some communities and not others;
- 3) The choices and array of channels is not something that will be easily altered or varied upon request from Cambridge Media One customers but input is always welcome;
- 4) Media One will continue to work with the city's Cable TV office and the Consumers' Council to respond to individual complaints and questions;

The Consumers Council believes that the loud wake-up call to Media One was heard. Complaints and questions have lessened in the past three weeks. The Consumers'

Council staff will continue to log any calls and communicate concerns to Media One and when necessary, request a company's response. The Consumers' Council is also now preparing to forward a copy of the various Council Orders, correspondence between that office and Media One and this report, to the **Massachusetts Cable TV Office under the Director of Consumer Affairs and Licensing** and the **Regulated Industries Division of the Attorney General's Office**. The cover letter to those offices will indicate that the City of Cambridge wishes to have them appropriately monitor Media One in an ongoing fashion and would welcome any state agency action deemed appropriate.

Summary:

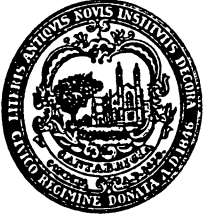
The next month or two will indicate whether or not Media One has fully understood that the City of Cambridge demands better treatment of its citizens. As customers receive their bills following home visits, sign-ups for new packages of programming, the addition of "Smart Boxes" and related services, make attempts to use the 99 cent Protection Plan or add Media Express Internet services, the City will hear from the citizens with problems. If any confusion by customers (as a result of the recent bewildering and allegedly deceptive market tactics) led to an unwanted service or billing problem and it is not properly addressed when that customer calls Media One, the city's Cable TV office, the Consumers' Council or individual city councillors may hear these complaints. This upcoming period of time will be very telling and will demonstrate the success or lack thereof of the City's collective wake-up call to Media One.

Recommendations:

The following list constitutes some recommendations for consideration by the City Manager and City Council in light of the concerns and problems the City of Cambridge has experienced since Media One has become the cable TV provider:

1. **That the Cambridge Consumers' Council and the Consumer Advisory Commission continue to monitor Media One's activities and policies** regarding its customer services and marketing practices so that they might be able to report to the City Manager their findings, periodically.
2. **That a targeted complaint filing mechanism be established** following the procedures already used by the Consumers' Council and the Cable TV office for complaint mediation, and that it be widely advertised. Citizens with Media One complaints about services rendered, billing practices, and programming options should be directed to raise their concerns directly with Media One and if the response is not acceptable to contact one of these two city offices. Publicity about this procedure can be conveyed through the Cable TV announcement mechanism on City channels and the City of Cambridge Web page as well as through the local print media.

3. **That Media One be requested to provide ongoing reports** to the two above listed City of Cambridge offices in the following manner: a) Send copies of advertisement or direct mailings of new marketing programs and promotional offers simultaneously or in advance, if possible, of public dissemination of them; b) Offer quarterly statistical summaries of the number of Cambridge customers of Media One services with some detail as to the packages of services they have; and c) Produce quarterly complaint and resolution statistics. If the current Cable TV Licensing Agreement does not require such reporting information, compliance with this request could still be sought as a “good will response” to the concerns about Media One that have been recently raised.



CAMBRIDGE CONSUMERS' COUNCIL

831 Massachusetts Ave. Cambridge, MA 02139

Tel. (617) 349-6150

349-6153

serving the
residents of:

Cambridge
Boston

City Of Cambridge

Paul J. Schlaver
Executive Director

November 17, 1997

Timothy Murname
Manager of Government Affairs
Media One
330 Billerica Road
Chelmsford MA 01824

Dear Tim,

Thank you for coordinating MediaOne's participating in the Public Forum held last Thursday at the Cambridge Senior Center. I believe the event was a very successful one and certainly accomplished the goal of the Consumer Advisory Commission to provide as much information as possible to Cambridge residents in a consumer-friendly and understandable manner. Many questions were answered and others were raised. Yet it offered an excellent starting point for further dialogue.

I believe that the presence of the cameras from the City Cable TV Office was a real plus and will enable many, many other citizens to view the proceedings and benefit from the information in addition to the fifty people present last week. It is my understanding that the first re-broadcast of the event will be tomorrow night, the 18th at 7:00PM and then again on Thursday at 7:30PM. Tony Shannon intends to continue to re-broadcast it for a few weeks to maximize the dissemination of information prior to any hearing to be held before the Cambridge City Council. I am anxious to view it myself tomorrow night!

As you know I have indicated to you that I felt that this public forum would offer you and your colleagues an excellent opportunity to "feel the pulse" of the Cambridge MediaOne customers in an important additional way than only the direct one-on-one feedback you have been getting from telephone callers or with your quality control efforts regarding home visits. Most importantly, in my estimation, it offered you an opportunity to attempt to "speak to your customers" in a way that would indicate to you how effective or how ineffective your current marketing materials, telephone scripts, and other responses have been. I certainly hope that it gave you and your colleagues "good data and ideas" for the days ahead!

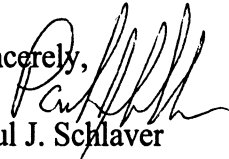
With that in mind, I would like to ask you to write me back with your response to the following questions or issues that emerged last week so that I can report to my Advisory Board and to the City Manager and City Council about the present and

projected state of customer information and services from MediaOne.

1. **Telephone response to consumer inquiries** made directly to MediaOne. What improvements have been occurring (more staff available, etc.) and what is remaining to be done?
2. **The \$.99 Customer Service Protection Plan....**is it optional? Is it clearly explained during an in-home visit or in telephone inquiries? Give me some examples of something covered or not covered and what the financial consequences would be if one did not have the plan in these examples. I just do not think clarity has been achieved on this point as yet.
3. **The current home visit effort** to check equipment, install Smart Boxes, etc. Who is doing them, service personnel or marketing personnel? If they are sub-contractors can they respond to a range of customer questions about service, billing, matters, etc. or only SmartBox and new service questions? Are any service problems found in these visits fixed or is all that really occurs a determination if the present equipment can remain or be switched to the SmartBox and new remote and new services added? If a further service call is needed can the MediaOne person present make those arrangements for the consumer rather than the consumer being told to call and schedule it? Are you making any adjustments following this public meeting or reports you have received about claimed aggressive marketing or deceptive representations about these service visits?
4. Can anything further be said about **channel availability issues** and complaints....i.e. the International Channel, packages available, a la carte' etc.?
5. Does the **SmartBox and its remote** cost extra compare to the box and remote the customer already has? If SmartGuide and Smart Record cost extra, is there any benefit to have the SmartBox and remote if one doesn't want to pay for these other "Smart" features.....or to add any of the additional packages?
6. Have you contacted the consumers that have complained through my office or the attendees at the Thursday meeting seeking further information.
7. Are there any other consumer protection or information actions you plan to implement as a result of the November 13th meeting and other recent complaints or concerns that have been voiced in Cambridge?

I look forward to your response at your earliest convenience and to continue to work with you on any consumer protection or consumer information and education matters that might need addressing. Again, thanks for your excellent effort to make the November 13th event a very successful one!

Sincerely,


Paul J. Schlaver
Executive Director

cc. Mark Reilly, MediaOne
Benjamin Barnes, License Commission



This is Broadband. This is the way.

November 24, 1997

Mr. Paul Schlaver
Executive Director
Cambridge Consumers' Council
831 Massachusetts Avenue
Cambridge, MA 02139

Dear Paul:

Thank you for sponsoring MediaOne's presentation at the Cambridge Senior Center. I hope that you found our presentation informative.

Pursuant to your request, the following addresses the questions raised in your November 17th correspondence. I will address each item in order of inquiry.

1) Telephone Response to Consumer Inquiries

We have instituted an aggressive recruitment, hiring and training program. Since September we have added an additional 150 Customer Care Professionals to the telephones bringing the total to 400 Customer Care Professionals. In addition, we have initiated segmentation of calls(i.e. Billing, Sales, Repair) in order to reduce overall handle time. Average handle time is just under 6 minutes. The average hold time is now around 60 seconds, a tremendous improvement. As a result of these significant efforts we have witnessed dramatic improvements in the quality of customer care.

2) The .99 Customer Service Protection Plan

The Customer Service Protection Plan is an optional service intended to ease the burden of extraneous costs related to service not included in the standard service agreement. As part of this plan our technicians will: Repair and replace all cable wiring (excluding wall fishes), Diagnose TV/VCR Problems, Repair any damaged fittings or equipment installed by MediaOne, VCR/TV Fine Tuning & Programming, Picture in Picture hook-ups, new TV/VCR Installation.

3) In-Home Visits

It is not practical for MediaOne to employ all the personnel necessary to complete the Broadband conversions in our New England Markets. To complete a pace of nearly

330 Billerica Road

(Mr. P. Schlaver p. 2-4)

20,000 appointments per month in constantly changing geographic locations it is necessary to retain Contract Employee services to complete our in-home service inspections, converter exchanges and marketing presentations.

The in-home presentations for the City of Cambridge are conducted by representatives of MediaOne employed by Pinnacle Cable Services of Marlton, NJ. Pinnacle Cable Services has over 30 years experience in delivering contract services to telecommunications providers in both the domestic and international market. MediaOne provides training, management oversight and quality control to ensure that the individuals hired by Pinnacle meet our demanding service standards. Pinnacle Cable services has completed over 6,000 appointments to date and the Massachusetts State Cable Division has forwarded only 3 written complaints to us. Our quality control surveys indicate satisfaction ratings in excess of 94% for all categories to date. We have followed up with all customers that have expressed concerns both from the State and from our meeting last week.

Following our presentation last week, a meeting was held between MediaOne Directors and Pinnacle Cable Services Management to ensure that all employees are aware of the issues that have been raised. As we complete the final phase of appointments in Cambridge, we will continue to ensure the quality control of the appointments schedulers (by telephone) and the representatives sent to the homes to complete the work. We expect all work will be completed prior to mid December.

- ◆ *In addition to delivering our Customer Information Kits, representatives are fully trained and qualified to complete a variety of service problems when in the home. For example: Replacement and connection of Converter Boxes/Remotes*
- ◆ *Fine Tuning of Television/VCR's*
- ◆ *Subjective analysis of picture quality and possible ingress related interference (often corrected by steps listed below)*
- ◆ *Replacement of Jumpers*
- ◆ *Cutting of new RF Fittings*
- ◆ *Installation of new A/B Switches*
- ◆ *Replacement of Splitters*
- ◆ *Reconnection of VCR*
- ◆ *Fine Tuning of VCR*
- ◆ *Customer Education (use of equipment, taping instructions)*
- ◆ *Answer other Customer Inquiries*
- ◆ *Forward unresolved issues to Central Office for follow-up*

(Mr. P. Schlaver p. 3-4)

The representatives will indicate on the written work order if additional follow-up is necessary and MediaOne employees will contact customers to schedule a convenient time to complete the work.

We ask, once again, that any specific claims of misrepresentation be directed immediately to our attention including dates, addresses and contact numbers for our managers to follow through.

4) Channel Availability Issues

Programming decisions are made based on four criteria: Customer Demand, Competitive Landscape, Business factors and Government Mandate. MediaOne carefully weighs each criteria and makes the appropriate decisions regarding program offerings to satisfy the majority of our customers. Issues of concern in Cambridge have been related to international program offerings. Cambridge is afforded a variety of unique channels for PEG and local access which greatly limits MediaOne's ability to offer additional unique forms of programming. As a result of limited channel capacity and to preserve some international offerings MediaOne has combined Tele-Italia and International Channel programming on to MediaOne TV-3.

5) Does SmartBox™ and its remote cost Extra?

MediaOne's SmartBox™ is offered to customers at no additional cost. There are optional services that can be accessed through this converter at an affordable cost. The SmartBox™ allows the customer to easily navigate the significant amount of channel offerings on MediaOne's system. In addition, SmartRecord is an optional service that allows the customer to record a program with their VCR through our on-screen displays.

6) Have you contacted the Customers that have complained through the Cambridge Consumers' Council?

Attached please find the letter of response to Ms. Betsy Dunn. I have forwarded Ellen Watson to MediaOne's Executive Customer Care to respond to her technical issues. Thank your for sharing these concerns with me as it is invaluable in our continued effort for improving customer service.

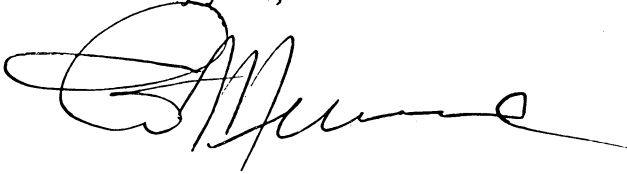
In response to your last inquiry regarding other issues relating to Cambridge. Your letter of November 17th was very comprehensive and covered all areas of concern the City of Cambridge has expressed to my office. I hope there is now greater clarity with regard to the aforementioned issues.

(Mr. P. Schlaver p. 4-4)

Once again, thank you for your concern.

As always, if you have any questions or concerns please do not hesitate to call me.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Timothy G. Murnane". The signature is fluid and cursive, with a large initial "T" and "M".

Timothy G. Murnane
Manager of Government Affairs

cc: Benjamin Barnes, Chair, Cambridge License Commission
Mark Reilly, Esq., Director of Government Affairs and Counsel

PETER J. EPSTEIN

COUNSELLOR AT LAW

101 ARCH STREET, SUITE 900

BOSTON, MASSACHUSETTS 02110-1112

TEL. (617) 951-9909

FAX (617) 951-2819

November 17, 1997

By Facsimile and Mail

Nancy E. Glowa, Esquire
Legal Counsel
City of Cambridge
Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, MA 02139

RE: Cable Television Customer Service

Dear Nancy:

I am responding to your letter, dated November 13, 1997, and our telephone conversation the same day, regarding the City Council's September 29, 1997 Order. The Order looked to improving customer service to Cambridge cable television subscribers. You had asked me to address the matter of "...what state, federal or local statutes or regulations, or the franchise agreement itself, provide in the way of measures to hold MediaOne accountable as to satisfactory customer service." While I am not sure what specific customer service problems may be at issue, there are a number of state and federal statutes and regulations on this matter, as well as Final License provisions, all of which I have discussed below.

FEDERAL REGULATIONS

The Federal Communications Commission's Customer Service Obligations, promulgated in 1993, are codified at codified at 47 CFR 76.309, a copy of which I have enclosed. The Customer Service Obligations create standards for operators to, among other things, answer their telephones within a specified period of time, "honor" previously-scheduled installation visits, etc. In order to enforce those FCC regulations, the Issuing Authority must write to MediaOne informing it of his intention to do so.

To this end, I am enclosing a letter for Mr. Healy, as Issuing Authority, to send to MediaOne, notifying the company that the City of Cambridge intends to enforce the FCC's Customer Service Obligations, after the required ninety (90) day notice period. Note that the FCC regulations specify that the "franchise authority", which is the City Manager, must provide such notice. I have noted that the City will begin to enforce the new regulations 90 days after MediaOne receives the required notice from the Town. The notice must be sent to MediaOne *by certified mail*.

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CITY SOLICITOR'S
OFFICE

Nov 18 10 38 AM '97

STATE REGULATIONS

The Massachusetts Cable Commission has its Billing and Termination of Service regulations at 207 CMR 10.00, a copy of which I have enclosed. Those regulations cover a number of customer service-related matters, including the following broad areas:

- + Notification of Billing Practices;
- + Notification of Services, Rates and Charges;
- + Equipment Notification;
- + Form of Bill;
- + Advance Billing and Issuance of Bill;
- + Billing Due Dates, Delinquency, Late Charges and Termination of Service;
- + Charges for Disconnection or Downgrading of Service;
- + Billing Disputes; and
- + Service Interruptions.

The City should ensure that MediaOne is complying with all of the provisions of 207 CMR 10.00.

CAMBRIDGE FINAL LICENSE

The Cambridge Cable Television Final License (the "Final License") has a number of customer service-related provisions, including Section 12 entitled "Subscriber and User Rights". In general, Section 12.10 ("Complaint Resolution Procedure") (see attached) appears to be the mechanism for the City and MediaOne to resolve outstanding multiple consumer complaints and/or disputes. Note that Section 12.10(c) states that:

In the event the City Manager or his or her designee finds a pattern of multiple unresolved subscriber complaints, the City Manager or his or her designee may order amendments to the Licensee's internal procedure for the resolution of complaints.

To this end, the Issuing Authority could "order" amendments to MediaOne's complaint resolution procedures, depending upon the specific problems encountered.

In addition, Section 14.1 ("General") specifies, in paragraph (c)(ii), that the Issuing Authority has the following "...duties, powers and authority which may be delegated at its discretion:

To receive and investigate complaints regarding substandard service and to initiate any action necessary pursuant to this License or any applicable law or regulation to correct the service deficiencies. (emphasis added)

RECEIVED
CITY SOLICITOR'S
OFFICE

Nov 18 10 38 AM '97

Nancy E. Glowa, Esquire
November 17, 1997
Page Three

While somewhat general, the language in Section 14.1 indicates that the Issuing Authority has the right to "correct service deficiencies". This includes taking any action "...pursuant to applicable law or regulation". (Note that this section also *requires* the Issuing Authority or his designee to hold such performance evaluation hearings *each year of the Final License.*)

Section 14.13 mandates an annual Performance Evaluation Session to review, in general, MediaOne's compliance with the provisions of the Final License. Note that Section 14.13(d) requires that MediaOne shall:

fully cooperate with the City in providing any records, information or other documents as the Issuing Authority or his designee deems relevant for the purposes of conducting any review sessions.

This section sets up a public hearing mechanism for the Issuing Authority to review consumer problems and MediaOne's adherence to the provisions of the Final License.

Finally, Section 14.14 specifies Liquidated Damages for failure to comply with specific Final License provisions. Sub-section (1) creates a liquidated damage of \$2,000.00 per finding of non-compliance for "material non-compliance with the complaint resolution procedures established pursuant to Section 12.10 and/or provisions of the License relating to Subscriber complaints and disputes with the Licensee." The City may want to keep this provision in mind as it reviews the Final License specific customer service provisions and MediaOne's complaint and dispute resolution process.

Please let me know if you have any questions regarding the provisions discussed herein in connection with improving MediaOne's customer service to its Cambridge subscribers.

Very Truly Yours,



Peter J. Epstein

PJE/k
Enclosures

cambcust

RECEIVED
CITY SOLICITOR'S
OFFICE

Nov 18 10 37 AM '97

§76.309 Customer service obligations.

(a) A cable franchise authority may enforce the customer service standards set forth in paragraph (c) of this section against cable operators. The franchise authority must provide affected cable operators ninety (90) days written notice of its intent to enforce the standards.

(b) Nothing in this rule should be construed to prevent or prohibit:

(1) A franchising authority and a cable operator from agreeing to customer service requirements that exceed the standards set forth in paragraph (c) of this section;

(2) A franchising authority from enforcing, through the end of the franchise term, pre-existing customer service requirements that exceed the standards set forth in paragraph (c) of this section and are contained in current franchise agreements;

(3) Any state or any franchising authority from enacting or enforcing any consumer protection law, to the extent not specifically preempted herein; or

(4) The establishment or enforcement of any state or municipal law or regulation concerning customer service that imposes customer service requirements that exceed, or address matters not addressed by the standards set forth in paragraph (c) of this section.

(c) Effective July 1, 1993, a cable operator shall be subject to the following customer service standards:

(1) *Cable system office hours and telephone availability* —

(i) The cable operator will maintain a local, toll-free or collect call telephone access line which will be available to its subscribers 24 hours a day, seven days a week.

(A) Trained company representatives will be available to respond to customer telephone inquiries during normal business hours.

(B) After normal business hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received after normal business hours must be responded to by a trained company representative on the next business day.

(ii) Under normal operating conditions, telephone answer time by a customer representative, including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. These standards shall be met no less than ninety (90) percent of the time under normal operating conditions, measured on a quarterly basis.

(iii) The operator will not be required to acquire equipment or perform surveys to measure compliance with the telephone answering standards above unless an historical record of complaints indicates a clear failure to comply.

(iv) Under normal operating conditions, the customer will receive a busy signal less than three (3) percent of the time.

(v) Customer service center and bill payment locations will be open at least during normal business hours and will be conveniently located.

(2) *Installations, outages and service calls.* Under normal operating conditions, each of the following four standards will be met no less than ninety five (95) percent of the time measured on a quarterly basis:

(i) Standard installations will be performed within seven (7) business days after an order has been placed. "Standard" installations are those that are located up to 125 feet from the existing distribution system.

(ii) Excluding conditions beyond the control of the operator, the cable operator will begin working on "service interruptions" promptly and in no event later than 24 hours after the interruption becomes known. The cable operator must begin actions to correct other service problems the next business day after notification of the service problem.

(iii) The "appointment window" alternatives for installations, service calls, and other installation activities will be either a specific time or, at maximum, a four-hour time block during normal business hours. (The operator may schedule service calls and other installation activities outside of normal business hours for the express convenience of the customer.)

(iv) An operator may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment.

(v) If a cable operator representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer will be contacted. The appointment will be rescheduled, as necessary, at a time which is convenient for the customer.

(3) *Communications between cable operators and cable subscribers* —

(i) Notifications to subscribers —

(A) The cable operator shall provide written information on each of the following areas at the time of installation of service, at least annually to all subscribers, and at any time upon request:

(1) Products and services offered;

(2) Prices and options for programming services and conditions of subscription to programming and other services;

(3) Installation and service maintenance policies;

(4) Instructions on how to use the cable service;

(5) Channel positions programming carried on the system; and,

(6) Billing and complaint procedures, including the address and telephone number of the local franchise authority's cable office.

(B) Customers will be notified of any changes in rates, programming services or channel positions as soon as possible in writing. Notice must be given to subscribers a minimum of thirty (30) days in advance of such changes if the change is within the control of the cable operator. In addition, the cable operator shall notify subscribers thirty (30) days in advance of any significant changes in the other information required by paragraph (c)(3)(i)(A) of this section. Notwithstanding any other provision of Part 76, a cable operator shall not be required to provide prior notice of any rate change that is the result of a regulatory fee, franchise fee, or any other fee, tax, assessment, or charge of any kind imposed by any Federal agency, State, or franchising authority on the transaction between the operator and the subscriber.

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(ii) Billing —

(A) Bills will be clear, concise and understandable. Bills must be fully itemized, with itemizations including, but not limited to, basic and premium service charges and equipment charges. Bills will also clearly delineate all activity during the billing period, including optional charges, rebates and credits.

(B) In case of a billing dispute, the cable operator must respond to a written complaint from a subscriber within 30 days.

(iii) Refunds — Refund checks will be issued promptly, but no later than either —

(A) The customer's next billing cycle following resolution of the request or thirty (30) days, whichever is earlier, or

(B) The return of the equipment supplied by the cable operator if service is terminated.

(iv) Credits — Credits for service will be issued no later than the customer's next billing cycle following the determination that a credit is warranted.

(4) Definitions —

(i) *Normal business hours* — The term "normal business hours" means those hours during which most similar businesses in the community are open to serve customers. In all cases, "normal business hours" must include some evening hours at least one night per week and/or some weekend hours.

(ii) *Normal operating conditions* — The term "normal operating conditions" means those service conditions which are within the control of the cable operator. Those conditions which are not within the control of the cable operator include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions which are ordinarily within the control of the cable operator include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the cable system.

(iii) *Service interruption* — The term "service interruption" means the loss of picture or sound on one or more cable channels.

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207 CMR 10.00: BILLING AND TERMINATION OF SERVICE

Section

- 10.01: Notification of Billing Practices
- 10.02: Notification of Services, Rates and Charges
- 10.03: Equipment Notification
- 10.04: Form of Bill
- 10.05: Advance Billing and Issuance of Bills
- 10.06: Billing Due Dates, Delinquency, Late Charges and Termination of Service
- 10.07: Charges for Disconnection or Downgrading of Service
- 10.08: Billing Disputes
- 10.09: Service Interruptions
- 10.10: Waiver

10.01: Notification of Billing Practices

(1) Every cable television operator shall notify each of its subscribers, in writing, of its billing practices. The notice shall describe the operator's billing practices including but not limited to the following: frequency of billing, time periods upon which billing is based, advance billing practices, security deposit requirements, charges and policies for late payments or returned checks, payment requirements necessary to avoid account delinquency, termination of service procedures, policies relating to the timing of posting of payment, availability of credits or rebates for service interruptions, pay-per-view billing procedures, procedures to be followed to request service deletions including the notice period a subscriber must give to avoid liability for such services and procedures to be followed in the event of a billing dispute.

(2) The cable television operator shall give notice of its billing practices to potential subscribers before a subscription agreement is reached.

(3) A copy of the cable television operator's billing practices notice, work order and sample subscriber bill shall be filed by March 15th of each year with the Commission, the issuing authority, and the company's local office, where they shall be available for public inspection. If an operator amends its billing practices notice, work order or subscriber bill after submitting the annual filing, it shall file copies of the amendments with the Commission, the issuing authority and the company's local office.

(4) 30 days prior to implementing a change of one of its billing practices, the cable television operator shall notify in writing the Commission, the issuing authority and all affected subscribers of the change and include a description of the changed practice.

(5) Statements about billing practices in work orders, marketing, materials and other documents shall be consistent with the billing practices notice.

10.02: Notification of Services, Rates and Charges

(1) Every cable television operator shall provide full disclosure to each of its subscribers, in writing, of all its programming services and rates.

(2) Every cable television operator shall provide full disclosure to each of its subscribers, in writing of its charges for installation, disconnection, downgrades and upgrades, reconnection, additional outlets, and rental, purchase and/or replacement due to damage or theft of equipment or devices used in relation to cable services.

(3) Every cable television operator shall notify each of its subscribers in writing, of the charge, if any, for service visits and under what circumstances such charge will be imposed.

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10.02: continued

(4) The cable television operator shall give notice of its services, rates and charges to potential subscribers before a subscription agreement is reached.

(5) 30 days prior to implementing an increase in one of its rates or charges or a substantial change in the number or type of programming services, the operator shall notify, in writing, the Commission, the issuing authority and all affected subscribers of the change and include a description of the increased rate or charge. The notice shall list the old and new rate or charge and, if applicable, the old and new programming services provided.

(6) A copy of the cable operator's programming services, rates and charges shall be filed by March 15th of each year with the Commission, the issuing authority and the company's local office where it shall be made available for public inspection. If an operator amends its notice after the annual filing, it shall file a copy of the amendment with the Commission, the issuing authority and the company's local office.

(7) Negative Option Billing. A cable operator shall not charge a subscriber for any service or equipment that the subscriber has not affirmatively requested by name. This provision, however, shall not preclude the addition or deletion of a specific program from a service offering, the addition or deletion of specific channels from an existing tier of service, or the restructuring or division of existing tiers of service that do not result in a fundamental change in the nature of an existing service or tier of service provided that such change is otherwise consistent with applicable regulations. A subscriber's failure to refuse a cable operator's proposal to provide such service or equipment is not an affirmative request for service or equipment. A subscriber's affirmative request for service or equipment may be made orally or in writing.

10.03: Equipment Notification

(1) Every cable television operator shall provide each of its subscribers an equipment notice, in writing. The notice shall:

- (a) describe the function of operator-supplied equipment and its interaction with consumer-owned equipment, including but not limited to remote control units, A/B switches, converters, parental control devices and video cassette recorders;
- (b) describe problems, if any, associated with the interaction of operator-supplied equipment with consumer-owned equipment, including but not limited to situations where the use of operator-supplied equipment is incompatible with the use of consumer-owned equipment;
- (c) state the circumstances under which it is necessary to use a separate converter;
- (d) describe the operator's policies regarding ownership of and liability for operator-supplied equipment, including but not limited to, the conditions under which the equipment may be leased or sold to subscribers, and policies related to damaged, stolen or lost operator-supplied equipment; and
- (e) inform subscribers of the circumstances under which they may or may not modify operator-supplied equipment.

(2) The cable television operator shall give notice in writing of its policies and practices regarding equipment to potential subscribers before a subscription agreement is reached and annually to all existing subscribers.

(3) 30 days prior to changing one of its policies and/or practices regarding equipment, the cable television operator shall notify, in writing, the Commission, the issuing authority and all affected subscribers of the change, including a description of the changed policy and/or practice.

(4) A copy of the cable television operator's equipment notice shall be filed by March 15th of each year with the Commission, the issuing authority, and the company's local office, where it shall be available for public inspection. If an operator amends its equipment notice, it shall file a copy of the amendment with the Commission, the issuing authority and the company's local office.

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10.04: Form of Bill

- (1) The bill shall contain the following information in clear, concise and understandable language and format:
- (a) the name and local address of the cable television operator;
 - (b) the period of time over which each chargeable service is billed including prorated periods as a result of establishment and termination of service;
 - (c) the date on which individually chargeable services were rendered;
 - (d) Bills must be fully itemized, showing each rate or charge levied. Itemizations shall include, but not be limited to, basic, premium service and equipment charges, as well as any unit or per item charges. Bills will also clearly delineate all activity during the billing period, including optional charges, rebates and credits. Itemizations shall include total pay-per-view charges, if any, incurred during the billing period, the number of events viewed in each price category, the program price and the titles of all pay-per-view events purchased during the billing period;
 - (e) the amount of the bill for the current billing period, separate from any balance due;
 - (f) any applicable credits and the dates on which they were applied;
 - (g) the operator's local telephone number and a statement that the subscriber may call this number with any questions or complaints about the bill or to obtain a description of a subscriber's rights under 207 CMR 10.08 in the event of a billing dispute; and
 - (h) the date on which payment is due from the subscriber.
- (2) Cable operators may identify as a separate line item of each regular subscriber bill the following:
- (a) The amount of the total bill assessed as a franchise fee and the identity of the franchising authority to whom the fee is paid;
 - (b) The amount of the total bill assessed to satisfy any requirements imposed on the cable operator by the franchise agreement to support public, educational, or governmental channels or the use of such channels;
 - (c) The amount of any other fee, tax, assessment, or charge of any kind imposed by any governmental authority on the transaction between the operator and the subscriber. In order for a governmental fee or assessment to be separately identified under 207 CMR 10.04, it must be directly imposed by a governmental body on a transaction between a subscriber and an operator.
- (3) (a) The charge identified on the subscriber bill as the total charge for cable service should include all fees and costs itemized according to 207 CMR 10.04. Cable operators shall not identify costs as separate costs over and above the amount the cable operator charges a subscriber for cable service, but the cable operator may include, as an explanatory legend on the bill, those costs described in the Communications Act as amended by the Cable Television Consumer Protection and Competition Act of 1992, 47 USC § 521 *et seq.*, at 47 USC § 622(c).
- (b) If an operator itemizes any cost, other than those specifically allowed by 47 USC § 622(c), the operator shall not selectively itemize costs.
 - (c) All itemized costs shall be direct and verifiable. Each cable operator shall maintain a document in its public file which shall be available upon request, that provides the accounting justification for all itemized costs appearing on the bill.

10.05: Advance Billing and Issuance of Bill

- (1) In the absence of a license provision further limiting the period of advance billing, a cable operator may, under uniform nondiscriminatory terms and conditions, require payment not more than two months prior to the last day of a service period. Upon petition by an operator, the Commission may waive this provision in a given municipality as it applies to seasonal residents upon a showing that it serves the public interest to do so.
- (2) Nothing in 207 CMR 10.05 shall prevent a cable subscriber from voluntarily offering or a cable operator from accepting payments in advance for periods greater than two months. A cable operator who voluntarily accepts advance payments for periods greater than two months may not pass along subsequent rate increases during the period of advance payments without the subscriber's prior agreement to be subject to such rate increases.

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10.05: continued

- (3) Upon request, a cable television operator shall provide subscribers with a written statement of account for each billing period and a final bill at the time of disconnection.
- (4) A waiver of the provisions of 207 CMR 10.05 does not constitute a waiver of 207 CMR 9.00, security deposit regulations.

10.06: Billing Due Dates, Delinquency, Late Charges and Termination of Service

- (1) Payment is due from the subscriber on the due date marked on the bill, which shall be a date certain and in no case a statement that the bill is due upon receipt. The due date shall not be less than five business days following the date of the mailing of the bill.
- (2) The account of a cable television subscriber shall not be considered delinquent until at least 30 days have elapsed from the due date of the bill and payment has not been received by the company.
- (3) The following provisions shall apply to the imposition of late charges on subscribers:
 - (a) A cable television operator shall not impose a late charge on a subscriber unless a subscriber is delinquent, the operator has given the subscriber a written late charge notice in a clear and conspicuous manner, and the subscriber has been given at least eight business days from the date of delinquency to pay the balance due.
 - (b) A charge of not more than 5% of the balance due may be imposed as a one-time late charge.
 - (c) No late charge may be assessed on the amount of a bill in dispute.
- (4) A cable television operator shall not terminate a subscriber's service unless the subscriber is delinquent, the cable operator has given the subscriber a separate written notice of termination in a clear and conspicuous manner, and the subscriber has been given at least eight business days from the mailing of the notice of termination to pay the balance due. A notice of termination shall not be mailed to subscribers until after the date of delinquency.
- (5) A cable television operator shall not assess a late charge on a bill or discontinue a subscriber's cable television service solely because of the nonpayment of the disputed portion of a bill during the period established by 207 CMR 10.08(1) for registration of a complaint with the operator or during the process of a dispute resolution mechanism recognized under 207 CMR 10.08.
- (6) Any charge for returned checks shall be reasonably related to the costs incurred by the cable company in processing such checks.

10.07: Charges for Disconnection or Downgrading of Service

- (1) A cable television operator may impose a charge reasonably related to the cost incurred for a downgrade of service, except that no such charge may be imposed when:
 - (a) A subscriber requests total disconnection from cable service; or
 - (b) A subscriber requests the downgrade within the thirty (30) day period following the notice of a rate increase or a substantial change in the number or type of programming services relative to the service(s) in question.
- (2) If a subscriber requests disconnection from cable television service prior to the effective date of an increase in rates, the subscriber shall not be charged the increased rate if the cable television operator fails to disconnect service prior to the effective date. Any subscriber who has paid in advance for the next billing period and who requests disconnection from service shall receive a prorated refund of any amounts paid in advance.

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10.08: Billing Disputes

- (1) Every cable television operator shall establish procedures for prompt investigation of any billing dispute registered by a subscriber. The procedure shall provide at least 30 days from the due date of the bill for the subscriber to register a complaint. The cable television operator shall notify the subscriber of the result of its investigation and give an explanation for its decision within 15 working days of receipt of the complaint.
- (2) The subscriber shall remit the undisputed portion of the bill. Failure to remit said undisputed portion shall cause the subscriber to forfeit any rights under this section.
- (3) Any subscriber in disagreement with the results of the cable television operator's investigation shall promptly inquire about and take advantage of any complaint resolution mechanism, formal or informal, available under the license or through the issuing authority before the Commission may accept a petition filed under 207 CMR 10.08(4).
- (4) Should the dispute remain unresolved following recourse to the procedures outlined in 207 CMR 10.08(1) and (3), within 30 days of final action under those subsections either the subscriber or the cable television operator may petition the Commission, on forms provided by the Commission, for resolution of disputes involving amounts of \$400.00 or less. Final action under 207 CMR 10.08(3) shall be deemed to have occurred thirty (30) days after the filing of a complaint.
- (5) Upon receipt of a petition, the Commission may proceed to resolve the dispute if all parties agree to submit the dispute to the Commission and be bound by the Commission's decision, and the Commission obtains a statement signed by the parties indicating that agreement. In resolving the dispute, the Commission may receive either written or oral statements from the parties, and may conduct its own investigation as it deems necessary. The Commission shall make a decision based on the record and the parties shall receive written notification of the decision and a statement of reasons therefor.

10.09: Service Interruptions

- (1) Every cable television operator shall grant a pro rata credit or rebate to any subscriber whose entire cable service is interrupted for 24 or more consecutive hours, if the interruption was not caused by the subscriber and the cable television operator knew or should have known of the service interruption.
- (2) If an entire tier or premium service of a subscriber's cable service is interrupted for 24 or more consecutive hours, the cable television operator shall provide a pro rata credit or rebate for each tier or premium service interruption as provided in 207 CMR 10.09(1).

10.10: Waiver

Upon receipt of a request from an issuing authority, the Commission may waive particular provisions in 207 CMR 10.00 if it finds that such a waiver is in the public interest and for good cause shown.

REGULATORY AUTHORITY

207 CMR 10.00: 47 U.S.C. § 552, M.G.L. c. 166A, §§ 2A, 3, 5(1), 10, 16 and 17.

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SECTION 12. SUBSCRIBER AND USER RIGHTS

and logged by the Licensee or when the Licensee has actual or constructive notice of the interruption.

- d. Licensee shall maintain records of all major outages. Such records shall indicate the estimated number of subscribers affected, the date and time service was restored, the cause of the outage and a description of the corrective action taken. Such records shall be available to the City during normal business hours and retained in Licensee's files for not less than three (3) years. A statistical summary of such records shall be prepared by Licensee and submitted to the City annually.

12.10 Complaint Resolution Procedure:

- a. Licensee shall establish an internal procedure for the final resolution of billing disputes and complaints by Subscribers. Licensee shall submit a written description of this procedure to the City within five months prior to System Activation.
- b. Notwithstanding the foregoing, the City Manager or his or her designee, if he or she determines it to be in the public interest, may investigate and adjust, settle or compromise any multiple complaints or disputes brought by Subscribers arising from the operations of the Licensee, provided the Subscribers make a good faith effort to comply with the Licensee's internal procedure specified in paragraph a for the resolution of complaints. Prior to any investigation, adjustment settlement or compromise by the Issuing Authority, the Issuing Authority shall consult and confer with representatives of the Licensee and the Subscribers. No adjustment, settlement or compromise ordered by the City Manager or his or her designee shall be contrary to the provisions of the License.
- c. In the event the City Manager or his or her designee finds a pattern of multiple unresolved subscriber complaints, the City Manager or his or her designee may order amendments to the Licensee's internal procedure for the resolution of complaints.

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This is Broadband. This is the way.

December 2, 1997

Mr. Robert W. Healy
City Manager
City of Cambridge
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Mr. Healy:

I am in receipt of your November 19, 1997 correspondence which included a copy of Council Order Seventy-two (72) pertaining to MediaOne in-home presentations.

As you know, MediaOne is currently upgrading the City of Cambridge to a Hybrid Fiber Coax (HFC) system. This state-of-the-art network enables customers to access the variety of new services offered by MediaOne. As part of our conversion plan we have developed in-home presentations for our customers to assess their equipment and explain our new services.

MediaOne's in-home presentations for the City of Cambridge are conducted by Representatives of MediaOne employed by Pinnacle Cable Services of Marlton, NJ. Pinnacle Cable Services has over 30 years on experience in delivering contract services to telecommunications providers in both the domestic and international market. MediaOne provides training, management oversight and quality control to ensure that the individuals hired by Pinnacle meet our demanding service standards. Pinnacle Cable services has completed over 6,000 appointments to date and the Massachusetts State Cable Commission has forwarded only 3 written complaints to us. Our quality controls surveys indicate satisfaction ratings in excess of 94% for all categories to date. We have followed up with all customers that have expressed concerns both from the State and from inquiries to my office.

Following a presentation sponsored by the Cambridge Consumers' Council, a meeting was held between MediaOne Directors and Pinnacle Cable Services Management to ensure that all employees are aware of the issues that have been raised. As we complete the final phase of appointments in Cambridge, we will continue to ensure the quality control of the appointments schedulers (by telephone) and the representatives sent to the homes to complete the work. We expect all work will be completed by mid December.

330 Billerica Road

Chelmsford, MA 01824-4193

In addition to delivering our Customer Information Kits, representatives are fully trained and qualified to complete a variety of service problems when in the home. For example:

- ◆ Replacement and connection of Converter Boxes/Remotes
- ◆ Fine Tuning of Television/VCR's
- ◆ Subjective analysis of picture quality and possible ingress related interference (often corrected by steps listed below)
- ◆ Replacement of Jumpers
- ◆ Cutting of new RF Fittings
- ◆ Installation of new A/B Switches
- ◆ Replacement of Splitters
- ◆ Reconnection of VCR
- ◆ Fine Tuning of VCR
- ◆ Customer Education (use of equipment, taping instructions)
- ◆ Answer other Customer Inquiries
- ◆ Forward unresolved issues to Central Office for follow-up

In regards to the Council's inquiry pertaining to fee arrangements for MediaOne representatives; if additional services are acquired by a customer the MediaOne representative will be compensated. However, our representatives are compensated whether the customer adds new services or not. Also, our representatives will indicate on the written work order if additional follow-up is necessary and MediaOne employees will contact customers to schedule a convenient time to complete work.

We ask, once again, that any specific claims of misrepresentation be directed immediately to our attention including dates, addresses and contact numbers for our managers to follow through.

I hope you find this correspondence clarifies the issues raised by the Council. Please do not hesitate to contact me if you have further questions.

Sincerely yours,



Timothy G. Murnane
Manager of Government Affairs

cc: Mark Reilly, Esq., Director of Government Affairs & Counsel



This is Broadband. This is the way.

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97 NOV - 7 AM 10:00
OFFICE OF THE CITY MANAGER

October 30, 1997

Mr. Robert W. Healy
City Manager
City of Cambridge
Cambridge, MA 02139

Dear Mr. Healy:

I am in receipt of your October 22, 1997 correspondence pertaining to Council Order(s) seventy eight (78) and eighty six (86); both pertaining to MediaOne programming.

As you probably know, MediaOne provides a great deal of international programming for the Cambridge community today. Recently, in an effort to accommodate the subscriber demand for additional programming, we added a number of channels to the Cambridge line-up including new programming services such as: The History Channel, Sci-Fi Channel, Classic Sports, Comedy, Cartoon Network, Starz!, Encore, and fXM. Additions to our standard service package include: The Golf Channel, SpeedVision, Fox News and the former premium channel American Movie Classics (AMC).

While adding these new services, we preserved as much of the existing international programming as we could. As a result, MediaOne combined International Channel programming and Tele-Italia (RAI) programming with our local community programming on MediaOne TV-3. Significant effort was made to maintain the ethnic diversity of both channels while meeting the demands for a wide array of international programming. At present, MediaOne offers more than 30 international offerings on its community television station (MediaOneTV3) to the Cambridge community. *Those International offerings include:*

- | | | |
|-----------------------------|-----------------------------------|-----------------------------|
| <i>French Film Festival</i> | <i>International Music Videos</i> | <i>Cambodian Drama</i> |
| <i>Tele Italia</i> | <i>Armenian Programming</i> | <i>Mandarin Programming</i> |
| <i>Farsi Programming</i> | <i>Japanese Animation</i> | <i>Japanese Drama</i> |
| <i>Korean Programming</i> | <i>Eastern European Cinema</i> | <i>Tango(Spanish)</i> |
| <i>Jewish News</i> | <i>Islam</i> | <i>Hmong Variety</i> |
| <i>German Variety</i> | <i>German News</i> | <i>Arabic Programming</i> |
| <i>Scandinavian News</i> | <i>Korean Variety</i> | <i>Korean News</i> |
| <i>Taiwan News</i> | <i>Hungarian</i> | <i>Russian</i> |
| <i>French Culture</i> | <i>French News</i> | <i>Greek News</i> |
| <i>Cantonese Drama/News</i> | <i>Philippine News</i> | <i>Tagalog Drama</i> |
| <i>Asia Business News</i> | <i>Hindi</i> | <i>Romanian News</i> |
| <i>Polish News</i> | <i>Cantonese Movie</i> | <i>Thai Variety</i> |

330 Billerica Road

Chelmsford, MA 01824-4193

Page (2-2)

Pursuant to your request, we would be happy to review with you the current program offerings in relation to international programming and discuss possible changes. Thank you for your input on this matter.

Please do not hesitate to contact me if you have any questions at (508) 848-5042.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Murnane", with a large, stylized initial "T" and a long horizontal flourish extending to the left.

Timothy G. Murnane
Manager of Government Affairs

cc: Mark Reilly, Esq., Director of Government Affairs and Counsel



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139



17.

TEL 349-4300
FAX 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

December 22, 1997

To the Honorable, the City Council:

In response to Awaiting Reports #8, #9, #10, #19 and #21 regarding: how the City regulates and implements fees for use of the City's infrastructure by telecommunications companies (cable, phone, data, etc.); information on switching boxes on utility poles that Media One is erecting; an analysis of the current franchise agreement with Media One with regard to customer service issues; and the cut backs of Italian Programming that appears on the RAI USA Channel; I am submitting the following report.

(1) Customer Service: On December 16, 1997, I placed MediaOne on written notice of my intention to enforce the Federal Communications Commission's Customer Service Obligations; these obligations contain standards for operators to, among other things, answer their telephones within a specified period of time. In order to enforce this regulation, the Issuing Authority must write to MediaOne informing it of its intention to do so. I also placed MediaOne on written notice of my intention to enforce provisions of the Final Cable Television License as it relates to signal quality problems in the city. I have attached the letters to MediaOne as well as a legal opinion received from Peter Epstein regarding measures to hold MediaOne accountable as to satisfactory customer service.

For further information on a number of cable-related customer service issues including MediaOne's sales and service issues, please see the attached report from Paul Schlaver, Executive Director for the Cambridge Consumers' Council. Also, I have attached a letter received from MediaOne regarding its in-home presentations.

The MediaOne response on the Tele-Italia (RAI) programming (attached) was sent back to the City Manager because of the City Council's displeasure with MediaOne on its non-responsiveness to Council Orders. The Council requested information as to the steps the City can take against MediaOne, and inquired about the annual performance review. I would like to refer the City Council to the Peter Epstein response referenced above. In addition, please be advised that the annual performance review of MediaOne

will be held in January, 1998. A public hearing will be held as a part of this review; additional information on the review will be forthcoming.

(2) How the City Regulates and Implements Fees for Use of the City's Infrastructure by Cable and Phone Companies: The Pole and Conduit Commission, under the authority granted to it by MGL c. 166 and Chapter 15.16 of the Cambridge Municipal Code, has the power to impose fees as needed to defray costs of regulating pole and conduit applications.

Fees at present are \$110.00 for each application by the utility company submitted to the License Commission office. In addition, the Public Works Department assesses a SPOF (Street Pavement Offset Fund) fee which incorporates a fee for cuts made in the street or sidewalk for replacement of the street or sidewalk, of \$2.00 a square foot. If certain cuts are wider than 7 ½ ft., then a fee for half or all of the street is charged to the utility company. Public Works also assesses a street opening permit fee.

Pole and Conduit hearings take place on the third Thursday of each month at 10:00 a.m. Applicant utility companies are required to notify each assessed abutter to the conduit, pole or box of the hearing. Agendas are sent to each City Councillor, the City Manager, all City Departments, neighborhood groups and interested parties who request to be on the mailing list.

Note: The City has retained a consultant, the Law Firm of Peter Epstein in partnership with the Telecommunications Insight Group, to assist the city in the cable refranchising process and in the development of a Telecommunications Plan. This plan will include a review of the City's policies and authority with regards to the fees it can charge for use of the City's infrastructure by telecommunications companies

(3) Switching Boxes on Utility Poles: The power supplies attached to the utility poles at various locations throughout the city are an integral part of the video and data network system. The power supply enhances signal loss that is sent from the head end or originating point, and restores the losses in signal to allow for optimal video and data transmission to each of the customers to be served in any node. Unlike telephone circuits where one circuit feeds on telephone, a Cable TV circuit or node services more than one customer at a time and is vulnerable to line losses which decrease signal strength, thus requiring power supplies.

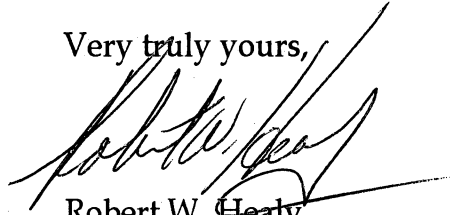
The power supplies being installed are a new type necessary to the enhanced uses of the existing network, and allow for standby power where batteries are used within the power supply to continue usage during short term power losses from the local utility. Power supplies have been in use as long as we have had Cable TV, and in most cases, are being replaced by the new power supplies. The location of the power supplies is dependent on the area of the node being supplied, and the number of nodes within the entire system. Most of the original power supplies now in use will be removed after the new power supplies are on-line.

The size of the cabinets are pre-set by the need to place the components and batteries inside. Air space is needed to circulate around the batteries. Brackets are fastened to the pole by bolts through the pole and the cabinets are attached to the brackets according to common utility practices. The color of the cabinets has changed over the past few years from a light gray to a lime green, and now to an olive green to blend in with the greenery of the area.

MediaOne is upgrading the entire city and has planned a phased-in program over a period of four months. The Pole and Conduit Commission advertised these phases in the *Cambridge Chronicle*, *the Tab* and on Cable TV, listing all streets to be upgraded. This involved 85 power supplies and 62 nodes. The phased-in program was placed on the Pole and Conduit Commission agenda.

These issues will also be considered in the context of the development of the Telecommunications Plan.

Very truly yours,



Robert W. Healy
City Manager

cc: Peter Epstein

Attachments: Letters to MediaOne regarding its FCC Customer Service Obligations
11/17/97 Epstein Letter regarding Customer Service
12/16/97 Cambridge Consumer Council Report
12/2/97 MediaOne letter on In-Home Presentations
MediaOne report on Tele-Italia (RAI) programming

Consent Agenda #17

S-788

Relative to Awaiting Report Item Numbers
Eight, Nine, Ten, Nineten and Twenty-one,
regarding Cable issues.

In City Council December 22, 1997

Referred to the
Cable TV
Committee

Copy sent
12-24-97
mr