

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 6101

Petitions for renewal of Certificates of Public)
Good held by Mountain Cable Company and)
Better TV of Bennington, Inc., both d/b/a)
Adelphia Cable Communications

Order entered: 3/9/99

**PROCEDURAL ORDER AND NOTICE OF
ADDITIONAL PUBLIC HEARINGS**

Four parties¹ to this docket have requested a further extension to the timetable. No party has objected to an extension. I will, therefore, grant an extension of one month to the schedule through the filing date for Reply Briefs. This case does, after all, have a time constraint: the Certificates in question expire December 19 of this year. Further extensions will begin to erode the time available for the Board and its staff to produce a final order.

Revised Schedule as of March 3, 1999

Date	Event
10/16/98 – 2/1/99	DPS and Intervenors conduct discovery on Adelphia with 15-day turn-around
11/1 – 3/15/99	Public hearings around the state and/or via Vermont Interactive TV
4/26/99	DPS and Intervenor Testimony due
3/22 – 5/17/99	Adelphia discovery on DPS and Intervenors with 15-day turn-around
6/1/99	Adelphia Rebuttal due
early June 99	Technical hearings (DPS and Intervenor Surrebuttal live)
7/16/99	Briefs due

1. The Vermont Department of Public Service, Catamount Access Television Corporation, the Southwest Vermont Supervisory Union, and the Town of Bennington.

Date	Event
7/30/99	Reply briefs due
8/30/99	Proposal for Decision
9/15/99	Comments on Proposal due

Additional Public Hearings

In addition, the Department of Public Service has asked that the Board schedule additional public hearings in Montpelier and Rutland, because of problems with notice to customers in those counties for the hearings already held via Vermont Interactive Television. Pursuant to 30 V.S.A. Sections 8, 10, 203, 504, 506 and 47 U.S.C. Section 546, a **PUBLIC HEARING** will be held on **Tuesday, April 13, 1999**, commencing at **7:00 P.M.**, at the Cafeteria of Rutland Intermediate School, located on Library Avenue, in **Rutland**, Vermont, and a **PUBLIC HEARING** will be held on **Wednesday, April 14, 1999**, commencing at **7:00 P.M.**, at the Cafeteria of Montpelier High School, located on Green Mountain Drive, in **Montpelier**, Vermont.

Briefing of Additional Issues

Over the course of four recent evenings spent listening to public comments and questions concerning this proceeding, several important issues have been raised that would be better explored sooner rather than later. The answers to some of these questions will strongly influence the course of the evidentiary phase of this case.

! Are Adelpia's rates in Vermont higher than its rates for comparable service in other states? If so, why?

! Is 15 homes per mile, as used in the "Newfane Formula," still a reasonable parameter? Is the Newfane Formula still reasonable? Is it reasonable (if true) that Adelpia calculates this formula using plant miles rather than odometer miles?

! How difficult would it be to interconnect the schools using Channel 9 with those using Channel 17? Is there an easy or inexpensive way to accomplish this interconnection?

! C-Span is held out as a "gift from the cable industry," but it seems to be a channel counted in the rate calculations. Why? And why is C-Span not carried in basic?

! What is the history of FM radio carriage in the Adelphia systems, and when did it stop?

! What is the Board's authority concerning non-television services? Will we regulate the provision of internet connectivity? Can connectivity considerations affect the renewal process?

! The schools apparently desire connectivity that would represent a significant portion of the bandwidth of the cable system. Is there some way that the schools and/or the municipalities could arrange to purchase this bandwidth? With Adelphia's expertise and plant in place, it might well be less expensive for Adelphia to build a PEG network that would be mostly funded out of public revenues, rather than the public entities creating their own more-or-less compatible networks as the need arises. Have the PEG Access parties explored this possibility with Adelphia?

! Will non-television services like PowerLink be included in the calculation of gross revenues for tax and access funding purposes?

All of these issues should be explored before we complete the technical hearings in this case. I suggest that each party brief whichever issues it wishes to address and that those briefs be filed on the date that DPS and intervenor testimony is due, that is, on April 26, 1999, with reply briefs due at the same time as the Adelphia rebuttal testimony, June 1, 1999.

SO ORDERED.

DATED at Montpelier, Vermont, this 9th day of March, 1999.

s/ John P. Bentley
John P. Bentley, Esq.
Hearing Officer

OFFICE OF THE CLERK

FILED: MARCH 9, 1999

ATTEST: s/ Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board of any technical errors, in order that any necessary corrections may be made.