

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket Nos. 6117/6118/6119 )  
)  
Tariff filing of Mountain Cable Company d/b/a )  
Adelphia Cable Communications for an increase )  
in rates and other revisions to its tariffs, to take )  
effect August 1, 1998 )  
)  
Tariff filing of Better TV, Inc. of Bennington )  
d/b/a Adelphia Cable Communications for an )  
increase in rates, to take effect August 1, 1998 )  
)  
Tariff filing of Youngs Cable TV Corp. for an )  
increase in rates, to take effect August 1, 1998 )

Order entered: 02/23/99

**REPORT AND RECOMMENDATION**

On May 1, 1998, Mountain Cable Company d/b/a Adelphia Cable Communications ("Adelphia" or "Company") filed with the Public Service Board FCC Forms 1205 and 1240 in support of its notice to the Board of the Company's proposal to increase its rates, effective August 1, 1998. On June 15, 1998, Adelphia filed revised tariffs to reflect the proposed rate changes. An amendment to the tariff filing was made on July 7, 1998. The Company also filed FCC Form 1235 to reflect the Company's desire for pre-approval of network upgrade costs. Pursuant to the recommendation of the Department of Public Service (the "DPS") the Board opened an investigation into the rate filings on July 23, 1998.

On January 15, 1999, Adelphia filed amended FCC Forms 1240 and 1235. The amendments reflected both updates of information not available for the May 1 filing, and corrections to calculations that were suggested by the prefiled testimony of the DPS's witness. Both types of revision led to either no change or a decrease in the indicated maximum permissible rate. Since the Company put the rate increases into effect on August 1, 1998, the amendment of the supporting documents has caused the Company to propose a refund of any differences between rates collected and those arrived at through the amended forms.

The amended forms would appear to constitute a revision to the supporting evidence in a rate case within the meaning of 30 V.S.A. § 225, and may be allowed into the record only with the approval of the Board. On February 12, 1999, the DPS filed a letter stating that it does not oppose the amended filings, which were admitted into evidence at the technical hearing in this case on January 26, 1999.

I recommend that the amendments to the filings by the Company be allowed, and that the reduced rates and refunds be permitted to take effect. It should be carefully noted that the allowance of amendments that relate back to the original filing cannot be construed as approval of the rates themselves, which are still the subject of these three dockets. The Company is merely acknowledging that it was not entitled to all the money it collected, and is returning it. This does not mean that it is entitled to the rest of the money. As the DPS points out, this also should not be seen as a precedent that would permit changes to Adelpia's rates more often than annually.

This proposed decision has not been served upon the parties pursuant to 3 V.S.A. § 811 because it is not adverse to the interest of either of them.

DATED at Montpelier, Vermont, this 23rd day of February, 1999.

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

**ORDER**

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that:

1. The recommendation of the Hearing Officer in this case is accepted.
2. The amended supporting documents filed in these cases, being FCC Forms 1240 and 1235, are allowed pursuant to 30 V.S.A. § 225 and the Company may implement the indicated reductions and refunds as proposed, effective March 1, 1999.

DATED at Montpelier, Vermont, this 23rd day of February, 1999.

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OFFICE OF THE CLERK

Filed: February 23, 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.*