

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 6166

Petition of Jeffersonville Cable TV Corporation    )  
for renewal of its Certificate of Public Good        )

Order entered: 12/20/99

BACKGROUND

On November 5, 1998, the Board opened an investigation into whether the Certificate of Public Good ("CPG") held by Jeffersonville Cable TV Corporation ("Jeffersonville") to serve the Town of Cambridge, Vermont, ought to be renewed. At a prehearing conference held on November 13, 1998, Jeffersonville and the Vermont Department of Public Service ("Department") agreed on the outline of a procedure to be followed in the investigation. Pursuant to that procedure, on January 15, 1999, Jeffersonville filed its completed application for renewal. A public hearing was held in Jeffersonville, Vermont, for the purpose of hearing public comment on the past performance of the system and future expectations of the customers. Further consideration of the case was then postponed at the request of the parties, both to allow time for negotiation and because of the press of other cable cases on the resources of the Department.

On December 8, 1999, a Stipulation and Agreement and a Proposed Renewed Certificate of Public Good were jointly filed by the parties. The Stipulation and Agreement provides that the Board may issue an order and a renewed CPG without a hearing and without opportunity for comment by parties, so long as both are materially consistent with the Stipulation and Agreement and with the Proposed Renewed Certificate of Public Good. The following proposed decision is consistent with the documents filed by the parties; in addition, it makes note of procedural occurrences and undisputed facts that support the underlying conclusion that renewal of Jeffersonville's CPG will promote the general good of the state.

FINDINGS OF FACT

1. Jeffersonville Cable TV Corporation currently operates a cable television system in the more heavily settled portions of the Town of Cambridge extending from the village of Jeffersonville to the east, west, and south. Petition exhibit A.

2. The Jeffersonville system serves approximately 300 customers. Customers receive 22 channels, including one channel designated for public, educational, and governmental access, at a rate of \$18.63 per month, plus they may separately subscribe to HBO at an additional fee. Petition exhibit G.

3. The adjoining or nearby Towns of Fairfax, Fletcher, Waterville, Johnson, and Underhill are either unserved or only partly served. It is unlikely, because of the low population density of these areas, as well as mountainous terrain separating them from other cable system service areas, that they will ever be served by any company other than Jeffersonville. Therefore, Jeffersonville has agreed to apply for a CPG to serve those towns and unserved areas, with the understanding that they will only be served as line extensions from the existing systems, and then only when those line extensions will meet Jeffersonville's tariffed line extension policy. *See generally* Board records of cable service areas; Stipulation at ¶ 4.

4. Comments by the public at the public hearing were generally very favorable about the company and its operating personnel. See transcript of 4/28/99 generally.

5. No person has come forward to offer a negative viewpoint toward the renewal of the CPG, nor to deny the truth of the representations in the application for renewal. Based upon those un rebutted representations, I find that the system has been operated and will likely continue to be operated in a manner consistent with 30 V.S.A. § 504 and with 47 U.S.C. 546, and that renewal of Jeffersonville's CPG will promote the general good of the state.

CONCLUSION

I conclude that the CPG of Jeffersonville ought to be renewed on the terms set forth in the accompanying proposed Certificate, which is identical in substance and consistent in form with that submitted by the parties.

The preceding is reported to the Board pursuant to 30 V.S.A. § 8. The parties have waived comment upon this proposed decision pursuant to 3 V.S.A. § 811.

DATED at Montpelier, Vermont, this 16<sup>th</sup> day of December, 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 findings and conclusion of the Hearing Officer are accepted.
2. The franchise of Jeffersonville Cable TV Corporation is hereby renewed, on the conditions set forth in the accompanying Certificate of Public Good.

DATED at Montpelier, Vermont, this 20<sup>th</sup> day of December, 1999.

s/Michael H. Dworkin	)	PUBLIC SERVICE  BOARD  OF VERMONT
	)	
s/Suzanne D. Rude	)	
	)	
s/David C. Coen	)	

OFFICE OF THE CLERK

FILED: December 20, 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.*

*Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.*