

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Docket No. 8438

In Re: Renewal of the Certificate of Public Good of)
Duncan Cable TV Service to provide cable television)
service in Town of Dover, Vermont, and application to)
expand its service area to include the Towns of)
Marlboro, Stratton, and Wardsboro, Vermont)

Entered:

7/27/2017

RENEWED CERTIFICATE OF PUBLIC GOOD ISSUED
PURSUANT TO 30 V.S.A. §§ 231, 503, 504, AND 506

IT IS HEREBY CERTIFIED that the Public Utility Commission (“Commission”) of the State of Vermont on this date finds and adjudges that the issuance of a certificate of public good (“CPG”) to Duncan Cable TV Service (“Duncan Cable” or the “Company”) to serve the Towns of Dover, Marlboro, Stratton, and Wardsboro, and the operation of a cable system in said towns, will promote the general good of the State of Vermont subject to compliance with the following conditions:

1. This CPG shall be deemed effective as of November 14, 2013, and shall expire on November 14, 2024.
2. This CPG shall be subject to revocation upon good cause, including a substantial or continuous failure to abide by its material terms.
3. This CPG shall not be transferred without the consent of the Commission.
4. The Company shall file tariffs for its cable services with the Commission to the extent required by Vermont law.
5. Duncan Cable shall not show gross revenue tax as a line item on customer bills.
6. For the purpose of calculating the gross revenue tax under 30 V.S.A. § 22, the Company shall use the following definition of gross revenues: all cash, credit, property of any kind or nature, or other consideration received directly or indirectly by the Company derived from the operation of its cable systems including, but not limited to, monthly fees charged to subscribers for basic service; monthly fees charged to subscribers for any optional service; pay-television fees; pay-per-view fees; premium-service fees; monthly fees charged to subscribers for any tier of

service other than basic service; installation, disconnection, and reconnection fees; leased-channel fees; fees, payments, or other consideration received from programmers; fees, payments, or other consideration received from third parties for lease of space on either fiber or coaxial cable; converter rentals or sales; studio-rental, production-equipment, and personnel fees; advertising revenues; revenues from home-shopping networks; and revenues from internet-access service to the extent permitted by state and federal law.

7. Duncan Cable shall at all times provide a reasonable quality of service, having regard to Federal Communications Commission ("FCC") minimum service standards, available technology, subscriber interest, and costs.

8. The Company shall at all times offer a reasonably broad range of programming, having regard to available technology, availability of such programming, the interests of subscribers, the revenues and potential revenues of the system, and costs.

9. The Commission shall, to the extent permitted by law, retain jurisdiction to prescribe broad categories of programming.

10. Prices for services not subject to rate regulation by the Commission shall at all times be reasonable, having regard to the costs of providing such service. Tariffs of current rates, terms and conditions for provision of service, and any change thereto shall at all times be filed with the Commission and the Vermont Department of Public Service ("Department").

11. The Company shall notify the Commission and the Department thirty (30) days prior to any changes in rates, terms or conditions of service, changes in channels offered, and retiering of any channel.

12. If the Company begins doing business in the State of Vermont under any name other than the name in use on the date of the final Order in this Docket, it shall file notice of the new name with the Commission and the Department thirty (30) days prior to so doing.

13. At the time of filing its Annual Report pursuant to 30 V.S.A. § 22, Duncan Cable shall file with the Department and the Commission the following:

- a. Duncan Cable's public access report and a description of its access facilities and services and the use thereof during the preceding calendar year or annual period;
- b. a copy of all written consumer complaints and notations regarding oral and telephone complaints received during the preceding calendar year or annual period;

- c. a map sufficiently outlining the service territory; describing its existing plant and the location of all nodes with the number of fibers to each, and any extensions and replacements planned for commencement or completion within one calendar year from the close of the preceding calendar year or annual period; and showing the fiber runs and node locations;
- d. a listing of services, the rates charged for each service as of the date of the filing of the report, a statement of any changes in any such rates from the preceding calendar year or period, and a statement of the revenue derived from each service during such calendar year or annual period;
- e. a statement of significant changes to be implemented during the current calendar year or annual period in Duncan Cable's business structure, operating procedures, services to be offered, system upgrades, and line extensions;
- f. a balance sheet, an income statement, a statement of changes in financial condition, and a statement of assets used and useful for the provision of service in Vermont, all as of the close of the preceding calendar year or annual period.

14. Duncan Cable's deposit and disconnection policies shall at all times be consistent with Commission Rules 3.200, 3.400, and 8.000, as they may be amended from time to time.

15. The Company shall not reassign a PEG Access channel without advance warning and appropriate consultation.

16. At a minimum, Duncan Cable must provide PEG access outreach by providing on-screen advertising and promotion of PEG Access channel programming and facilities.

17. Duncan Cable shall supply two-way capable service to every school and library and at least one municipal building in every town that it serves. Duncan Cable shall make the two-way service available at such time that the Company activates two-way services in the area surrounding the school, library, or municipal building. This condition does not require Duncan Cable to provide two-way capable service to schools, libraries, or municipal buildings that are neither passed by nor within a reasonable distance of cable plant.

18. Duncan Cable shall create and maintain a plan for reasonable public access. The Company shall keep the current plan on file with the Commission.

19. Duncan Cable shall provide any access management organization and each school and municipality within its service area with a modem and a broadband internet access circuit at no charge. This condition does not require Duncan Cable to provide a modem and broadband

internet access to schools, libraries, or municipal buildings that are neither passed by nor within a reasonable distance of its cable plant.

20. The Company shall provide a cable service drop at its expense to every school, library, and PEG Access studio and to at least one municipal building in every municipality in which it is obligated to provide service, upon request of the school, library, access management organization, or municipality. The Company shall provide one service drop providing basic cable television at each such location. The installation and basic service required by this condition shall be without charge, subject to applicable law. This condition shall not require the Company to provide a cable service drop to any school, library, PEG Access studio, or municipal building that is located more than 500 feet from the Company's cable plant.

21. Duncan Cable shall provide the Commission, the Department, affected municipalities, and access management organizations, if any, complete descriptions of all rebuilds and upgrades sufficiently in advance of their construction so as to allow time for meaningful comments and possible integration of those comments into the construction projects.

22. On at least an annual basis, Duncan Cable shall invite city and town government officials in each community served by the Company to meet for the purpose of exchanging information about community needs and the Company's plans.

23. Duncan Cable shall adhere to the customer service standards contained in 47 C.F.R. § 76.309. The Company must monitor its customer service performance in relation to all FCC and Commission customer service standards on a monthly basis in a manner to be negotiated between the Company and the Department. If the parties cannot agree, the dispute shall be submitted to the Commission for resolution. Quarterly, the Company must submit these data to the Department and the Commission.

24. Duncan Cable shall respond to written inquiries from the Department regarding consumer complaints within fourteen days after receipt by Duncan Cable of the Department's written notification of a complaint. Written notification includes notification by electronic mail, facsimile, hand-delivery, or U.S. mail. In any case in which the Company is unable to respond fully, providing all information necessary to resolve the complaint, within fourteen days, it must provide notice to the Department before the lapse of the initial fourteen days that an extension of

time is required. In no case may the total response time, including the initial fourteen days and any extension, exceed twenty-one days. Although the initial transmittal of the complaint must be in writing, the Department and the Company are permitted to discuss the complaint in person or by telephone.

25. Duncan Cable shall provide customers at the time of any service order with a clear and understandable description of the terms, conditions, rates, and charges for all requested services and appropriate alternatives, which shall include the least-cost alternatives to the requested service. The Company shall disclose, at a minimum, any non-recurring charges, such as for installation, the recurring charges for services, and any charges that apply to a change in service or periods in which such charges are waived.

26. Duncan Cable shall provide upon customer request a written confirmation of all service orders, describing the requested service(s) and associated rates no later than the first billing cycle following the order. The notice shall also inform consumers of significant terms and conditions affecting the rates.

27. Duncan Cable shall annually provide to each of its subscribers the following notices, and shall, on or before January 30 of each year, certify to the Commission that it has distributed the notices during the previous calendar year:

- a. A notice, approved by the Commission, that states that the Commission and the Department desire to hear the views of subscribers regarding the quality of services provided by the Company and the reasonableness of the terms upon which such services are provided, and that informs the subscribers how they may communicate their views to the Commission, to the Department, and to the Company;
- b. The notices required by Public Service Commission Rule 8.341 and 47 C.F.R. § 6.1602(b)–(c); and
- c. A notice of the complaint and appeal procedure for complaints against the Company and complaints against any access management organization in the Company's system and the right of the customer to file a complaint with the Department's Consumer Affairs & Public Information Division if the customer is dissatisfied with the resolution of a complaint filed directly with the Company. The form of this notice shall be approved by the Department prior to its distribution.

28. Duncan Cable agrees not to use the term "basic" in reference to any service tier other than the lowest level of cable service a subscriber can select.

29. The Company shall revise its form of customer bills to include contact information for the Department's Consumer Affairs & Public Information Division in accordance with the requirements of Commission Rule 8.342(B).

Dated at Montpelier, Vermont, this 27th day of July, 2017.

[Signature]

[Signature]

[Signature]

PUBLIC UTILITY
COMMISSION
OF VERMONT

OFFICE OF THE CLERK

FILED: July 27, 2017
ATTEST: [Signature]
Deputy Clerk of the Commission

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)