

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Charter Communications, on behalf of its subsidiaries and affiliates	)	CSR 8558-E
	)	CSR 8559-E
	)	CSR 8560-E
Petitions for Determination of Effective Competition in 46 Communities in Massachusetts, New Hampshire, and New York	)	CSR 8561-E

**MEMORANDUM OPINION AND ORDER**

**Adopted: September 30, 2013**

**Released: September 30, 2013**

By the Senior Deputy Chief, Policy Division, Media Bureau:

**I. INTRODUCTION AND BACKGROUND**

1. Charter Communications, on behalf of its subsidiaries and affiliates (“Charter” or “the Company”) has filed with the Commission petitions pursuant to Sections 76.7, 76.905(b)(2), and 76.907 of the Commission’s rules for a determination that it is subject to effective competition in the 43 communities listed on Attachment A (“the Attachment A Communities”). Charter alleges that its cable systems serving the Attachment A Communities are subject to effective competition pursuant to Section 623(l)(1)(B) of the Communications Act of 1934, as amended (“Communications Act”),<sup>1</sup> and the Commission’s implementing rules,<sup>2</sup> and are therefore exempt from cable rate regulation in those Communities because of the competing service provided by three companies. The three companies are the two direct broadcast satellite (“DBS”) providers, DIRECTV, Inc., and DISH Network (“the DBS Providers”) and, in eight Communities, Verizon New England Inc. (“Verizon”).<sup>3</sup> They will be referred to collectively as “the Competing Providers.” Charter also claims to be exempt from cable rate regulation in the two communities listed on Attachment B (“the Attachment B Communities”), pursuant to Section 623(l)(1)(A) of the Communications Act<sup>4</sup> and Section 76.905(b)(1) of the Commission’s rules,<sup>5</sup> because Charter serves fewer than 30 percent of the households in those franchise areas.

2. An opposition concerning all the Attachment A Communities in Massachusetts was filed by the Massachusetts Department of Telecommunications and Cable (“MDTC”).<sup>6</sup> Charter filed a reply.<sup>7</sup> The government of one Attachment A Community, the Town of Berlin, Massachusetts (“Berlin”), filed an

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<sup>1</sup> See 47 U.S.C. § 543(l)(1)(B).

<sup>2</sup> 47 C.F.R. § 76.905(b)(2).

<sup>3</sup> The eight Attachment A Communities served by Verizon are all in CSR 8561-E and are Dunstable, Grafton, Groton, Millbury, Northborough, Southborough, Sutton, and Westborough.

<sup>4</sup> See 47 U.S.C. § 543(l)(1)(A).

<sup>5</sup> 47 C.F.R. § 76.905(b)(1).

<sup>6</sup> The MDTC is the franchise authority for rate regulation of cable services throughout the Commonwealth of Massachusetts. Massachusetts Department of Telecommunications & Cable Opposition to Charter’s Petition for Determination of Effective Competition (“MDTC Opposition”) at 2 n.2.

<sup>7</sup> Reply to Opposition of Massachusetts Department of Telecommunications & Cable.

opposition of its own<sup>8</sup> and Charter replied to it.<sup>9</sup> Charter also filed a Motion to Withdraw its petition concerning the community of Wales, Massachusetts (MA0338), the only community involved in CSR 8558-E. We grant the Motion without prejudice.

3. In the absence of a demonstration to the contrary, cable systems are presumed not to be subject to effective competition,<sup>10</sup> as that term is defined by Section 623(l) of the Communications Act and Section 76.905 of the Commission's rules.<sup>11</sup> The cable operator bears the burden of rebutting the presumption that effective competition does not exist with evidence that effective competition is present within the relevant franchise area.<sup>12</sup> For the reasons set forth below, we grant the petitions based on our finding that Charter is subject to effective competition in the Communities listed on Attachments A and B.

## II. DISCUSSION

### A. The Competing Provider Test

4. Section 623(l)(1)(B) of the Communications Act provides that a cable operator is subject to effective competition if the franchise area is (a) served by at least two unaffiliated multi-channel video programming distributors ("MVPDs") each of which offers at least 50 percent of the households in the franchise area comparable programming; and (b) the number of households subscribing to programming services offered by MVPDs other than the largest MVPD exceeds 15 percent of the households in the franchise area.<sup>13</sup> This test is referred to as the "competing provider" test.

#### 1. The First Prong

5. The first prong of the competing provider test has three elements: the franchise area must be "served by" at least two unaffiliated MVPDs who offer at least "50 percent" of the households in the franchise area "comparable programming."<sup>14</sup> It is undisputed that the Attachment A Communities are "served by" both DBS Providers and that these two MVPD providers are unaffiliated with Charter or with each other. A franchise area is considered "served by" an MVPD if that MVPD's service is both technically and actually available in the franchise area. DBS service is presumed to be technically available due to its nationwide satellite footprint, and presumed to be actually available if households in the franchise area are made reasonably aware of the service's availability.<sup>15</sup> The Commission has held that a party may use evidence of penetration rates in the franchise area (the second part of the competing provider test discussed below) coupled with the ubiquity of DBS services to show that consumers are reasonably aware of the availability of DBS service.<sup>16</sup> We further find that Charter has provided sufficient evidence to support its assertion that potential customers in the Attachment A Communities are

<sup>8</sup> Opposition of the Town of Berlin, MA (Massachusetts) to Petition for Special Relief for Determination of Effective Competition of Charter Communications ("Berlin Opposition"). Both Oppositions were filed pursuant to extensions of time granted by the Bureau. Extensions were also granted to the Town of Douglas and the City of Worcester, but both ultimately decided not to respond to Charter's petition.

<sup>9</sup> Reply to Opposition ("Reply to Berlin").

<sup>10</sup> 47 C.F.R. § 76.906.

<sup>11</sup> See 47 U.S.C. § 543(l); 47 C.F.R. § 76.905.

<sup>12</sup> See 47 C.F.R. §§ 76.906-.907(b).

<sup>13</sup> 47 U.S.C. § 543(l)(1)(B); 47 C.F.R. § 76.905(b)(2).

<sup>14</sup> 47 U.S.C. § 543(l)(1)(B)(i); 47 C.F.R. § 76.905(b)(2)(i).

<sup>15</sup> See, e.g., Petition in CSR 8559-E at 3-4.

<sup>16</sup> *Mediacom Illinois LLC*, 21 FCC Rcd 1175, 1176, ¶ 3 (2006).

reasonably aware that they may purchase the service of the DBS Providers.<sup>17</sup> Also undisputed is Charter's assertion that both DBS Providers offer service to at least "50 percent" of the households in the Attachment A Communities because of their national satellite footprint.<sup>18</sup>

6. Whether the DBS Providers' programming is "comparable" to Charter's is disputed between Charter and Berlin. Section 76.905(g) of our rules provides that the "comparable programming" element is met if a competing MVPD provider offers at least 12 channels of video programming, including at least one channel of nonbroadcast service programming.<sup>19</sup> Charter's petitions include copies of channel lineups for both DBS Providers.<sup>20</sup> They show that the DBS providers offer programming that far exceeds the requirements of our rule.

7. Berlin disputes our rule because DBS programming does not include that City's Public, Educational and Government ("PEG") channels. Berlin makes allegations about its PEG programming's popularity and the technical feasibility of the DBS Providers offering it.<sup>21</sup> It does not substantiate those allegations with any factual evidence, however, and so we disregard them. Moreover, to the extent those allegations are factual, they are irrelevant. Our rule does not make PEG channels a necessary element of comparable programming. As Berlin concedes, we have repeatedly held that the absence of PEG channels from a competing service does not disqualify it from being comparable for purposes of determining effective competition.<sup>22</sup> Berlin has given us no sound reason to revise those holdings. More broadly, the statute requires that the programming of the petitioning cable operator and its competitor(s) be "comparable," not that it be identical.<sup>23</sup> In its argument that DBS programming is not comparable to the Company's, Berlin also argues broadly against deregulation because of the importance, to an unsubstantiated number of Berlin residents, of affordable basic cable service.<sup>24</sup> This argument, too, is immaterial. The only issues under the first prong of the competing provider test are those set forth in the first sentence of paragraph 5 above.

8. Although criticizing the substance of the first prong of the competing provider test, the MDTC concedes that Charter has satisfied the first prong of the competing provider test for all the Attachment A Communities (including Berlin).<sup>25</sup> We agree, and we find that the first prong of the competing provider test is satisfied for all the Attachment A Communities.

## 2. The Second Prong

9. The second prong of the competing provider test requires that the number of households

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<sup>17</sup> 47 C.F.R. § 76.905(e)(2).

<sup>18</sup> See, e.g., Petition in CSR 8560-E at 2-3.

<sup>19</sup> See 47 C.F.R. § 76.905(g); see also, e.g., Petition in CSR 8561-E at 5.

<sup>20</sup> See, e.g., Petition in CSR 8559-E at Ex. 2.

<sup>21</sup> Berlin Opposition at 2-3.

<sup>22</sup> *Comcast Cable Commc'ns*, 26 FCC Rcd 3993, 3994-95, ¶ 5 (2011); *Cablevision of Oakland Inc.*, 24 FCC Rcd 1801, 1803-04, ¶¶ 6-8 (2009) (at 1803, ¶ 7: "[t]he full Commission, when it adopted the definition of 'comparable programming,' was fully aware of PEG channels - it discussed both in the same decisions. If the full Commission had wanted PEG channels to be part of 'comparable programming,' it would have stated so. It did not.").

<sup>23</sup> *Accord, Comcast Cable Commc'ns, LLC*, 25 FCC Rcd 13340, 13343, ¶ 13, n.37 (2010) ("In many decisions we have refused to require that a cable operator's service be identical to its competitor's before the latter may provoke deregulation of the former's basic rates").

<sup>24</sup> Berlin Opposition at 4-6; see also MDTC Opposition at 4 n. 12.

<sup>25</sup> MDTC Opposition at 3-4.

subscribing to MVPDs, other than the largest MVPD, exceed 15 percent of the households in a franchise area. Charter asserts that in some Attachment A Communities it is the largest MVPD; and that, in others, Charter's household share is over 15 percent and so is the combined share of the Competing Providers.<sup>26</sup> The Commission has recognized that in the latter conditions, whichever MVPD is the largest, the remaining MVPDs have subscribership of over 15 percent.<sup>27</sup> To show its compliance with the second prong of the competing provider test, Charter establishes a ratio for each Attachment A Community, the numerator of which is the number of subscribers to the Competing Providers there and the denominator of which is the number of households.

**a. Charter's Evidence**

10. For its numerators, and in particular the numbers of DBS subscribers, Charter first obtained from Media Business Corporation ("MBC") a list of zip codes matching each Community. It appears that MBC included in a Community any five-digit zip code that was contained entirely within the Community and any nine-digit zip code whose "centroid" was within the Community.<sup>28</sup> A centroid is the point of intersection of two lines, one of which goes between the northernmost and southernmost points of a nine-digit zip code and the other of which goes between its easternmost and westernmost points.<sup>29</sup> Charter then gave MBC's list of zip codes to the Satellite Broadcasting and Communications Association ("SBCA"), which reported to Charter the numbers of DBS subscribers in each zip code.<sup>30</sup> The Company learned the numbers of Verizon subscribers from the web page of the Massachusetts Office of Consumer Affairs and Business Regulation.<sup>31</sup> The sum of these numbers was the numerator of Charter's ratio for each Attachment A Community. For its denominators, Charter took household numbers for each Attachment A Community from the 2010 Census.<sup>32</sup> The resulting ratios show that the number of households subscribing to programming services offered by MVPDs, other than the largest MVPD, exceeds 15 percent of the households in each Attachment A Community.<sup>33</sup> These ratios, if accepted, satisfy the second prong of the competing provider test for the Attachment A Communities.

**b. The MDTC's Objections**

11. The MDTC makes three objections to Charter's numbers. First, it objects to numbers that Charter has included in two of the petitions and in other regulatory filings concerning two Attachment A Communities (Westport in CSR 8560-E, and Northborough in CSR 8561-E). The numbers that MDTC has derived from these filings show the sum of subscribers to Charter and the Competing Providers in

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<sup>26</sup> Petition in CSR 8559-E at 7; Petition in CSR 8561-E at 8. The latter Attachment A Communities are, all the Communities in CSR 8559-E except for Copake, New Lebanon, and West Stockbridge; and, in CSR 8561-E, the Communities of Dunstable, Northborough, Southborough, and Westborough.

<sup>27</sup> If Charter is the largest MVPD, then the MVPDs other than the largest one are the DBS Providers (and, where it serves, Verizon), which have a combined share of over 15%. On the other hand, if one of the DBS Providers or Verizon is the largest MVPD, then Charter (which alone has over 15%) and the remaining others combined have over 15%. See, e.g., *Comcast Cable Commc'ns, LLC*, 26 FCC Rcd 10967, 10968-69, ¶ 5 (2011); *Comcast Cable Commc'ns, LLC*, 26 FCC Rcd 4901, 4903, ¶ 5 (2011); *Time Warner Cable Inc.*, 25 FCC Rcd 14422, 14424, ¶ 6 (2010).

<sup>28</sup> Petition in CSR 8559-E at 6; Petition in CSR 8561-E at 6-7; MDTC Opposition at 9.

<sup>29</sup> MDTC Opposition at 9 n.31.

<sup>30</sup> See, e.g., Petition in CSR 8560-E at 6.

<sup>31</sup> Petition in CSR 8561-E at 6 n.23.

<sup>32</sup> See, e.g., Petition in CSR 8559-E at Ex. 6.

<sup>33</sup> See, e.g., Petition in CSR 8561-E at Ex. 9.

these Communities being larger than the number of households there.<sup>34</sup> The MDTC requests that we deny Charter's petitions for these two Communities and, more broadly, that we "reevaluate all of the data submitted in support of the Petitions."<sup>35</sup>

12. In past decisions, we have denied petitions that stated cable operator and DBS subscriber numbers that were higher than household numbers, finding such numbers "obviously inaccurate and unreliable."<sup>36</sup> The numbers that were obviously inaccurate in those cases were all stated in the petitions. The numbers in Charter's petitions about Westport and Northborough do not suffer from this defect, however. Rather, the MDTC has taken numbers from Charter's petitions and from other Charter filings with different government bodies on different dates.<sup>37</sup> The sums that the MDTC has produced may result from different kinds of counts made on different dates and for different purposes. MDTC questions, but provides no specific factual evidence concerning the accuracy of the competing provider or Charter subscriber figures for these communities. Accordingly, although we urge Charter to make its petitions as accurate as possible, we dismiss the MDTC's objection to Charter's numbers about Westport and Northborough, as well as its request for a general reevaluation of the petitions' supporting numbers.

13. Second, the MDTC objects that all of Charter's ratios overstate Competing Provider subscribership. The MDTC correctly notes that the Company's numerators (DBS subscribers from SBCA, for example) include dwellings that do not count as "households," such as seasonal or vacation homes, and other temporary dwellings;<sup>38</sup> but that the Company's denominators ("households" as defined by the Census) do not include such dwellings.<sup>39</sup> This mismatch, the MDTC objects, overestimates Competing Provider subscribership. We reject this objection, as we have rejected similar ones in past decisions.<sup>40</sup> The MDTC has not shown that there are any seasonal homes or other non-"household" dwellings in the Attachment A Communities in Massachusetts, much less enough of them to lower Competing Provider subscribership to 15 percent or less. Undoubtedly, the MDTC is familiar with the Communities. It could have found out, with less effort than Charter, nine-digit zip codes that encompass temporary dwellings such as dormitories and assisted living facilities, and deducted SBCA's number of DBS subscribers there from Charter's numerators.<sup>41</sup> Instead of using facts, however, the MDTC rested on generalities. That is not enough to rebut the factual evidence presented by Charter.<sup>42</sup>

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<sup>34</sup> MDTC Opposition at 5; *id.* at Ex. 3. The same is true of Charter's numbers for Wales, which Charter has withdrawn, *supra* ¶ 2.

<sup>35</sup> MDTC Opposition at 6.

<sup>36</sup> See, e.g., *Time Warner Cable Inc.*, 25 FCC Rcd 14422, 14424, ¶ 7 (2010); *Time Warner Entertainment-Advance/Newhouse Partnership*, 23 FCC Rcd 18355, 128357, ¶ 10 (2008); *Time Warner Cable Inc.*, 23 FCC Rcd 12069, 12072, ¶ 10, *reconsideration denied*, 23 FCC Rcd 16483 (2008).

<sup>37</sup> MDTC Opposition at Ex. 3 at 2.

<sup>38</sup> MDTC Opposition at 7, citing *Time Warner Entertainment-Advance/Newhouse Partnership*, 26 FCC Rcd 3829, 3835, ¶ 20 (2011). Other dwellings that are not "households" include dormitories and assisted living facilities. *Id.*

<sup>39</sup> MDTC Opposition at 8.

<sup>40</sup> For decisions in which we have refused to increase household numbers to account for seasonal homes and the like, see, e.g., *Charter Commc'ns Entertainment I, LLC*, 26 FC Rcd 5975, 5980-81, ¶¶ 18-19 (2011); *Time Warner Entertainment-Advance/Newhouse Partnership*, 26 FCC Rcd 3829, 3835-36, ¶ 22 (2011).

<sup>41</sup> Where franchise authorities have submitted credible numbers of seasonal homes and the like, we have subtracted them from cable operators' DBS subscriber numbers. *Charter Commc'ns*, 25 FCC Rcd 2289, 2294, ¶ 15 (2010); *Bright House Networks, LLC*, 22 FCC Rcd 3499, 3502, ¶ 7 (2007); *Comcast Cable Commc'ns, LLC*, 22 FCC Rcd 1691, 1697-98, ¶ 16 & n.61 (2007).

<sup>42</sup> See, e.g., *Time Warner Cable Inc.*, 26 FCC Rcd 7666, 7670, ¶ 11 (2011) ("We have repeatedly refused to deny cable operators' otherwise valid showings of effective competition based on . . . unsubstantiated objections by

(continued....)

14. In the same vein, the MDTC objects that Charter overstates competing provider subscribership by including in its ratios DBS subscribers and households in the parts of the Attachment A Communities where Charter does not provide cable service. The MDTC speculates that DBS subscribership is higher where DBS is the only MVPD service and calls it “illogical” for Charter to prove competition between itself and DBS where it does not serve.<sup>43</sup> We dismiss this objection, as we have in previous decisions. Section 623(l)(1)(B) states that the material area for measuring effective competition is “the franchise area,”<sup>44</sup> and these are the areas within which Charter has measured Competing Provider subscribership. Section 623(l)(1)(B) makes no exception for areas to which the cable operator has not brought its service. The MDTC’s position thus is defeated by the statute.<sup>45</sup> In addition, the MDTC has produced no factual evidence that subtracting households not served by Charter in any Attachment A Community in Massachusetts would lower the Competing Providers’ subscribership to 15 percent or lower – no indication of how large any unserved area is, how many households it contains, and how many of those households subscribe to DBS service. Accordingly, we dismiss the MDTC’s objection because, in addition to being barred by the applicable statute, it is unsubstantiated. Charter’s petitions correctly measure effective competition in the Company’s franchise areas.

15. Third, the MDTC objects to MBC’s use of centroids<sup>46</sup> as the basis for assigning nine-digit zip codes to the Attachment A Communities, claiming that this practice overstates DBS subscribership. A centroid, the MDTC notes, is a central point within a zip code. It is possible, the MDTC alleges, that the centroid of a zip code on the edge of a Community is in the Community, but that most or all of the households in the zip code, including the ones that subscribe to DBS service, are outside the Community. Counting those households overstates DBS subscribership, the MDTC contends.<sup>47</sup>

16. This objection by the MDTC may have theoretical validity, but is of no significant practical effect in these proceedings. Nine-digit zip codes are very small; the typical one contains no DBS subscribers or one or two.<sup>48</sup> Any overstatement of DBS subscribership that result from the phenomena the MDTC has identified are likely to be de minimus in any of the Attachment A Communities in Massachusetts. Moreover, we expect that for every nine-digit zip code whose centroid is barely inside a Community but most of whose DBS-subscribing households are outside it, there is another nine-digit zip code on the edge of the same Community whose centroid is barely outside it but most of whose DBS-subscribing households are inside it. In that event, any overcounting errors such as the

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franchise authorities”); *Charter Commc’ns*, 25 FCC Rcd 2289, 2292, ¶ 6 (2010); *Cablevision of Paterson*, 17 FCC Rcd 17239, 17242, ¶ 6, n.22 (2002).

<sup>43</sup> MDTC Opposition at 6-7 n.23.

<sup>44</sup> 47 U.S.C. § 543(l)(1)(B)(ii) (“the number of households subscribing to programming services offered by [MVPDs] other than the largest [one must] exceed[] 15 percent of the households *in the franchise area*”) (italics added); 47 C.F.R. § 76.905(b)(2)(ii); *CoxCom, Inc.*, 22 FCC Rcd 4533, 4536-37, ¶ 8 (2007).

<sup>45</sup> The only exception to our use of the franchise area is when the franchise authority proves that the cable operator has made an affirmative decision, confirmed by its own conduct, to serve less than the whole area granted in its franchise. In that event, we will measure effective competition in the lesser area that the cable operator actually serves. *See, e.g., County of New Hanover, North Carolina*, 23 FCC Rcd 15348, 1350-52, ¶¶ 7-12 (2008); *Cablevision of Paterson*, 17 FCC Rcd 17239, 17240-41, ¶¶ 2-4 (2002); *Implementation of Sections of the Cable Television Consumer Protection & Competition Act of 1992: Rate Regulation*, 9 FCC Rcd 1164, 1181, ¶ 25 (1993). The MDTC has neither alleged nor proved such conduct by Charter, however.

<sup>46</sup> *See supra* ¶ 10.

<sup>47</sup> MDTC Opposition at 10.

<sup>48</sup> Petition in CSR 8561-E at Ex. 7. The first page of Exhibit 7 lists 51 nine-digit zip codes. Of them, 24 have no DBS subscribers, 11 have only 1, and 8 have 2.

MDTC alleges, already minuscule, are further reduced by undercounting errors.

17. Similarly, the MDTC has identified five nine-digit zip codes that Charter has assigned to certain Attachment A Communities in Massachusetts but that, according to the web page of the U.S. Postal Service, are actually in neighboring Communities.<sup>49</sup> As noted in previous discussions, it is highly likely that, if MBC made any mistaken assignments, the small number of DBS subscribers in nine-digit zip codes would make any mistakes inconsequential. Also, as we noted in dismissing the same point in an earlier decision,<sup>50</sup> what the MDTC has identified may not be mistaken assignments by Charter at all. The USPS associates streets with communities for efficient mail delivery, and sometimes disregards precise political boundaries between communities.<sup>51</sup> It is the latter, however, that are important for measuring effective competition. MBC's method of associating zip codes with communities' precise boundaries is better matched to our needs in these proceedings than the USPS web page on which the MDTC relies. In addition, Charter's reply convincingly demonstrates that, in at least one specific instance alleged by the MDTC, MBC has assigned a nine-digit zip code to the correct Community although the USPS, for its own purposes, has assigned it to another one.<sup>52</sup> Accordingly, we reject the MDTC's objections to the treatment of nine-digit zip codes by MBC and Charter.

18. Despite the MDTC's objections, the second prong of the competing provider test is satisfied for each Attachment A Community. It requires that Charter show that the competing providers' market share exceeds 15 percent in each Attachment A Community, and Charter has made that showing. Based on the foregoing, we conclude that Charter has submitted sufficient evidence demonstrating that both prongs of the competing provider test are satisfied and Charter is subject to effective competition in the Attachment A Communities.

### B. The Low Penetration Test

19. Section 623(l)(1)(A) of the Communications Act provides that a cable operator is subject to effective competition if Charter serves fewer than 30 percent of the households in the franchise area. This test is referred to as the "low penetration" test.<sup>53</sup> Charter alleges that it is subject to effective competition under the low penetration effective competition test because it serves less than 30 percent of the households in the Attachment B Communities.

20. Based upon the subscriber penetration level calculated by Charter, as reflected in Attachment B, we find that Charter has demonstrated that the percentage of households subscribing to its cable service is less than 30 percent of the households in the Attachment B Communities. Therefore, the low penetration test is satisfied as to the Attachment B Communities.

### III. ORDERING CLAUSES

21. Accordingly, **IT IS ORDERED** that the petitions for a determination of effective competition filed in the captioned proceeding by Charter Communications on behalf of its subsidiaries and affiliates **ARE GRANTED**.

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<sup>49</sup> MDTC Opposition at 10 n.35.

<sup>50</sup> *Comcast Cable Commc'ns, LLC*, 24 FCC Rcd 1780, 1786-87, ¶ 21 (2009).

<sup>51</sup> Reply to MDTC at 4.

<sup>52</sup> *Id.* at 5 (concerning zip code 01607-1705 and with which community Rydberg Terrace, Massachusetts is associated).

<sup>53</sup> 47 U.S.C. § 543(l)(1)(A).

22. **IT IS FURTHER ORDERED** that the certification to regulate basic cable service rates granted to any of the Communities set forth on Attachments A and B **IS REVOKED**.

23. **IT IS FURTHER ORDERED** that Charter's request to withdraw its petition seeking a finding of effective competition in the Massachusetts community of Wales **IS GRANTED**.

24. This action is taken pursuant to delegated authority pursuant to Section 0.283 of the Commission's rules.<sup>54</sup>

FEDERAL COMMUNICATIONS COMMISSION

Steven A. Broecker  
Senior Deputy Chief, Policy Division, Media Bureau

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<sup>54</sup> 47 C.F.R. § 0.283.

## ATTACHMENT A

## CSRs 8559-E, 8560-E, and 8561-E

COMMUNITIES SERVED BY SUBSIDIARIES AND AFFILIATES  
OF CHARTER COMMUNICAITONS

Communities	CUIDs	CPR*	2010 Census Households	Estimated Competing Provider Subscribers
<b>CSR 8559-E</b>				
Ancram	NY1568	63.84	661	422
Berlin	NY1583	32.70	789	258
Canaan	NY1572	54.83	673	369
Chatham Town	NY1570	37.28	1797	670
Chatham Village	NY1569	25.97	801	208
Copake	NY1575	43.71	1416	619
Ghent	NY1574	34.54	2203	761
Hillsdale	NY1573	55.12	849	468
Hinsdale	MA0313	38.13	868	331
Lanesborough	MA0300	36.64	1291	473
New Lebanon	NY1582	30.50	1013	309
West Stockbridge	MA0311	40.81	593	242
<b>CSR 8560-E</b>				
Westport	MA0297	33.64	6154	2070
<b>CSR 8561-E</b>				
Auburn	MA0073	16.02	6542	1048
Barre	MA0329	22.67	2025	459
Berlin	MA0333	16.80	1125	189
Brookfield	MA0335	16.73	1375	230
Brookline	NH0164	23.18	1631	378
Charlton	MA0309	15.36	4608	708
Douglas	MA0323	16.83	3000	505
Dudley	MA0036	16.84	4062	684
Dunstable	MA0343	64.35	1063	684
East Brookfield	MA0312	16.43	828	136
Grafton	MA0177	49.49	6892	3411
Groton	MA0282	44.44	3753	1668
Hubbardston	MA0330	23.69	1566	371
Millbury	MA0121	40.76	5294	2158
Millville	MA0291	17.09	1094	187
North Brookfield	MA0308	26.32	1862	490
Northborough	MA0197	53.74	5110	2746
Oakham	MA0344	29.93	685	205
Oxford	MA0120	17.85	5272	941

<b>Communities</b>		<b>CPR*</b>	<b>2010 Census Households</b>	<b>Estimated Competing Provider Subscribers</b>
<b>CSR 8561-E (continued)</b>				
Pepperell	MA0281	15.82	4197	664
Rutland	MA0328	21.78	2791	608
Southborough	MA0259	68.49	3332	2282
Southbridge	MA0029	18.07	6866	1241
Sutton	MA0292	50.02	3213	1607
Upton	MA0242	16.28	2733	445
Uxbridge	MA0290	16.83	5056	851
Webster	MA0037	16.69	7088	1183
West Brookfield	MA0305	15.62	1479	231
Westborough	MA0198	49.93	6924	3457
Worcester	MA0018	15.73	68613	10795

\*CPR = Percent of competitive penetration rate.

## ATTACHMENT B

## CSR 8559-E

COMMUNITIES SERVED BY SUBSIDIARIES AND AFFILIATES  
OF CHARTER COMMUNICAITONS

<b>Communities</b>	<b>CUIDs</b>	<b>Franchise Area Households</b>	<b>Cable Subscribers</b>	<b>Penetration Percentage</b>
Austerlitz	NY1571	726	96	13.22
Petersburg	NY1685	616	66	10.71