

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

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

MEMORANDUM OPINION AND ORDER

Adopted: March 6, 2017

Released: March 7, 2017

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

1. On December 11, 2013, the Massachusetts Department of Telecommunications and Cable (MDTC) filed an Application for Review seeking review of the Media Bureau's (Bureau) September 30, 2013 decision, which concluded that Charter Communications is subject to effective competition in various communities located in Massachusetts, New Hampshire, and New York. On November 16, 2016, MDTC filed a Motion to Withdraw its Application for Review. By this Order, we grant MDTC's Motion to Withdraw.

2. ACCORDINGLY, IT IS ORDERED, pursuant to Section 4(i) of the Communications Act, as amended, 47 U.S.C. § 154(i), that the Motion to Withdraw filed by the Massachusetts Department of Telecommunications and Cable on November 16, 2016, IS GRANTED.

1 MDTC is the franchise authority for rate regulation of basic cable services throughout the Commonwealth of Massachusetts.

2 See Charter Communications, Petitions for Determination of Effective Competition in 46 Communities in Massachusetts, New Hampshire, and New York, 28 FCC Rcd 13989 (MB 2013) (Initial Order). We note that in the Initial Order the Bureau granted Charter's Motion to Withdraw its petition concerning the community of Wales, Massachusetts (MA0338), which was the only community associated with CSR 8558-E. Therefore, the disposition of CSR 8558-E already has been addressed.

3 MDTC states good cause exists, as it submitted an FCC Form 328 for a number of the communities that were at issue in this proceeding, thereby certifying the MDTC's rate regulation authority in those communities. See Massachusetts Department of Telecommunications and Cable, FCC Form 328, Certification of Franchising Authority to Regulate Basic Cable Service Rates and Initial Finding of Lack of Effective Competition (Dec. 8, 2015) (MDTC FCC Form 328). In communities for which the Bureau made a finding of effective competition in the Initial Order, and which are not covered by the MDTC's revised Form 328, the previous finding of effective competition will remain in effect, particularly given the new presumption of competing provider effective competition. See Amendment of the Commission's Rules Concerning Effective Competition; Implementation of Section 111 of the STELA Reauthorization Act, Report and Order, 30 FCC Rcd 6574 (2015). In communities for which the Bureau made a finding of effective competition in the Initial Order, and which are covered by the MDTC's revised Form 328, the new certification disproves and displaces the presence of competing provider effective competition and the certification is in effect. See MDTC FCC Form 328.

3. This action is taken pursuant to delegated authority pursuant to Section 0.283 of the Commission's rules.⁴

FEDERAL COMMUNICATIONS COMMISSION

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

⁴ 47 C.F.R. § 0.283.