

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

CASE NUMBER 19-4845-PET

JOINT PETITION OF SOUTHERN VERMONT CABLE COMPANY (SVCC) AND COMCAST OF CONNECTICUT/GEORGIA/MASSACHUSETTS/NEW HAMPSHIRE/NEW YORK/NORTH CAROLINA/VIRGINIA/VERMONT, LLC (COMCAST) FOR AUTHORITY TO (1) SELL SUBSTANTIALLY ALL OF SVCC'S ASSETS TO COMCAST, PURSUANT TO 30 V.S.A. SECTION 109; (2) ABANDON SVCC'S CABLE-TELEVISION SERVICE IN VERMONT AND REVOKE ITS CERTIFICATE OF PUBLIC GOOD, PURSUANT TO 30 V.S.A. SECTION 505; (3) ALLOW COMCAST TO OWN AND OPERATE SVCC'S CABLE TELEVISION SYSTEM IN VERMONT, PURSUANT TO 30 V.S.A. SECTIONS 503 AND 504

January 10, 2020
1:40 p.m.

112 State Street
Montpelier, Vermont

Scheduling Conference held before the Vermont Public Utility Commission via conference call on January 10, 2020, beginning at 1:40 p.m.

P R E S E N T

HEARING OFFICER: Micah Howe, Staff Attorney

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A P P E A R A N C E S

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BY: GERALD R. TARRANT, ESQUIRE

1 HEARING OFFICER HOWE: Good afternoon.
2 This is a scheduling conference in Case Number
3 19-4845-PET which involves a joint petition by
4 Southern Vermont Cable Company to sell substantially
5 all of its Vermont assets to Comcast, and for a CPG
6 for Comcast to own and operate Southern Vermont Cable
7 Company's television system.

8 My name is Micah Howe and I'm a Staff
9 Attorney at the Commission. This scheduling
10 conference is being held by telephone so please make
11 every effort to speak one at a time so that the court
12 reporter can capture everyone's comment. We will
13 start by taking appearances beginning with the
14 Department.

15 MS. ACEVES: Sarah Aceves with the
16 Department of Public Service.

17 HEARING OFFICER HOWE: And Comcast.

18 MR. TARRANT: Gerry Tarrant for Comcast
19 and Dan Glanville is with us and Melissa Pierce.

20 HEARING OFFICER HOWE: Great, and then
21 Southern Vermont Cable.

22 MR. EMERSON: This is Elijah Emerson
23 from Primmer Piper Eggleston & Cramer for Southern
24 Vermont Cable Company, and I'll let Ernie introduce
25 himself.

1 MR. SCIALABBA: And Ernie Scialabba,
2 Southern Vermont Cable.

3 HEARING OFFICER HOWE: Okay. Great. So
4 thank you guys for the filing of the quick proposed
5 date for the scheduling conference. This is -- I was
6 actually just picking this up and was going to set a
7 date a few days out further than this, but this helps
8 get things moving along. So I do have the schedule.
9 I have a couple of questions. The first one is
10 regarding the public hearing proposed in Putney. Do
11 you guys have a location in mind for that?

12 MR. GLANVILLE: This is Dan Glanville
13 and we can defer to obviously others if they have
14 thoughts. We were just with the representatives of
15 Brattleboro Community Television and the Chairman of
16 the Board actually works at Landmark College and said
17 that they could make a conference room available if
18 that was sufficient because my understanding is the
19 hearing room at the Town Hall might be a bit small
20 from what I have heard. I have not specifically been
21 there.

22 HEARING OFFICER HOWE: Okay. I don't
23 actually know myself either. I will -- and I assume
24 you guys see the public comments rolling in. I've
25 gotten about a dozen or so public comments filed in

1 this case since I think a Brattleboro Reformer
2 article ran last week. So there could be a fair
3 amount of public turnout. So you never really know
4 with a public hearing. What would the size of the
5 Landmark College room be?

6 MR. GLANVILLE: I don't know the exact
7 size. They have plenty of conference rooms available
8 of various sizes that we could -- that they could
9 offer.

10 HEARING OFFICER HOWE: Okay. Is there a
11 person that the clerk could contact from -- the
12 Commission clerk could contact to set this up or
13 would you guys set that up?

14 MR. GLANVILLE: We could -- if you would
15 like us to, we will reach back out to him, set that
16 up and get you the details if that works. I don't
17 want to step on toes. So if somebody else would like
18 to do it --

19 HEARING OFFICER HOWE: That's really up
20 to you all on who takes the lead.

21 MR. GLANVILLE: We are happy to give
22 them a call this afternoon, get the details, and get
23 back to you on it through Attorney Tarrant.

24 HEARING OFFICER HOWE: Does that work
25 for everybody?

1 MS. ACEVES: Yes. That's fine with the
2 Department.

3 MR. TARRANT: Okay. This is Gerry. As
4 soon as I hear from Dan I'll get back. If we can do
5 it by the end of the afternoon, we'll do that.
6 Otherwise, Monday.

7 HEARING OFFICER HOWE: Okay, and I think
8 either of those dates work for me, and then the only
9 constraint on that is that we have to give 12 days
10 notice for a public hearing and I think we have
11 plenty of time to do that just as long as we get it
12 wrapped up fairly soon.

13 MR. GLANVILLE: We will call him
14 immediately after this call.

15 HEARING OFFICER HOWE: Okay. So we can
16 get that on the schedule. The other question that I
17 had was about the -- well my first question is the
18 deadline for intervention the Commission typically
19 likes to schedule a deadline for motions to intervene
20 to come after the public hearing which it does in
21 this schedule. In the event that we do get
22 intervenors and they are allowed -- given permission
23 to intervene, they are going to be outside of the
24 discovery schedule that's been proposed here. I
25 thought either we could push back the discovery

1 deadlines or if this is a time sensitive schedule, we
2 could put intervenors, in the event that we have
3 some, on an alternative schedule. Do you guys have
4 any thoughts on that?

5 MR. EMERSON: This is Elijah. My
6 inclination is to put them on an alternative
7 discovery schedule just so we can get things started
8 and make progress, and there's a desire to get a
9 decision as quickly as possible for purposes of
10 closing the transaction.

11 HEARING OFFICER HOWE: Sure. I've seen
12 that. Okay. So we will -- I'll just do a wait and
13 see approach on intervenors, and the one thought I
14 had was if in any event there were intervenors, would
15 it be okay with everybody to allow them to file
16 discovery, if they had any of course, along with the
17 -- I guess it would be discovery on non-petitioners.
18 So that would be the March 6 or 10. That's one idea,
19 but we can address that later when we see what
20 happens.

21 Apart from that I think I'm fine with
22 the schedule. The only caveat being that the hearing
23 room is not available on the 9th. So it would have
24 to be one of those 2nd, 3rd, or 7th dates. Is there
25 anything else anyone would like to add to the

1 schedule at this point?

2 MS. ACEVES: This is Sarah Aceves. I
3 just have one comment on the public hearing. Our
4 consumer division thinks it would be prudent to have
5 a quick information session before the public hearing
6 convenes and so they will be preparing for that and I
7 think it makes sense to allot probably 20 to 30
8 minutes for that.

9 HEARING OFFICER HOWE: Okay.

10 MS. ACEVES: And we also think it would
11 make sense for -- if it hasn't been done, to have a
12 billing notice go out to Southern Vermont Cable
13 customers just so that we are crystal clear that
14 every customer has -- knows about the sale.

15 HEARING OFFICER HOWE: Okay. Should the
16 billing notice also address the public hearing? I
17 don't know that there would be time for that in this
18 cycle.

19 MS. ACEVES: We were thinking, yeah, if
20 it's not going to work for a billing notice, that
21 Front Porch Forum could be useful, and I have to
22 check with our consumer division on the logistics of
23 that.

24 MR. EMERSON: I would have to check with
25 Ernie on the logistics of mailers.

1 MR. SCIALABBA: Well the next billing
2 cycle the bills would go out probably on the 27th of
3 January, thereabouts.

4 MR. EMERSON: And, Ernie, have you done
5 that? Is that something you have done before and
6 feel comfortable with?

7 MR. SCIALABBA: Well depends on, you
8 know, what the notice is. We can have a separate
9 sheet if need be. If our billing message can't take
10 the notice that you all want to send out, then we'll
11 just print up a different sheet and we'll put it in
12 with the billing.

13 MR. TARRANT: Eljah, this is Gerry. You
14 would draft that up for Ernie and the question I
15 guess is whether anyone wants to review it before it
16 goes out.

17 MR. EMERSON: I would have presumed the
18 Department definitely would want to review it before
19 it goes out.

20 MS. ACEVES: Yes. We'll want to look at
21 that.

22 HEARING OFFICER HOWE: If this is going
23 to be giving notice of the public hearing, that's not
24 a whole lot of notice. Probably five days.

25 MR. EMERSON: What -- realistically the

1 only purpose if it's that late -- I don't have the
2 schedule in front of me, but it might be later than
3 the intervention deadline.

4 HEARING OFFICER HOWE: So the
5 intervention deadline that would be February 7th or
6 11th on the alternatives.

7 MR. EMERSON: I suppose that's enough
8 time. I guess the logistics are a little complicated
9 because what's the purpose of the public notice is to
10 allow them to know it's going on and participate, but
11 if they really aren't given a reasonable opportunity
12 to participate based on schedule --

13 MS. ACEVES: If it would be useful --
14 sorry. Go ahead.

15 MR. EMERSON: I would hate for a mailer
16 like that to end up making things more complicated
17 when there's not a lot of opportunity for them to do
18 anything, and we definitely don't want to be pushing
19 the schedule out any further.

20 HEARING OFFICER HOWE: Is there a
21 sensitivity to the April -- on pushing the schedule
22 out further is there a sensitivity for the April
23 date? Is there some significance to that other than
24 wanting to do it as soon as possible?

25 MR. TARRANT: This is Gerry. We were

1 hoping to do it as soon as possible and we were
2 talking about -- we were looking forward to a
3 decision by the end of April. I think that was what
4 we had in mind.

5 HEARING OFFICER HOWE: Okay.

6 MS. ACEVES: Elijah, if it would be
7 useful, you and I can talk offline about maybe
8 possibly the best way to go about notifying
9 customers. If there's a better way other than a
10 billing notice, may be open to that just so we don't
11 have to hash it out now.

12 MR. GLANVILLE: Can I offer one piece?
13 Brattleboro Community Television would be willing to
14 run it, I'm sure, on her active channel as well.

15 MR. EMERSON: Yeah. Why don't we
16 consider all of the alternatives. I understand the
17 desire. The desire is to give people reasonable
18 notice so that they have an opportunity to
19 participate in the public hearing to intervene. Then
20 you have to do whatever method allows that.

21 HEARING OFFICER HOWE: I would feel a
22 lot more comfortable if the notice that went out in
23 the mailer gave people enough time to actually get to
24 the public hearing. I don't know that the schedule
25 can be compressed any further than it is.

1 MR. EMERSON: I think what that means is
2 we just maybe in talking with Ernie and talking with
3 Sarah we can figure out what methods there are to do
4 that and not compromise the schedule.

5 HEARING OFFICER HOWE: Okay yeah. The
6 only thing the Commission has its own notice
7 obligation and that's a 12-day notice of the hearing
8 which usually goes into the Brattleboro Reformer.
9 The Commission has used Front Porch Forum in the
10 past, but it's never really worked out in a way that
11 we have been able to take advantage of. So we do a
12 newspaper notice for better or worse. Some people
13 see that, but I'm not sure that it gets quite as
14 broadly as a bill stuffer or a stuffer mailing would
15 do.

16 MR. EMERSON: I completely understand
17 the various perspectives of the parties. It's more a
18 logistics issue on how to get it done. So I think
19 with some bright minds we can figure it out.

20 HEARING OFFICER HOWE: Okay. So I'm
21 just looking at the schedule and January 30th. So we
22 would have to have notice of a public hearing out by
23 probably the 16th or 17th to be safe. If it were
24 February 3rd, that would give us another -- maybe
25 another day. So maybe the 20th, but that's cutting

1 it kind of close. When do you guys think you would
2 know how to proceed and where do you want to go from
3 here? Do you want to let me know with a new joint
4 filing?

5 MR. EMERSON: Yeah I think it's going to
6 have to be. I think sounds like there needs to be a
7 little bit of work on locking down the specific
8 location. Obviously that corresponds to date and
9 that's something that the PUC is going to need to be
10 able to send out its notice and then a related
11 conversation about what's the best way about more
12 individualized notice to the customers. I think
13 those conversations can all happen together. Maybe
14 even get together after this call.

15 MS. ACEVES: That works for me, Elijah.

16 MR. TARRANT: Dan, this is Gerry. Can
17 we reach Landmark College right after the call?

18 MR. GLANVILLE: We're going to try to
19 call over there right after this call.

20 MR. TARRANT: Okay.

21 HEARING OFFICER HOWE: Okay. Well that
22 sounds great to me. The only other question I have
23 about the schedule was there is no briefing. Was
24 that something you just wanted to leave open at the
25 evidentiary hearing and figure it out then or is that

1 something that you would want to address now?

2 MS. ACEVES: The Department is flexible.
3 It really is whatever the petitioners prefer we can
4 make it work. Just for our internal deadlines we'll
5 need at least two weeks.

6 MR. TARRANT: Two weeks is two weeks.
7 If we're talking about the 2nd or 3rd or 7th of
8 April, we're back into the 16th or 17th or 21st. We
9 can turn it around in two weeks or less.

10 MS. ACEVES: The 16th or 17th would
11 likely work for the Department.

12 MR. TARRANT: So why don't we
13 tentatively put that down as the 16th, and then if
14 there's a reason because of intervenors or other
15 reasons, we can always modify that.

16 MR. EMERSON: I'm going to go with what
17 Comcast says.

18 HEARING OFFICER HOWE: Okay. Is there
19 anything else anyone wants to discuss before we wrap
20 up?

21 MR. TARRANT: No I don't think so other
22 than -- this is Gerry. Dan, you can give me a call
23 back on my cell phone I think or e-mail me after you
24 speak --

25 MR. GLANVILLE: I will call your cell.

1 You obviously don't want it on the record so is it
2 okay to go off the record so he can give me his cell
3 number?

4 HEARING OFFICER HOWE: Let's just wrap
5 this up. Let me make sure I understand what's going
6 to happen next and we'll go off the record after
7 that. So I am going to sit tight. I am going to
8 look for something jointly filed by the parties
9 addressing the notice issues, the location of the
10 public hearing, and the date that's available, and
11 again either of those dates will work for me.
12 Probably other dates will work as well if that needs
13 to happen, but as of right now I won't issue a
14 scheduling conference order until I get that filing.
15 Is that everyone's understanding of the process going
16 forward?

17 MR. TARRANT: Yes.

18 MR. EMERSON: I'm good.

19 HEARING OFFICER HOWE: All right.
20 Perfect and with that we are adjourned and we can go
21 off the record.

22 (Whereupon, the proceeding was
23 adjourned at 2 p.m.)

24

25

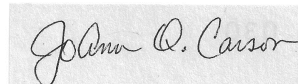
C E R T I F I C A T E

I, JoAnn Q. Carson, do hereby certify that I recorded by stenographic means the scheduling conference re: Case Number 19-4845-PET via conference call on January 10, 2020, beginning at 1:40 p.m.

I further certify that the foregoing testimony was taken by me stenographically and thereafter reduced to typewriting, and the foregoing 15 pages are a transcript of the stenograph notes taken by me of the evidence and the proceedings, to the best of my ability.

I further certify that I am not related to any of the parties thereto or their Counsel, and I am in no way interested in the outcome of said cause.

Dated at Burlington, Vermont, this 10th day of January, 2020.



JoAnn Q. Carson

Registered Merit Reporter

Certified Real Time Reporter