

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. § 109; (2) abandon SVCC's)
cable-television service in Vermont and)
revoke its Certificate of Public Good,)
pursuant to 30 V.S.A. § 505; and (3))
allow Comcast to own and operate)
SVCC's cable television system in)
Vermont, pursuant to 30 V.S.A. §§)
503 and 504)

BRATTLEBORO COMMUNITY TELEVISION'S

VERIFIED MOTION TO INTERVENE

NOW COMES Brattleboro Community Television ("BCTV") by and through its duly authorized representatives, pro se, and moves to intervene in the above-captioned matter pursuant to Vermont Public Service Board Rule 2.209(A)(3), stating in support of its motion as follows.

MEMORANDUM OF LAW

Public Service Board Rule 2.209(A)(3) permits intervention by right "when the applicant demonstrates a substantial interest which may be adversely affected by the outcome of the proceeding, where the proceeding affords the exclusive means by which the applicant can protect that interest and where the applicant's interest is not adequately represented by existing parties."

Movant BCTV should be granted intervenor status as of right because, as a contractual party

with both petitioners, SVCC and Comcast, it has a substantial interest in assuring that no adverse impact on its contractual status with SVCC will result from the purchase of SVCC by Comcast, and also that Comcast's purchase of SVCC, and the assumption of BCTV's contract with SVCC, will result in equalizing the conditions and benefits afforded to the towns now covered separately by the two contracts.

1. BCTV should be granted intervenor status because it is a contractual party with both petitioners.

BCTV holds a contract with SVCC for provision of public, educational, and governmental (“PEG”) access as set forth in § 8.400 of the Vermont Public Service Board Cable Television Rule 8.000 et seq. as may be amended from time to time. The contract with SVCC to provide PEG access programming and services for the towns of Dummerston, Jamaica, Putney, Newfane, and Townshend, EXHIBIT 1, has an effective date of June 1, 2019, and expires May 31, 2027. BCTV also has a contract with Comcast to provide PEG access to residents of the adjacent towns of Brattleboro, Guilford and Vernon, EXHIBIT 2. The contract with Comcast has an effective date of March 29, 2010, and remains in force per agreement by BCTV and Comcast. As a contractual party with both petitioners, BCTV's interests are directly affected by Comcast's purchase of SVCC and assumption of BCTV's contract with SVCC. BCTV should therefore be granted intervenor status.

2. BCTV should be granted intervenor status to ensure that the conditions and benefits afforded to the towns now covered separately by the two contracts will be equalized, including but not limited to level of funding.

BCTV seeks intervenor status in order to protect its interest in equalizing the contractual conditions and benefits afforded towns now separately covered and funded by the contracts it currently has with SVCC and with Comcast. The contractual benefits and obligations related to

PEG access have heretofore been unequal, due to the differing scale of the businesses and the variation between their Certificates of Public Good. Of particular though not exclusive concern is funding. Its contract with BCTV obligates SVCC to a lower funding level, currently 2.25% of gross revenues for the service territory, than does Comcast's with BCTV, which is 5.5%, including capital funding. In addition, Comcast's Amended, Renewed, and Consolidated Certificate of Public Good dated September 27, 2019, EXHIBIT 3, contains conditions and benefits related to PEG Access that should apply to all Comcast customers and residents of towns served by Comcast. With its purchase of SVCC, Comcast will now serve all of the towns in BCTV's service area, therefore the contractual status of all towns should be equal and should be governed by Comcast's CPG, which will supervene that of SVCC, see Amended Renewed Certificate of Public Good dated 2/2/2012, EXHIBIT 4.

Furthermore, Comcast's assumption of the SVCC contract with BCTV should mean that the SVCC towns will be eligible to receive equal funding and services within a reasonable time frame, certainly in significantly less time than would be the case if the current contract termination date of 2027 were to remain in effect.

CONCLUSION

BCTV is a contractual party with both petitioners; therefore it has an essential interest in the outcome of these proceedings which will result in an assumption of SVCC's contractual obligations by Comcast. And as to those obligations, the equalization of conditions and benefits, including funding levels, and the implementation of equal status in timely manner among all towns now served under separate provider CPG's and contracts is of substantial interest to BCTV. For these reasons and those stated above, BCTV should be granted intervenor status as of right in the proceedings.

DATED at Brattleboro, Vermont this 21st day of January 2020.

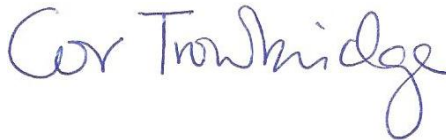
Respectfully submitted,

BRATTLEBORO COMMUNITY TELEVISION, INC.

Handwritten signature of Chris Lenois in black ink.

By:

Christopher Lenois, President

Handwritten signature of Cor Trowbridge in blue ink.

Cor Trowbridge, Executive Director