

STATE OF VERMONT  
PUBLIC UTILITY COMMISSION

Case No. 19-4845-PET

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Joint petition of Southern Vermont Cable Company (“SVCC”) and Comcast of Connecticut/Georgia/Massachusetts/New Hampshire/New York/North Carolina/Virginia/Vermont (“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	
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Order entered: 02/12/2020

**ORDER RE: MOTION TO INTERVENE**

This case involves joint petition filed with the Vermont Public Utility Commission (“Commission”) by Southern Vermont Cable Company (“SVCC”), a Vermont corporation, and Comcast of Connecticut/Georgia/Massachusetts/New Hampshire/New York/North Carolina/Virginia/Vermont, LLC, doing business as Comcast (“Comcast”), for approval for SVCC to sell its Vermont cable television system assets to Comcast.

**I. PROCEDURAL HISTORY**

On January 10, 2020, I held a scheduling conference in this matter by telephone.

On January 21, 2020, Brattleboro Community Television (“BCTV”) filed a motion to intervene in the case under Commission Rule 2.209(A)(3).

On February 3, 2020, I issued a scheduling order adopting the schedule proposed by the parties and also explaining that the schedule may be modified as needed if additional parties intervene and require discovery.

On February 4, 2020, Comcast and the Vermont Department of Public Service (“Department”) filed separate responses to BCTV’s motion stating that they did not oppose BCTV’s intervention in the proceeding.

## II. DISCUSSION AND CONCLUSION

Rule 2.209 governs intervention in proceedings before the Commission. Rule 2.209(A) provides that upon timely application a person shall be entitled to intervene in a proceeding in three circumstances:

- (1) when a statute confers an unconditional right to intervene;
- (2) when a statute confers a conditional right to intervene and the condition or conditions are satisfied; or
- (3) 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.

In addition, Rule 2.209(B) reserves to the Commission the power to grant intervenor status on a permissive basis when an applicant "demonstrates a substantial interest which may be affected by the outcome of the proceeding." In exercising its discretionary authority under this provision, the Commission considers three factors:

- (1) whether the applicant's interest will be adequately protected by other parties;
- (2) whether alternative means exist by which the applicant's interest can be protected; and
- (3) whether intervention will unduly delay the proceeding or prejudice the interests of existing parties or of the public.

BCTV explains that it holds contracts for the provision of public, educational, and governmental ("PEG") access with SVCC and Comcast and that those contracts will be affected by the proposed acquisition of SVCC's cable television system by Comcast. No party has opposed BCTV's intervention request.

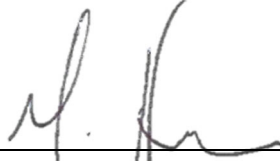
BCTV has demonstrated a substantial interest that may be affected by the outcome of the proceeding. Absent any objection, I grant BCTV's motion to intervene pursuant to Commission Rule 2.209(B). BCTV's participation in this proceeding is limited to the interests identified in BCTV's motion.

I request that BCTV review the schedule issued on February 4, 2020, and discuss with the other parties what discovery BCTV will require and whether that discovery can be

accomplished within the existing schedule. If adjustments are required, the parties should submit a joint proposal, if possible, to modify the schedule by no later than February 24, 2020.

**SO ORDERED.**

Dated at Montpelier, Vermont, this 12th day of February, 2020.



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Micah Howe  
Hearing Officer

OFFICE OF THE CLERK

Filed: February 12, 2020

Attest:   
\_\_\_\_\_  
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](mailto:puc.clerk@vermont.gov))*

PUC Case No. 19-4845-PET - SERVICE LIST

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