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STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

COMPLAINT OF THE CONSOLIDATED)
CITY OF INDIANAPOLIS, TELECOM AND)
VIDEO SERVICES AGENCY AGAINST)
BRIGHT HOUSE NETWORKS, LLC)

RESPONDENT: BRIGHT HOUSE)
NETWORKS INFORMATION SERVICES)
(INDIANA), LLC d/b/a BRIGHT HOUSE)
NETWORKS)

CAUSE NO. 43704

DISMISSAL ORDER

APPROVED: NOV 24 2009

BY THE COMMISSION:

Larry S. Landis, Commissioner
Beth Krogel Roads, Administrative Law Judge

On June 8, 2009, the Complainant, Consolidated City of Indianapolis, Telecom and Video Services Agency ("Complainant" or "City") filed its Complaint with the Indiana Utility Regulatory Commission ("Commission") against Bright House Networks, LLC ("Respondent" or "Bright House") in this matter. In its Complaint, the City presented its allegations against the Respondent in two counts. In Count I of its Complaint, the City indicated that Bright House violated IC § 8-1-34-24 with respect to the calculation and payment of its franchise fee to the City. In Count II, the City indicated that the Respondent violated IC § 8-1-34-29 regarding continuing institutional network capacity and video service cable drop connections to community public buildings.

In its Complaint, the City requested that the Commission do the following: determine the amount of gross revenue on which the franchise fee should be based; order Bright House to remit payment to the City in the amount of \$33,744.00 in unpaid fees, plus interest; order the Respondent to install cable drop connections upon the request of qualified public entities and bar Bright House from requiring that the City and other units provide payment for installation costs in advance; and order Bright House to recoup incremental costs borne by Bright House from among the other holders pursuant to Ind. Code § 8-1-34-29(d). Complaint at 7-8.

A Prehearing Conference was held on July 17, 2009, at which the Complainant; the Respondent; Intervenor Indiana Bell Telephone Company Incorporated d/b/a AT&T Indiana¹; and the Indiana Office of Utility Consumer Counselor ("Public") appeared and participated. The Prehearing Conference Order was approved on August 5, 2009, set the procedural schedule for filings by the Parties and set an Evidentiary Hearing for January 25 and 26, 2010. Bright House filed its Answer on July 31, 2009. The City filed its case-in-chief on September 2, 2009, and filed an Amended Complaint on September 17, 2009, to which Bright House responded on September 24, 2009.

1. On July 9, 2009, AT&T Indiana filed a Petition to Intervene in this Cause that was granted by the Commission in its Prehearing Conference Order issued on August 5, 2009.

On November 3, 2009, the Parties filed a Joint Motion to Dismiss, indicating that the parties had settled the issues in the Complaint. The Joint Motion to Dismiss is hereby granted by the Commission. As requested by the parties, the dismissal of Count I is with prejudice and the dismissal of Count II is without prejudice. The Commission also vacates the Evidentiary Hearing scheduled in this matter for January 25 and 26, 2010.

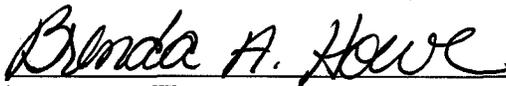
IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:

1. The matter that was initiated by the Complaint filed by the Consolidated City of Indianapolis, Telecom and Video Services Agency on June 8, 2009, is hereby dismissed with prejudice as to Count I and without prejudice as to Count II.
2. The Evidentiary Hearing scheduled for January 25 and 26, 2010, is hereby vacated.
3. This Order shall be effective on and after the date of its approval.

HARDY, ATTERHOLT GOLC, LANDIS AND ZIEGNER CONCUR:

APPROVED: NOV 24 2009

I hereby certify that the above is a true and correct copy of the Order as approved.



**Brenda A. Howe
Secretary to the Commission**