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A Service of the Campbell County Cable Board

10 Hilltop Drive. Highland Heights, KY 41076  
859-781-3495. www.campbellmedia.org

November 17, 2015

Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

Re: DA 15-1102

PROCESSED BY AUTOMATIC

Dear Honorable Commissioners:

On behalf of the Campbell County Cable Board, I am writing with regard to DA 15-1102 concerning rate regulation and effective competition. The Campbell County Cable Board believes that Insight Partners II, L.P., operating as Time Warner Cable, is not subject of effective competition in two jurisdictions in Campbell County, Kentucky. Those jurisdictions are the City of Highland Heights (KY0610) and Silver Grove, Kentucky (KY0689).

Effective competition means that (a) fewer than 30 percent of the households in the franchise area subscribe to the cable service of a cable system; or (b) the franchise area is (i) served by at least two unaffiliated multichannel video programming distributors each of which offers comparable video programming to at least 50 percent of the households in the franchise area; and (ii) the number of households subscribing to programming services offered by multichannel video programming distributors other than the largest multichannel video programming distributor exceeds 15 percent of the households in the franchise area; or (c) a multichannel video programming distributor operated by the franchising authority for that franchise area offers video programming to at least 50 percent of the households in that franchise area; or (d) a local exchange carrier or its affiliate (or any multichannel video programming distributor using the facilities of such carrier or its affiliate) offers video programming services directly to subscribers by any means (other than direct-to-home satellite services) in the franchise area of an unaffiliated cable operator which is providing cable service in that franchise area, but only if the video programming services so offered in that area are comparable to the video programming services provided by the unaffiliated cable operator in that area.

I have attached a letter from the cable company, dated April 30, 2014, stating those jurisdictions are not subject to effective competition. The situation has not changed. The entities listed in section 2b of FCC Form 328 are still not subject to any other effective competition. For this reason, the Campbell County Cable Board is seeking recertification to regulate Insight Partner II, L.P., basic service tier and associated equipment.

Respectfully submitted,

Jennifer Teipel  
Executive Director  
Campbell County Cable Board

CC: Pam McDonald, Vice President Government Relations, Time Warner Cable

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Pamela McDonald  
Vice President of Government Relations

April 30, 2014

Ms. Jennifer Teipel  
Executive Director  
Campbell County Media Central  
10 Hilltop Drive  
Highland Heights, Kentucky 41076

**Via Certified Mail  
Return Receipt Requested**

RE: Campbell County Cable Board Effective Competition Update

Dear Ms. Teipel:

On March 26, 2014, the Federal Communications Commission (FCC) released a Memorandum Opinion and Order (DA 14-407) granting "effective competition" petitions filed by various cable operators. (See attached). The list of communities that the FCC determined were subject to effective competition included four of the six communities covered by Time Warner Cable's 2014-2015 Form 1240 for Campbell County: Unincorporated Campbell County (KY0540); Bellevue (KY0663); Southgate (KY0690) and California (KY1225). Under well-settled FCC precedent, the FCC's order operates to revoke the Board's authority to regulate rates in these four communities as of March 1, 2013, the date on which TWC filed its effective competition petition. See, e.g., *Alert Cable T.V. of North Carolina, Inc. (Cary, NC)*, 19 FCC Received 80,81 (2004) (granted on July 7, 2003 of effective competition petition filed July 1, 2002 rendered the LFA's rate order adopted February 27, 2003 "to be without force or effect").

In light of the fact that the Board retains rate regulation authority only with respect to approximately 1,700 subscribers (and under 200 basic-only subscribers) in Highland Heights (KY0610) and Silver Grove (KY0689), we thought it would be prudent to reach out to the Board to determine whether it wishes to continue with the review of the 2014-2015 rate filing and continue the expense of engaging a consultant to review the rates for two small communities considering the CCCB no longer has regulatory authority over approximately 9,000 subscribers.

If you have any questions or concerns, please feel free to contact me at (859) 392-7683 or via email to [pam.mcdonald@twcable.com](mailto:pam.mcdonald@twcable.com).

Sincerely,

Pamela McDonald  
Vice President Government Relations  
Time Warner Cable

CC: John Fogarty, V.P. & Assistant Chief Counsel Regulatory  
Jason Keller, Time Warner Cable Director of Government Relations  
Ed Kozelek, Time Warner Cable Regional V.P of Government Relations  
Charles Melville, Campbell County Media Central Board Chair  
Mary Ann Stewart, Esquire, Campbell County Media Central

Enclosure

NOV 24 2015

For FCC Use Only

FCC 328 FCC Mail Room

**CERTIFICATION OF FRANCHISING AUTHORITY TO REGULATE BASIC CABLE SERVICE RATES AND INITIAL FINDING OF LACK OF EFFECTIVE COMPETITION**

1. Name of Franchising Authority  
**Campbell County Cable Board**

Mailing Address  
**10 Hilltop Drive**

City <b>Highland Heights</b>	State <b>KY</b>	ZIP Code <b>41076</b>
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Telephone No. (include area code): **(859)781-3495 ext. 12**

Person to contact with respect to this form: **Jennifer Teipel**

3. Will your franchising authority adopt (within 120 days of certification) and administer regulations with respect to basic cable service that are consistent with the regulations adopted by the FCC pursuant to 47 U.S.C Section 543(b)?  Yes  No

4. With respect to the franchising authority's regulations referred to in question 3,

a. Does your franchising authority have the legal authority to adopt them?  Yes  No

b. Does your franchising authority have the personnel to administer them?  Yes  No

5. Do the procedural laws and regulations applicable to rate regulation proceedings by your franchising authority provide a reasonable opportunity for consideration of the views of interested parties?  Yes  No

6a. The Commission presumes that the cable system(s) listed in 2b is (are) subject to competing provider effective competition. Based on definition (b) below, do you have reason to believe that this presumption is incorrect? If so, you must provide an attachment containing evidence adequate to satisfy your burden of rebutting the presumption with specific evidence.  Yes  No

6b. The Commission presumes that the cable system(s) listed in 2b is (are) not subject to any other type of effective competition. Based on definitions (a), (c), and (d) below, do you have reason to believe that this presumption is correct?  Yes  No

2a. Name(s) and address(es) of cable system(s) and associated FCC Community unit identifier(s) within your jurisdiction. (Attach additional sheets if necessary)

Cable System's Name  
**Insight Kentucky Partners II, L.P.**

Mailing Address  
**10170 Linn Station Road, Suite 500**

City <b>Louisville</b>	State <b>KY</b>	ZIP Code <b>40223</b>
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Cable System's FCC Community Unit Identifier:  
**KY0610**

Cable System's Name  
**Insight Kentucky Partners II, L.P.**

Mailing Address  
**10170 Linn Station Road, Suite 500**

City <b>Louisville</b>	State <b>KY</b>	ZIP Code <b>40223</b>
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Cable System's FCC Community Unit Identifier:  
**KY0689**

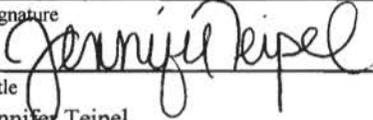
2b. Name(s) of system(s) and associated community unit identifier(s) you claim are subject to regulation and with respect to which you are filing this certification. (Attach additional sheets if necessary.)

Name of System  
**Insight Kentucky Partners II, LP - KY0610**

Name of System  
**Insight Kentucky Partners II, L.P. - KY0689**

2c. Have you served a copy of this form on  Yes  No all parties listed in Item 2?

(Effective competition means that (a) fewer than 30 percent of the households in the franchise area subscribe to the cable service of a cable system; (b) the franchise area is (i) served by at least two unaffiliated multichannel video programming distributors each of which offers comparable video programming to at least 50 percent of the households in the franchise area, and (ii) the number of households subscribing to programming services offered by multichannel video programming distributors other than the largest multichannel video programming distributors exceeds 15 percent of the households in the franchise area; (c) a multichannel video programming distributor operated by the franchising authority for that franchise area offers video programming to at least 50 percent of the households in the franchise area; or (d) a local exchange carrier or its affiliate (or any multichannel video programming distributor using the facilities of such carrier or its affiliate) offers video programming services directly to subscribers by any means (other than direct-to-home satellite services) in the franchise area of an unaffiliated cable operator which is providing cable service in that franchise area, but only if the video programming services so offered in that area are comparable to the video programming services provided by the unaffiliated cable operator in that area. 47 C.F.R. § 76.905.)

Signature 
Title Jennifer Teipel
Date 11/17/15

**WILLFUL FALSE STATEMENTS MADE ON THIS FORM  
ARE PUNISHABLE BY FINE AND / OR IMPRISONMENT  
(U.S. CODE TITLE 18, SECTION 1001).**

Return the original and one copy of this certification form (as indicated in the Instructions for FCC 328), along with any attachments, to:

Federal Communications Commission  
Attn: Media Bureau, Policy Division  
FCC Form 328 Cable Franchising Authority Certification  
445 12th Street, SW  
Washington, DC 20554