

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of

Time Warner Cable, Inc.

Petition for Determination of Effective Competition in:

Adams, MA (MA0001)

Clarksburg, MA (MA0003)

North Adams, MA (MA0004)

MB 13-92

MB 12-1

CSR-8778-E

**MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND CABLE  
OPPOSITION TO TIME WARNER CABLE INC.'S  
PETITION FOR SPECIAL RELIEF**

Commonwealth of Massachusetts  
Department of Telecommunications and Cable

GEOFFREY G. WHY, COMMISSIONER

1000 Washington Street, Suite 820  
Boston, MA 02118-6500  
(617) 305-3580

Dated: April 29, 2013

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**MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND CABLE  
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**I. INTRODUCTION.**

The Federal Communications Commission (“FCC”) should deny, or at the very least amend the effective filing date of the April 8, 2013 Petition for Special Relief (“Petition”) filed by Time Warner Cable Inc. (“TWC”) for both procedural and substantive reasons. First, the Petition was not properly served on the Massachusetts Department of Telecommunications and Cable (“MDTC”). Second, the methodology used to collect the data TWC submitted in support of the Petition results in inaccurate direct broadcast satellite (“DBS”) provider penetration rates under the second prong of the FCC’s “Competing Provider Test.”<sup>1</sup> If the FCC does not reject the Petition outright for these reasons, it should at least establish the effective filing date as the date TWC properly serves the Petition upon the MDTC, and require TWC to submit more accurate

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<sup>1</sup> See 47 C.F.R. § 76.905(b)(2).

data prior to allowing the Petition. The MDTC files this Opposition to the Petition pursuant to section 76.7 of the FCC's rules and in its capacity as regulator of cable rates in the Commonwealth of Massachusetts.<sup>2</sup>

**II. THE FCC SHOULD AMEND THE EFFECTIVE FILING DATE OF THE PETITION BECAUSE THE PETITION WAS NOT PROPERLY SERVED ON THE MDTC.**

TWC failed to properly serve the MDTC, and the FCC should amend the effective filing date of the Petition as a result.<sup>3</sup> A petition for effective competition must be served on the franchising authority to be affected if the petition is granted.<sup>4</sup> A petitioner may serve a party by delivering or mailing a copy of the petition to the party's "last known address."<sup>5</sup> The MDTC is the certified franchising authority for purposes of regulating basic service tier rates and associated equipment costs in each of the franchise areas at issue in this proceeding, Adams, Clarksburg, and North Adams (collectively, "Franchise Areas"), so the MDTC is entitled to proper service.<sup>6</sup> TWC failed to serve the MDTC at its current business address, and it addressed service to an individual who last served as MDTC Commissioner almost four years ago.

The certificate of service attached to the Petition indicates that a copy of the Petition was sent to the MDTC at 2 South Station, Boston, MA 02110, to the attention of Commissioner

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<sup>2</sup> The MDTC "is the certified 'franchising authority' for regulating basic service tier rates and associated equipment costs in Massachusetts." 207 C.M.R. § 6.02; *see also* MASS. GEN. LAWS ch. 166A, §§ 2A, 15 (establishing the MDTC's authority to regulate cable rates). Also, the MDTC regulates

telecommunications and cable services within the Commonwealth of Massachusetts and represents the Commonwealth before the FCC. MASS. GEN. LAWS ch. 25C, § 1; MASS. GEN. LAWS ch. 166A, § 16.  
<sup>3</sup> *See In the Matter of Comcast Cable of Dallas, L.P.*, CSB-A-0745, DA 05-3127, *Order*, ¶ 3 (rel. Dec. 1, 2005) (stating that when the FCC grants a petition for effective competition, it recognizes the filing date of the petition as the date on which the cable operator was subject to effective competition). The MDTC requests that the effective filing date of the Petition be recognized as the date on which TWC properly serves the MDTC. To date, TWC has not served the MDTC at its current business address.

<sup>4</sup> *See* 47 C.F.R. § 76.7(a)(3). In Massachusetts, the mayor or board of selectmen for each municipality in which a cable operator provides service is the franchising authority for most purposes, *see* MASS. GEN. LAWS ch. 166A, § 1, but as stated in n. 2, *supra*, the MDTC "is the certified 'franchising authority' for regulating basic service tier rates and associated equipment costs in Massachusetts." 207 C.M.R. § 6.02.  
<sup>5</sup> 47 C.F.R. § 1.47(d).

<sup>6</sup> *See supra* note 4.

Sharon Gillett.<sup>7</sup> However, the MDTC maintains its office at 1000 Washington Street, Suite 820, Boston, MA 02118, and Ms. Gillett has not been the Commissioner of the MDTC since 2009. The MDTC's current Commissioner, Geoffrey Why, was appointed in June 2009, and the MDTC moved its office from South Station to Washington Street on April 26, 2010.<sup>8</sup> TWC cannot credibly argue that mailing the Petition to South Station satisfies the "last known address" requirement of section 1.47(d) of the FCC's rules; TWC has appeared before the MDTC at 1000 Washington Street at least three times since April 2010.<sup>9</sup> Since the MDTC did not receive the service copy of the Petition served by TWC, service was insufficient.<sup>10</sup>

The MDTC only became aware of this filing due to the diligent monitoring of FCC dockets by its staff. Once discovered, staff reached out to TWC's counsel and requested that service be cured.<sup>11</sup> TWC's counsel agreed, but to date, the request has not been granted. The MDTC requests that the FCC amend the effective filing date of the Petition to correspond with the date TWC properly serves the Petition upon the MDTC.<sup>12</sup>

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<sup>7</sup> Petition at Certificate of Service.

<sup>8</sup> See MDTC Notice, Notice of Change in the DTC's Address (Mar. 2010). The MDTC sent this Notice to every cable operator doing business in Massachusetts, including TWC.

<sup>9</sup> See *Petition of Time Warner Cable for Review of FCC Form 1240 & Form 1205 for the Great Barrington, N. Adams & Pittsfield Sys.*, D.T.C. 11-15, *Final Order* at 2 (Oct. 31, 2012) (indicating that public and evidentiary hearings were held on July 11, 2012); *Petition of Time Warner Cable for Review of FCC Form 1240 & Form 1205 for the Great Barrington, N. Adams & Pittsfield Sys.*, D.T.C. 10-9, *Rate Order* at 2 (Oct. 31, 2011) (indicating that public and evidentiary hearings were held on August 31, 2011); *Petition of Time Warner Cable to establish & adjust the basic serv. tier programming, equip. & installation rates for the cmtys. served by Time Warner Cable that are currently subject to rate regulation*, D.T.C. 09-11, *Rate Order* at 2 (Dec. 15, 2010) (indicating that public and evidentiary hearings were held on October 14, 2010). See 47 C.F.R. § 1.47(d).

<sup>10</sup> On April 17, 2013, MDTC Staff requested that TWC withdraw the Petition and re-file with proper service. This request was denied.

<sup>12</sup> See *In the Matter of KTNC Licensee, LLC Petition for Modification of the San Francisco, Cal. DMA, CSR-6020-A, Memorandum Opinion & Order* (rel. Feb. 12, 2003) (dismissing the petition without prejudice because the petitioner failed to serve the franchising authorities in accordance with section 76.7(a)(3)).

**III. IF THE FCC ADDRESSES THE PETITION ON THE MERITS, IT SHOULD DENY THE PETITION BECAUSE TWC FAILED TO SATISFY THE SECOND PRONG OF THE COMPETING PROVIDER TEST.**

The methodology used to collect the data TWC submitted in support of the Petition produced artificially inflated DBS provider penetration rates in the Franchise Areas.<sup>13</sup>

Accordingly, if the FCC considers the Petition on its merits, it should deny the Petition, at least until TWC provides data that accurately calculate the DBS provider penetration rates.

Under its Competing Provider Test, the FCC may determine that a cable operator is subject to effective competition if the operator can establish that a franchise area is:

- (i) [s]erved by at least two unaffiliated multichannel video programming distributors each of which offers comparable programming to at least 50 percent of the households in the franchise area; and
- (ii) the number of households subscribing to multichannel video programming other than the largest multichannel video programming distributor exceeds 15 percent of the households in the franchise area.<sup>14</sup>

TWC argues that it meets the Competing Provider Test in the Franchise Areas based upon the presence of two DBS providers—DirecTV, Inc. and Dish Network, Corp. (“DBS providers”).<sup>15</sup>

However, TWC’s calculations under the Competing Provider Test produced artificially inflated DBS provider penetration rates in the Franchise Areas. TWC thus failed to make the showing under the second prong of the Competing Provider Test that the DBS providers have a sufficiently high level of subscribership in the Franchise Areas to support a determination of

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<sup>13</sup> See Petition at 6–7

<sup>14</sup> 47 C.F.R. §§ 76.905(b)(2)(i)–(ii). The MDTC reiterates that regulatory relief on account of “effective competition” does not produce the intended result of basic service rates being held in check. See, e.g., *In the Matter of Charter Commc’ns, Inc. Petition for Determination of Effective Competition in 46 Local Franchise Areas*, CSR-8558-E, et al., MDTC Opposition to Charter’s Petition at 4 n.12 (filed Feb. 15, 2012) (“MDTC 2012 Charter Opposition”).

<sup>15</sup> Petition at 2. The MDTC does not dispute that TWC meets the first prong of the Competing Provider Test. However, as the MDTC has noted in the past, given FCC precedent on the issue, the first prong is likely satisfied by *any* cable operator petitioning the FCC for a determination of effective competition based on the Competing Provider Test. See, e.g., *In the Matter of MCC Iowa, LLC Petition for Determination of Effective Competition for Six Local Franchise Areas*, CSR-6482-E, *Memorandum Opinion & Order*, ¶ 3 (rel. Sept. 30, 2005) (holding that the first prong of the Competing Provider Test was met due to the DBS providers’ nationwide footprint, subscriber growth, and available programming).

effective competition. TWC collected and calculated its data using the same methodology used in other effective competition petitions—a methodology that the MDTC previously argued is inaccurate.<sup>16</sup> Specifically, TWC included DBS subscribers in its penetration calculations whose housing units do not qualify as “households,” skewing the DBS provider penetration rates in the Franchise Areas upwards, potentially in excess of the 15 percent statutory threshold.<sup>17</sup> As the MDTC stated previously, the FCC should not rely upon data calculated in this matter to render an effective competition decision.<sup>18</sup>

TWC states that it obtained DBS subscribership data from the Satellite Broadcasting and Communication Association (“SBCA”).<sup>19</sup> TWC took the total number of DBS subscribers in each of the Franchise Areas as a numerator (“statutory numerator”), divided it by the number of “households” in each of the Franchise Areas (“statutory denominator”), and the result, according to TWC, is the penetration rate of the DBS providers in each of the Franchise Areas.<sup>20</sup> In these calculations, however, TWC included DBS subscribers in its statutory numerator whose housing units do not qualify as “households” and thus were not included in TWC’s statutory denominator.<sup>21</sup> This results in artificially inflated DBS provider penetration rates.<sup>22</sup>

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<sup>16</sup> See *In the Matter of Charter Commc’ns, Inc. Petition for Determination of Effective Competition in Boylston, MA, et al.*, CSR-8763-E, et al., MDTC Opposition to Charter’s Petition at 5–7 (filed Feb. 11, 2013) (“MDTC 2013 Charter Opposition”); *In the Matter of Petition of the City of Boston, Mass. For Recertification to Regulate the Basic Cable Serv. Rates of Comcast Cable Commc’ns, LLC (CUID MA0182)*, CSR 8488-R, MDTC Opposition to Comcast’s Petition at 3–5 (filed May 30, 2012) (“MDTC Comcast Opposition”); MDTC 2012 Charter Opposition at 6–8. At the time of this filing, the FCC has not issued a ruling in any of these proceedings.

<sup>17</sup> See *infra* note 24 and accompanying text.

<sup>18</sup> MDTC 2013 Charter Opposition at 5; MDTC Comcast Opposition at 3; MDTC 2012 Charter Opposition at 6. The MDTC has provided detailed explanations of the fallacies of the SBCA’s methodology in the past, so the MDTC will provide only a brief overview here. See MDTC 2013 Charter Opposition at 5–7; MDTC Comcast Opposition at 3–5; MDTC 2012 Charter Opposition at 6–8.

<sup>19</sup> Petition at 7.

<sup>20</sup> *Id.*

<sup>21</sup> See *infra* note 24 and accompanying text.

<sup>22</sup> See, e.g., MDTC 2012 Charter Opposition at 8 (explaining the fallacy of such a methodology).

According to the SBCA’s methodology, which does not exclude DBS subscriptions in seasonal homes, vacation homes, and temporary homes, TWC included DBS subscriptions in these types of housing units in its statutory numerator.<sup>23</sup> These inclusions are problematic, not necessarily because the subscriber numbers are inaccurate, but because none of those types of housing units qualify as “households” under the FCC’s definition.<sup>24</sup> The result is that while TWC included these DBS subscriptions in its statutory numerator, TWC did not include those subscribers’ housing units in its statutory denominator. This calculation overstates the DBS provider penetration rates.

By way of example, TWC asserts that Adams has 587 DBS subscribers and 3,907 households, resulting in a DBS provider penetration rate of 15.02 percent.<sup>25</sup> If as few as seven seasonal/vacation/temporary homes in Adams subscribe to DBS—and thus were not included in TWC’s statutory denominator—the DBS provider penetration rate fails to reach the 15 percent threshold when the statutory denominator is adjusted to reflect accurate data.<sup>26</sup> The FCC should

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<sup>23</sup> See Petition at Exhibit C.

<sup>24</sup> *In the Matter of Time Warner Entm’t-Advance/Newhouse P’ship Petition for Determination of Effective Competition in Wilson, N.C.*, CSR-7199-E, *Memorandum Opinion & Order*, ¶ 20 (rel. Mar. 16, 2011) (stating that that “households” do not include “college or university dormitories, seasonal or vacation homes, or nursing homes and similar assisted living facilities.”) (citations omitted). Similarly, it is unclear whether the SBCA included subscribers in multiple dwelling units (“MDUs”) in its statutory numerator, while not including those subscribers’ households in its statutory denominator. See *id.* (“each occupied unit served in a multiple dwelling unit building has been counted as a separate residential subscriber”). The SBCA has stated in another proceeding that college dormitories and nursing homes are commercial accounts and thus are excluded from the SBCA’s subscriber numbers. *In the Matter of Petition of the City of Boston, Mass. For Recertification to Regulate the Basic Cable Serv. Rates of Comcast Cable Commc’ns, LLC (CUID MA0182)*, CSR 8488-R, Comcast Reply to MDTC Opposition at Exhibit C (filed June 12, 2012). However, given that these types of MDUs are by their nature residential, the FCC should at the very least require a similar explanation in support of the Petition.

<sup>25</sup> Petition at 7.

<sup>26</sup> Put another way, if using a more accurate statutory denominator includes as few as seven previously omitted housing units in TWC’s statutory denominator in Adams, the DBS penetration rate is below the 15 percent threshold ( $587/3,914 = .14997$ ). Though the MDTC does not have access to the number of DBS subscribers residing in these types of housing units in the Franchise Areas, there are at least 34 seasonal homes in Adams, nine in Clarksburg, and 71 in North Adams. Exhibit 1. The MDTC acknowledges that it is unlikely that all of the seasonal/vacation/temporary housing units in the Franchise Areas are DBS

closely scrutinize TWC's data before ruling on a Petition that is based upon internally inconsistent calculations.

#### **IV. CONCLUSION.**

The FCC should deny, or, at the very least, amend the effective filing date of the Petition for both procedural and substantive reasons. First, TWC failed to serve the Petition on the MDTC in accordance with FCC rules. Second, while the data TWC submitted show that the DBS provider subscribership is above the 15 percent threshold, the MDTC urges the FCC to look closely at TWC's data and to evaluate the manner in which TWC arrived at those numbers. TWC cannot dispute that it included some DBS subscribers in its statutory numerators without including their housing units in the correlating statutory denominators, causing DBS provider penetration rates to appear higher than they actually are. As a result of the foregoing, the MDTC respectfully requests that the FCC amend the effective filing date of or deny the Petition, at least until TWC provides data that accurately reflect the DBS provider penetration rates.

Respectfully submitted,  
GEOFFREY G. WHY, COMMISSIONER

By: /s/ Sean M. Carroll  
Sean M. Carroll, Hearing Officer

Massachusetts Department of  
Telecommunications and Cable  
1000 Washington Street, Suite 820  
Boston, MA 02118-6500  
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April 29, 2013

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subscribers. However, as noted above, if as few as seven are in Adams, a more accurate calculation of the DBS provider penetration rate in that franchise area results in a rate below the statutory threshold.

**CERTIFICATION PURSUANT TO 47 C.F.R. § 76.6(a)(4)**

The undersigned signatory has read the foregoing Opposition, and, to the best of my knowledge, information and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law; and it is not interposed for any improper purpose.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Sean M. Carroll', is written over a horizontal line.

Sean M. Carroll

Commonwealth of Massachusetts  
Department of Telecommunications and Cable  
1000 Washington Street, Suite 820  
Boston, MA 02118-6500  
(617) 305-3580

April 29, 2013

## DECLARATION OF MICHAEL MAEL

I, Michael Mael, declare, under penalty of perjury that:

1. I am a senior financial analyst at the Massachusetts Department of Telecommunications and Cable ("MDTC"). My duties include, among other things, maintaining the MDTC's records of cable basic service tier rates.
2. I have read the foregoing Opposition to Time Warner Cable Inc.'s Petition for Special Relief, and I am familiar with the contents thereof and the matters referred to therein.
3. The facts contained within the Opposition are true and correct to the best of my knowledge, information, and belief.

Date: 4/24/13

  
\_\_\_\_\_  
Michael Mael

# **Exhibit 1**



QT-H1

General Housing Characteristics: 2010

2010 Census Summary File 1

NOTE: For information on confidentiality protection, nonsampling error, and definitions, see <http://www.census.gov/prod/cen2010/doc/sf1.pdf>.

Geography: North Adams city, Berkshire County, Massachusetts

Subject	Number	Percent
<b>OCCUPANCY STATUS</b>		
Total housing units	6,752	100.0
Occupied housing units	5,868	86.9
Vacant housing units	884	13.1
<b>TENURE</b>		
Occupied housing units	5,868	100.0
Owner occupied	3,118	53.1
Owned with a mortgage or loan	2,000	34.1
Owned free and clear	1,118	19.1
Renter occupied	2,750	46.9
<b>VACANCY STATUS</b>		
Vacant housing units	884	100.0
For rent	410	46.4
Rented, not occupied	4	0.5
For sale only	91	10.3
Sold, not occupied	24	2.7
For seasonal, recreational, or occasional use	71	8.0
For migratory workers	0	0.0
Other vacant	284	32.1
<b>TENURE BY HISPANIC OR LATINO ORIGIN OF HOUSEHOLDER BY RACE OF HOUSEHOLDER</b>		
Occupied housing units	5,868	100.0
Owner-occupied housing units	3,118	53.1
Not Hispanic or Latino householder	3,087	52.6
White alone householder	3,024	51.5
Black or African American alone householder	17	0.3
American Indian and Alaska Native alone householder	7	0.1
Asian alone householder	14	0.2
Native Hawaiian and Other Pacific Islander alone householder	1	0.0
Some Other Race alone householder	2	0.0
Two or More Races householder	22	0.4
Hispanic or Latino householder	31	0.5
White alone householder	18	0.3
Black or African American alone householder	1	0.0
American Indian and Alaska Native alone householder	0	0.0
Asian alone householder	1	0.0
Native Hawaiian and Other Pacific Islander alone householder	0	0.0
Some Other Race alone householder	7	0.1
Two or More Races householder	4	0.1
Renter-occupied housing units	2,750	46.9
Not Hispanic or Latino householder	2,668	45.5

\*

Subject	Number	Percent
White alone householder	2,524	43.0
Black or African American alone householder	67	1.1
American Indian and Alaska Native alone householder	13	0.2
Asian alone householder	13	0.2
Native Hawaiian and Other Pacific Islander alone householder	2	0.0
Some Other Race alone householder	1	0.0
Two or More Races householder	48	0.8
Hispanic or Latino householder	82	1.4
White alone householder	50	0.9
Black or African American alone householder	3	0.1
American Indian and Alaska Native alone householder	1	0.0
Asian alone householder	0	0.0
Native Hawaiian and Other Pacific Islander alone householder	0	0.0
Some Other Race alone householder	24	0.4
Two or More Races householder	4	0.1

X Not applicable.

Source: U.S. Census Bureau, 2010 Census.

Summary File 1, Tables H3, H4, H5, and HCT1.



QT-H1

General Housing Characteristics: 2010

2010 Census Summary File 1

NOTE: For information on confidentiality protection, nonsampling error, and definitions, see <http://www.census.gov/prod/cen2010/doc/sf1.pdf>.

Geography: Adams town, Berkshire County, Massachusetts

Subject	Number	Percent
<b>OCCUPANCY STATUS</b>		
Total housing units	4,371	100.0
Occupied housing units	3,907	89.4
Vacant housing units	464	10.6
<b>TENURE</b>		
Occupied housing units	3,907	100.0
Owner occupied	2,390	61.2
Owned with a mortgage or loan	1,547	39.6
Owned free and clear	843	21.6
Renter occupied	1,517	38.8
<b>VACANCY STATUS</b>		
Vacant housing units	464	100.0
For rent	171	36.9
Rented, not occupied	6	1.3
For sale only	39	8.4
Sold, not occupied	7	1.5
For seasonal, recreational, or occasional use	34	7.3
For migratory workers	0	0.0
Other vacant	207	44.6
<b>TENURE BY HISPANIC OR LATINO ORIGIN OF HOUSEHOLDER BY RACE OF HOUSEHOLDER</b>		
Occupied housing units	3,907	100.0
Owner-occupied housing units	2,390	61.2
Not Hispanic or Latino householder	2,373	60.7
White alone householder	2,349	60.1
Black or African American alone householder	4	0.1
American Indian and Alaska Native alone householder	1	0.0
Asian alone householder	5	0.1
Native Hawaiian and Other Pacific Islander alone householder	1	0.0
Some Other Race alone householder	1	0.0
Two or More Races householder	12	0.3
Hispanic or Latino householder	17	0.4
White alone householder	10	0.3
Black or African American alone householder	2	0.1
American Indian and Alaska Native alone householder	1	0.0
Asian alone householder	0	0.0
Native Hawaiian and Other Pacific Islander alone householder	0	0.0
Some Other Race alone householder	3	0.1
Two or More Races householder	1	0.0
Renter-occupied housing units	1,517	38.8
Not Hispanic or Latino householder	1,503	38.5



Subject	Number	Percent
White alone householder	1,457	37.3
Black or African American alone householder	12	0.3
American Indian and Alaska Native alone householder	3	0.1
Asian alone householder	6	0.2
Native Hawaiian and Other Pacific Islander alone householder	0	0.0
Some Other Race alone householder	1	0.0
Two or More Races householder	24	0.6
Hispanic or Latino householder	14	0.4
White alone householder	10	0.3
Black or African American alone householder	1	0.0
American Indian and Alaska Native alone householder	0	0.0
Asian alone householder	0	0.0
Native Hawaiian and Other Pacific Islander alone householder	0	0.0
Some Other Race alone householder	2	0.1
Two or More Races householder	1	0.0

X Not applicable.

Source: U.S. Census Bureau, 2010 Census.

Summary File 1, Tables H3, H4, H5, and HCT1.



QT-H1

General Housing Characteristics: 2010

2010 Census Summary File 1

NOTE: For information on confidentiality protection, nonsampling error, and definitions, see <http://www.census.gov/prod/cen2010/doc/sf1.pdf>.

Geography: Adams town, Berkshire County, Massachusetts

Subject	Number	Percent
<b>OCCUPANCY STATUS</b>		
Total housing units	4,371	100.0
Occupied housing units	3,907	89.4
Vacant housing units	464	10.6
<b>TENURE</b>		
Occupied housing units	3,907	100.0
Owner occupied	2,390	61.2
Owned with a mortgage or loan	1,547	39.6
Owned free and clear	843	21.6
Renter occupied	1,517	38.8
<b>VACANCY STATUS</b>		
Vacant housing units	464	100.0
For rent	171	36.9
Rented, not occupied	6	1.3
For sale only	39	8.4
Sold, not occupied	7	1.5
For seasonal, recreational, or occasional use	34	7.3
For migratory workers	0	0.0
Other vacant	207	44.6
<b>TENURE BY HISPANIC OR LATINO ORIGIN OF HOUSEHOLDER BY RACE OF HOUSEHOLDER</b>		
Occupied housing units	3,907	100.0
Owner-occupied housing units	2,390	61.2
Not Hispanic or Latino householder	2,373	60.7
White alone householder	2,349	60.1
Black or African American alone householder	4	0.1
American Indian and Alaska Native alone householder	1	0.0
Asian alone householder	5	0.1
Native Hawaiian and Other Pacific Islander alone householder	1	0.0
Some Other Race alone householder	1	0.0
Two or More Races householder	12	0.3
Hispanic or Latino householder	17	0.4
White alone householder	10	0.3
Black or African American alone householder	2	0.1
American Indian and Alaska Native alone householder	1	0.0
Asian alone householder	0	0.0
Native Hawaiian and Other Pacific Islander alone householder	0	0.0
Some Other Race alone householder	3	0.1
Two or More Races householder	1	0.0
Renter-occupied housing units	1,517	38.8
Not Hispanic or Latino householder	1,503	38.5



Subject	Number	Percent
White alone householder	1,457	37.3
Black or African American alone householder	12	0.3
American Indian and Alaska Native alone householder	3	0.1
Asian alone householder	6	0.2
Native Hawaiian and Other Pacific Islander alone householder	0	0.0
Some Other Race alone householder	1	0.0
Two or More Races householder	24	0.6
Hispanic or Latino householder	14	0.4
White alone householder	10	0.3
Black or African American alone householder	1	0.0
American Indian and Alaska Native alone householder	0	0.0
Asian alone householder	0	0.0
Native Hawaiian and Other Pacific Islander alone householder	0	0.0
Some Other Race alone householder	2	0.1
Two or More Races householder	1	0.0

X Not applicable.

Source: U.S. Census Bureau, 2010 Census.

Summary File 1, Tables H3, H4, H5, and HCT1.

## CERTIFICATE OF SERVICE

I, Catrice C. Williams, do hereby certify on this 29th day of April, 2013 that a true and correct copy of the foregoing "Opposition to Time Warner Cable Inc.'s Petition for Special Relief" has been sent via U.S. mail, postage prepaid to the following:

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Washington, DC 20554

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Catrice C. Williams