

STATE OF OHIO  
DEPARTMENT OF COMMERCE  
VIDEO SERVICE AUTHORIZATION SECTION  
COLUMBUS, OHIO 43215

IN THE MATTER OF:  
WILINK LLC  
2017-001

FINAL ORDER

WHEREAS, the Video Service Authorization Section in the Ohio Department of Commerce (“Agency”) is charged with the responsibility of providing superior customer service, education and outreach to cable consumers, local governments and cable providers, the Agency finds that the Order is necessary and appropriate in the public interest for the protection of consumers, and that the Order is consistent with the purposes fairly intended by the policy and provisions of Chapter 1332 of the Ohio Revised Code (“R.C.”).

WHEREAS,

1. On December 28, 2016, Respondent, WiLink LLC, was issued a Notice of Violation for failure to comply with R.C. §1332.26(D)(1) for failure to restore video service affecting seventeen channels since December 21, 2016.
2. R.C. §1332.26(D)(1) requires a cable provider to restore service within 72 hours after report by a subscriber.
3. The Notice required that service be restored by January 4, 2017. It was not restored.
4. On January 6, 2017, Respondent was notified that due to not restoring service by the deadline of January 4, 2017, the Director of the Agency has the authority to assess a civil penalty for failure to correct the violations after having received a reasonable written notice. The Agency also provided a Notice of Opportunity for a Hearing if such was requested within 30 days of receiving notification. Finally, if no hearing was requested, the Agency would conduct the hearing, but would not allow participation of the Respondent.
5. Successful service of these Notices was obtained on January 9, 2017.
6. The Respondent did not request a hearing.
7. On February 13, 2017, the Agency notified Respondent that a hearing would be conducted on March 21, 2017 at 10:00AM. The Notice also advised that the Respondent’s legal representative would not be permitted to offer evidence or argue on behalf of Respondent due to Respondent’s failure to request a hearing in a timely manner.
8. This notice was received by Respondent on February 24, 2017.
9. On March 14, 2017, the Agency withdrew the Notice of Hearing. Successful service was not achieved; therefore, the notice was resent to Respondent on April 12, 2017 via regular mail.
10. On March 17, 2017, Respondent was notified that due to not restoring service by the deadline of January 4, 2017, the Agency has the authority to assess a civil penalty or revoke the video service authorization for failure to correct the violations after having received a reasonable written notice. The Agency also provided a Notice of Opportunity for a Hearing if requested within 30 days of receiving notification. Finally, if no hearing was requested, the Agency would conduct the hearing, but would not allow participation of the Respondent.

11. Successful service was not achieved; therefore, the notice was resent on April 25, 2017 via regular mail.
12. On June 2, 2017, Respondent was notified that a hearing would be conducted on July 11, 2017 at 10:00AM. The Notice also advised that the Respondent's legal representative would not be permitted to offer evidence or argue on behalf of Respondent due to Respondent's failure to request a hearing in a timely manner.
13. Successful service was not achieved; therefore, it was resent on June 27, 2017 via regular mail.
14. Pursuant to R.C. Chapter 119, the hearing commenced on June 27, 2017, at the office of the Agency with Frank Cellura, Esq. presiding as the Hearing Examiner, Assistant Attorney General Angela Sullivan representing the Agency and Linda Pausch of the Agency appearing as a witness on behalf of the Agency. Neither Respondent nor anyone on behalf of the Respondent appeared at the hearing.
15. On July 14, 2017, the Hearing Examiner issued his Report and Recommendation.
16. On July 14, 2017, the Agency sent a copy of the Hearing Examiner's Report and Recommendation via certified mail to the Respondent. Respondent received the Report on July 17, 2017.
17. The Hearing Examiner recommended that the Respondent's Video Service Authorization be revoked.
18. Respondent did not file any objections to the Hearing Examiner's Report and Recommendation.

WHEREAS, pursuant to R.C. §119.09, the Agency may approve, modify, or disapprove the recommendation of the Hearing Examiner based upon the Report, recommendation, transcript of testimony and evidence, and objections, if any, of the parties and any additional testimony and evidence permitted; and

WHEREAS, the Agency has reviewed the applicable provisions of the R.C., the Hearing Examiner's Report and Recommendation, transcript of testimony and exhibits.

***WHEREAS, the Agency approves and adopts the Findings of Fact and Conclusions of Law, and the Recommendation permanently revoking Respondent's Video Service Authorization effective 90 days from Respondent's receipt of the Order.***

FURTHER, within 15 days of receipt of the Order, Respondent must notify affected subscribers and the respective municipal corporations or townships comprising the video service area of the revocation and include the exact date in which service will be terminated.

**TIME AND METHOD TO FILE AN APPEAL:** Any party desiring to appeal shall file a Notice of Appeal with the Video Service Authorization Section at 77 South High Street, 20<sup>th</sup> Floor, Columbus, Ohio 43215-6133, setting forth the Order appealed from and stating that the Agency's Order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The Notice of Appeal may, but need not, set forth the specific grounds of the party's appeal beyond the statement that the Agency's Order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The Notice of Appeal shall also be filed by the appellant with the appropriate Court of Common Pleas. Such notices of appeal shall be filed within fifteen (15) days after the mailing of the notice of the Agency's Order as provided in R.C. §119.12.

WITNESS MY HAND AND THE OFFICIAL SEAL OF THE OHIO DEPARTMENT OF COMMERCE  
at Columbus, Ohio on this 11<sup>th</sup> day of August, 2017.



Handwritten signature of Jacqueline T. Williams in blue ink, written over a horizontal line.

Jaqueline T. Williams, Director

**CERTIFICATION**

The State of Ohio,  
County of Franklin, SS

I, Anne M. Petit, Superintendent of the Ohio Division of Real Estate and Professional Licensing, on behalf of the Director of Commerce, Jacqueline T. Williams, hereby certify that the foregoing is a true and exact reproduction of the original Adjudication Order, *Re: 2017-001*.



Anne M. Petit, Superintendent

Ohio Division of Real Estate & Professional Licensing

August 11, 2017