

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

IN THE MATTER OF:  
EAST CLEVELAND CABLE TV & COMMUNICATION, LLC  
2018-001  
2018-002

FINAL ORDER

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

WHEREAS,

1. On August 13, 2018, Respondent, East Cleveland Cable TV & Communication, LLC (“ECCTV”), was issued a Notice of Violation for failure to comply with R.C. §§1332.26(D)(1) and (4).
2. R.C. §1332.26(D)(1) requires a cable provider to restore service within 72 hours after report by a subscriber. ECCTV subscribers reported that several channels had been out since July 25, 2018.
3. R.C. §1332.26(D)(4) requires a cable provider to provide subscribers with 30 days advance written notice prior to removing a channel. ECCTV subscribers reported that no notice was received prior to removal of the channels.
4. The Notice required that service be restored by August 27, 2018. It was not restored.
5. ECCTV subscribers continued to file complaints with the Agency alleging more channels were removed without notice and were not restored.
6. A second Notice of Violation (2018-002) was issued to ECCTV on August 23, 2018.
7. The Notice required that service be restored by September 6, 2018. It was not restored.
8. On August 29, 2018, Respondent was notified that due to not restoring service by the deadline of August 27, 2018, Director Williams 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 Director also provided a Notice of Opportunity for a Hearing (2018-001) if requested within 30 days of receiving notification. Finally, if no hearing was requested, the Director would conduct the hearing, but would not allow participation of the Respondent.
9. Successful service of these Notices was obtained on August 31, 2018.
10. The Respondent did not request a hearing.
11. On October 2, 2018, Director Williams notified respondent that a hearing (2018-001) would be conducted on October 23, 2018 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.
12. Successful service of this Notice was obtained on October 9, 2018.

13. On September 7, 2018, Respondent was notified that due to not restoring service by the deadline of September 6, 2018, Director Williams 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 Director also provided a Notice of Opportunity for a Hearing (2018-002) if requested within 30 days of receiving notification. Finally, if no hearing was requested, the Director would conduct the hearing, but would not allow participation of the Respondent.
14. Successful service of these Notices was obtained on September 10, 2018.
15. The Respondent did not request a hearing.
16. On October 10, 2018, Director Williams notified respondent that a hearing (2018-002) would be conducted on October 23, 2018 at 11:00AM. 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.
17. Successful service of this Notice was obtained on October 12, 2018.
18. Pursuant to R.C. Chapter 119, the hearing commenced on October 23, 2018, at the office of the Agency with Frank Cellura, Esq. presiding as the Hearing Examiner, Assistant Attorney General Giles Allen, 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.
19. AAG Allen requested these matters (Case Nos. 2018-001 and 2018-002) be consolidated for purposes of hearing. Hearing Examiner Cellura granted the request.
20. On October 31, 2018, the Hearing Examiner issued his Report and Recommendation.
21. On October 31, 2018, the Agency sent a copy of the Hearing Examiner's Report and Recommendation via certified mail to the Respondent. Respondent received the Report on November 8, 2018.
22. The Hearing Examiner recommended revocation of the Respondent's Video Service Authorization.
23. Additionally, the Hearing Examiner recommended that the Respondent be assessed a monetary civil penalty of Ten Thousand dollars (\$10,000.00) relative to Case No. 2018-001 and a further civil penalty in the amount of Twenty Thousand dollars (\$20,000.00) relative to case No. 2018-002.
24. 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, permanently revoking Respondent's Video Service Authorization effective 90 days from Respondent's receipt of the Order. Respondent has engaged in a pattern of chronic noncompliance with R.C. §§1332.26(D)(1) and (4) with respect to the service restoration and required notification. Respondent has demonstrated blatant disregard for its obligations to its subscribers; the service outages were a preventable consequence of the Respondent's rogue behavior. These factors coupled with the Respondent's complete lack of respect for the Agency's process, warrant permanent revocation;

WHEREAS, the Agency modifies the amount of the Recommended civil penalty. R.C. §1332.24(C)(1)(c) permits the Agency to assess a civil penalty and shall not be more than one thousand dollars for each day

of violation or noncompliance, not to exceed a total of ten thousand dollars, counting all subscriber impacts as a single violation or act of noncompliance. The Hearing Examiner concluded that with respect to Case No. 2018-001 the Respondent violated R.C. §1332.26(D)(1) and (4), therefore the Agency assesses a civil penalty of Ten Thousand dollars (\$10,000.00) for violation of each section for a total of Twenty Thousand dollars (\$20,000.00);

WHEREAS, the Hearing Officer concluded that with respect to Case No. 2018-002 the Respondent violated R.C. §1332.26(D)(1) and (4), therefore the Agency assesses a civil penalty of Ten Thousand dollars (\$10,000.00) for violation of each section for a total of Twenty Thousand dollars (\$20,000.00);

**WHEREAS, the total civil penalty assessed for both matters (Case Nos. 2018-001 and 2018-002) is Forty Thousand dollars (\$40,000.00).**

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 DEPARTMENT OF COMMERCE at Columbus, Ohio on this 21<sup>st</sup> day of November, 2018.



*Dequeline T. Williams*  
Dequeline 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: 2018-001 and 2018-002*.



Anne M. Petit, Superintendent

Ohio Division of Real Estate & Professional Licensing

November 21, 2018