

**OHIO DEPARTMENT OF COMMERCE
VIDEO SERVICE AUTHORIZATION SECTION**

Video Service Provider Applicant: S. Bryer Cable TV Corporation
Certified Mail Article Number: 7006 2760 0000 2745 3096
Application Number: 2009-VSA-0046
Date of Mailing: July 16, 2009

**DENIAL OF VIDEO SERVICE AUTHORIZATION
AND NOTICE OF OPPORTUNITY FOR A HEARING**

WHEREAS, the Director of the Ohio Department of Commerce is the sole franchising authority for video service authorizations and has been granted the exclusive power to issue video service authorizations to video service providers in this state pursuant to R.C. 1332.24; and

WHEREAS, the Director has reviewed the applicant's request for a video service authorization and as a result of this review finds as follows:

1. S. Bryer Cable TV Corporation submitted an application for a video service authorization on March 9, 2009;
2. On April 8, 2009, S. Bryer Cable TV Corporation was issued a first notification that its application was incomplete. The notice identified the following areas of deficiency:
 - a) Failure to provide a complete description of its complaint handling process, including but not limited to welcome letter, terms and conditions document, disconnect notice, and a repair policy that complies with R.C. § 1332.26(D). Additionally, Bryer Cable failed to provide a toll free number for southwest Ohio customers, a description of how billing credits would be applied to a customer's account and a fax number for the Department or customers to use. R.C. § 1332.25(A)(7).
 - b) Failure to provide a franchise termination spreadsheet and/or other documentation to demonstrate compliance with R.C. § 1332.23(B)(2)
 - c) Failure to provide a complete description of its geographic and political boundaries in compliance with R.C. § 1332.25(A)(2);
3. After being granted an extension of time to respond, Bryer Cable submitted a response to the April 8, 2009 notification. Bryer Cable's response failed to provide the requested information. On June 3, 2009, Bryer Cable was sent a second notification that its application was incomplete. Bryer Cable was given until June 18, 2009 to respond. Bryer Cable did not respond. On June 29, 2009, Bryer Cable was sent a third notification that its application remained incomplete and was given until July 6, 2009 to respond;
4. Bryer Cable failed to provide the information referenced in paragraphs 2 (a)-(c) above.

WHEREAS, based upon paragraphs (1) through (4), the Director has determined that S. Bryer Cable TV Corporation's application is incomplete and the application for an authorization is denied.

NOTICE

Pursuant to Chapter 119 of the Ohio Revised Code, S. Bryer Cable TV Corporation is hereby notified that it is entitled to an adjudicatory hearing if a written request is received by the Department's Video Service Authorization Section, 77 South High Street, 23rd Floor, Columbus, Ohio 43215, within thirty days from the date of mailing of this Notice. At the hearing, S. Bryer Cable TV Corporation may appear with counsel, and through and with counsel may present evidence and examine witnesses appearing for or against it. Alternatively, S. Bryer Cable TV Corporation, may present its positions, arguments or conditions in writing prior to the hearing should it choose not to attend or be represented at the hearing.

