

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Application of Charter )  
Communications Entertainment I, LLC )  
d/b/a Charter Communications for Video )  
Service Authorization. )

Case No. KA-2008-0074

**STAFF’S MEMORANDUM REGARDING § 67.2679.5 RSMO. REQUIREMENTS**

**COMES NOW** the Staff of the Missouri Public Service Commission and states:

1. On September 11, 2007, Charter Communications Entertainment I, LLC d/b/a Charter Communications (“Charter”) filed its Application for Video Service Authorization (“Application”). The Certificate of Service included on page 2 of Charter’s Application stated: “I hereby certify that written notice of our intent to provide video service was sent by certified mail, on the 4<sup>th</sup> day of September, 2007, to each of the political subdivisions listed above.” Included in the Application’s list was St. Peters.

2. On October 11, 2007, the City of St. Peters filed a letter stating that Charter did not provide St. Peters a copy of the Application filed with the Commission “as required by Section 67.2679.5 RSMo.” St. Peters did acknowledge that Charter “did express to the City of St. Peters that it was their intent to ‘renew our cable franchise under a State-issued franchise’ ....”

3. In the 2007 Legislative session, Senate Bill No. 284 (SB 284) was passed, adding § 67.2679.5 to the Missouri Revised Statutes. This section specifically states:

5. Any person seeking to commence providing video service in this state shall file an application for a video service authorization covering a franchise area or franchise areas with the public service commission and **provide written notice to the affected political subdivisions of its intent to provide video service.** The public service commission shall make such application public by posting a copy of the application on its website within three days of filing.

**(emphasis added).** This statute does not require the application be served on political subdivisions, only “written notice...of its intent to provide video service.”

4. On October 15, 2007, Charter filed a letter to respond to St. Peter's letter. Charter attached copies of two letters (dated June 25, 2007, and August 30, 2007, respectively) addressed to the Mayor of St. Peters, Len Paganooof, both stating "By this letter, Charter hereby notifies you of our intent to renew our cable franchise under a State-issued franchise under the terms and conditions set forth in Chapter 67 RSMo § 67.2675 et seq....," which is also the same language quoted and acknowledged in St. Peters filed letter.

5. Therefore, Staff states § 67.2679.5 RSMo's requirement that Charter provide written notice of intent to provide video service to St. Peters has been met.

Respectfully submitted,

/s/ Shelley Syler Brueggemann  
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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 19<sup>th</sup> day of October 2007.

/s/ Shelley Syler Brueggemann\_\_\_\_\_