



STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.nj.gov/bpu/

CABLE TELEVISION

IN THE MATTER OF THE ALLEGED FAILURE)	ORDER ACCEPTING
OF CERTAIN CABLE TELEVISION SUBSIDIARIES OR)	OFFER OF SETTLEMENT
AFFILIATES OF COMCAST CABLE COMMUNICATIONS,)	
LLC TO COMPLY WITH CERTAIN PROVISIONS OF)	
THE NEW JERSEY CABLE TELEVISION ACT, <u>N.J.S.A.</u>)	
48:5A-1 <u>ET SEQ.</u> , THE NEW JERSEY ADMINISTRATIVE)	
CODE, <u>N.J.A.C.</u> 14:17-1.1 <u>ET SEQ.</u> AND <u>N.J.A.C.</u>)	
14:18-1.1 <u>ET SEQ.</u> , AND CERTAIN PROVISIONS OF)	
BOARD ORDERS)	DOCKET NO.CO09110944

Dennis Linken, Esq., Stryker, Tams & Dill LLP, Newark, New Jersey for Petitioner

BY THE BOARD:

Comcast Cable Communications, LLC ("CCC") owns and operates certain subsidiaries or affiliates that provide cable television service in New Jersey¹ (referred to collectively hereinafter as "Comcast"). Comcast provides cable television services to approximately 1.5 million New Jersey customers throughout 306 municipalities in 19 counties.

The Board's Office of Cable Television Inspection and Enforcement Bureau (hereinafter the "Office") uncovered a number of alleged violations during the course of a compliance review. The Office served notice of its allegations that Comcast did not conform to certain provisions of the New Jersey State Cable Television Act, N.J.S.A. 48:5A-1 et seq. and the New Jersey Administrative Code, N.J.A.C. 14:17-1.1 et seq. and N.J.A.C. 14:18-1.1 et seq., as more specifically set forth in Attachment 1 (Schedule of Alleged Violations). The aforementioned statutes and regulations require that all cable systems in New Jersey operate in a manner that protects the rights of the cable consumer.

¹ Comcast of New Jersey II, LLC; Comcast of South Jersey, LLC; Comcast of the Meadowlands, LLC; Comcast of Monmouth County, LLC; Comcast of Ocean County, LLC; Comcast of Northwest New Jersey, LLC; Comcast of Central New Jersey, LLC; Comcast of Central New Jersey II, LLC; Comcast of Mercer County, LLC; Comcast of Hopewell Valley, Inc.; Comcast of Lawrence, LLC; Comcast of Jersey City, LLC; Comcast of Burlington County, LLC; Comcast of Southeast Pennsylvania, LLC; Comcast of Gloucester County, LLC; Comcast of Plainfield, LLC; Comcast of Long Beach Island, LLC; Comcast of Avalon, LLC; Comcast of New Jersey, LLC; Comcast of Garden State L.P.; and Comcast of Wildwood, LLC.

As a result of correspondence, telephone conversations and settlement conferences between Comcast and the Office, on November 24, 2009, Comcast submitted an Offer of Settlement concerning the non-conforming practices outlined on the attached schedule of the alleged violations. In the Offer of Settlement submitted by Comcast, Comcast did not admit to any violations and made a monetary offer in the amount of \$100,000.00 in order to resolve all issues concerning the violations alleged by the Office.

The Board has reviewed the matter and HEREBY FINDS that the Offer represents a reasonable settlement of the alleged violations. Therefore, the Board HEREBY ACCEPTS the Offer of Settlement proffered by Comcast subject to the following conditions:

1. Comcast shall tender \$100,000.00, payable to Treasurer, State of New Jersey within fifteen (15) days of the Board's acceptance of the Offer of Settlement.
2. Comcast shall, on an on-going basis, provide verified proof to the Office that all required quarterly and annual notices are sent to customers in accordance with N.J.S.A. 48:5A-26(c), N.J.A.C. 14:18-3.5 and N.J.A.C. 14:18-3.18 in the form of a true copy of the notices sent and proof of mailing the earlier of thirty (30) days of the completion of such notices or ten (10) days following the end of the quarter or annual period for which the notice was sent. This requirement is consistent with the Board's prior Orders in Docket Nos. CO03090706, CO04020083, CO05090785, CO07030212, CO07080570 and CO07080571.
3. Comcast shall provide verified proof, including, where appropriate, certifications of continued compliance, to the Office no later than February 15, 2010, that appropriate corrective action was implemented as of the date of its Offer of Settlement to ensure that:
 - a. Comcast shall file its tariffs within the appropriate timeframe as required by N.J.A.C. 14:17-6.17(a).
 - b. Comcast shall maintain complete copies of its current schedule showing all prices, rates, terms, conditions of service and service packages and disclose same to customers as required by N.J.S.A. 48:5A-11(d), N.J.S.A. 48:5A-36(b), N.J.A.C. 14:18-3.3 (b) and (d) and N.J.A.C. 14:18-3.4(d).
 - c. Comcast shall file with the Office written notice of an alteration of channel allocation at least thirty (30) days prior to the effective date as required by N.J.A.C. 14:18-3.17(a).
 - d. Comcast shall provide notice of all monthly service packages and corresponding rates available according to the customer's billing classification as required by N.J.A.C. 14:18-3.18(a)1.
 - e. Pursuant to N.J.A.C. 14:18-3.25, Comcast shall issue refund checks promptly to customers no later than either the customer's next billing cycle following the resolution of the issue giving cause for the rebate, or thirty (30) days, whichever is earlier; or no later than the return of equipment supplied by the cable operator if service was terminated.

- f. Comcast shall file with the Office its annual detailed report of the number and character of complaints made by customers and communicated to the company during the previous year, within the appropriate timeframe as required by N.J.A.C. 14:18-6.7(g).
- g. Comcast shall ensure its customers have adequate access to personnel so that customer phone calls are answered within the thirty (30) second hold time as required by 47 C.F.R. §76.309(c) and N.J.A.C. 14:18-7.8(a)2.
- h. Comcast shall ensure its customers have adequate access to company personnel so that a customer receives a busy signal less than three (3) percent of the time, as required by N.J.A.C. 14:18-7.8(a)3 and 47 C.F.R. §76.309(c).
- i. Comcast shall comply with all terms and conditions of Orders and directives issued by this Board and the Director as required by N.J.S.A. 48:5A-9.

The Office will monitor Comcast or its successor's future notice and filing requirements and procedures as set forth in the State Cable Television Act and the New Jersey Administrative Code.

The Board's acceptance of the Offer of Settlement is for purposes of this proceeding only, addresses only those specific allegations and timeframes in the Offer of Settlement, and shall not be construed as limiting the Board's authority in any other matter affecting Comcast or a successor company or operator.

For purposes of assessing penalties for future offenses by Comcast, their parents, affiliates, subsidiaries and successors that may now or in the future operate the cable television systems that are the subject of this Offer of Settlement, such future offenses shall be considered second, third or subsequent offenses, in accordance with N.J.S.A. 48:5A-51(b).

This Offer of Settlement does not include and does not have an impact upon the Office's allegation of CCC or the Comcast Subsidiaries' failure to: 1) resolve continual billing code errors pursuant to N.J.A.C. 14:18-3.7, and 2) obtain OCTV approval for the release of maintaining a \$150,000.00 performance bond until the completion of the construction of the downtown area for the City of Plainfield pursuant to Board Orders in Docket Nos. CE01010030 and CE04080880. To the extent that said alleged violations may involve a potential for liability on the part of CCC, Comcast Subsidiaries, their affiliates, subsidiaries or successors, it will remain subject to enforcement or other Board appropriate action.

This Offer of Settlement does not include, and does not have impact upon any party's allegations or claims, related to the 2004 Customer complaint report filed by or on behalf of Comcast.

This Offer of Settlement also does not include, and shall not have an impact upon, any party's allegations or claims as they apply to alleged violations of New Jersey's Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq. To the extent that there is a potential for liability on the part of Comcast, its parents, affiliates, subsidiaries, and successors, as a result of alleged Underground Facility Protection Act violations, that liability will remain subject to enforcement or other Board appropriate action.

This Offer of Settlement does not relieve Comcast, their parents, affiliates, subsidiaries and successors, from any liability for violations not specifically enumerated in Attachment 1 or those that occurred after June 30, 2009.

DATED: 12/17/09

BOARD OF PUBLIC UTILITIES
BY:


JEANNE M. FOX
PRESIDENT

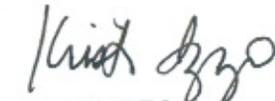

FREDERICK F. BUTLER
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER

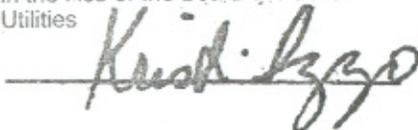

NICHOLAS ASSELTA
COMMISSIONER


ELIZABETH RANDALL
COMMISSIONER

ATTEST:


KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities



**IN THE MATTER OF THE ALLEGED FAILURE OF CERTAIN CABLE TELEVISION
SUBSIDIARIES OR AFFILIATES OF COMCAST CABLE COMMUNICATIONS, LLC TO
COMPLY WITH PROVISIONS OF THE NEW JERSEY CABLE TELEVISION ACT, N.J.S.A.
48:5A-1 et seq., THE NEW JERSEY ADMINISTRATIVE CODE, N.J.A.C. 14:17-1.1 et seq.
AND N.J.A.C. 14:18-1.1 et seq., AND CERTAIN PROVISIONS OF BOARD ORDERS**

OFFER OF SETTLEMENT

DOCKET NO. CO09110944

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**ATTACHMENT 1
SCHEDULE OF ALLEGED VIOLATIONS**

OFFER OF SETTLEMENT

DOCKET NO. CO09110944

1. Comcast failed to file a statement as to the date on which it is proposed to make the tariff or change effective, which date shall not be earlier than 30 days after the filing unless otherwise permitted by the Office with the approval of the Board except where mere advance notice is sufficient under N.J.A.C. 14:18-3.16, pursuant to N.J.A.C. 14:17-6.17(a) in 2008.
2. Comcast failed to provide customers with adequate information and assure they are served under the most advantageous schedule and demanding different compensation for cable television services, by failing to identify several rates and services in the company's applicable schedule of rates, terms, and conditions, pursuant to N.J.S.A. 48:5A-11(d), N.J.S.A. 48:5A-36(b), N.J.A.C. 14:18-3.3(b) and (d) and N.J.A.C. 14:18-3.4(d) in 2009.
3. Comcast failed to file with the Office written notice of an alteration of channel allocation at least thirty (30) days prior to the effective date, pursuant to N.J.A.C. 14:18-3.17(a) in 2009.
4. Comcast failed to provide notice of all monthly service packages and corresponding rates available according to the customer's billing classification, pursuant to N.J.A.C. 14:18-3.18(a)1 in 2008 and 2009.
5. Comcast failed to issue a refund checks promptly in 2008 and 2009 to customers no later than either the customer's next billing cycle following the resolution of the issue giving cause for the rebate, or thirty (30) days whichever is earlier, or the return of equipment supplied by the cable operator if service was terminated, pursuant to N.J.A.C. 14:18-3.25.
6. Comcast failed to file with the Office in a timely manner an annual detailed report of the number and character of complaints made by customers and communicated to the company in 2007, pursuant to N.J.A.C. 14:18-6.7(g).
7. Comcast failed to comply with the FCC Customer Service Standard requiring that a customer's wait time shall not exceed thirty (30) seconds from when the connection is made, pursuant to 47 C.F.R. §76.309(c) and N.J.A.C. 14:18-7.8(a) 2 for the third quarter of 2007 through the first quarter of 2008 and the third quarter of 2008 through the second quarter of 2009.
8. Comcast failed to comply with the FCC Customer Service Standard requiring that a customer will receive busy signal less than three (3) percent of the time, pursuant to 47 C.F.R. §76.309(c) and N.J.A.C. 14:18-7.8(a) 3 for the third quarter of 2007 and the first quarter of 2008.

9. Comcast failed to comply with Board Orders in Docket Numbers CO03090706, CO04020083, CO05090785, CO07030212, CO07080570 and CO07080571, by not providing in a timely manner a true copy of the notices and verified proofs of mailing to the Office that its second quarter 2007 and first through second quarter 2009 quarterly notices and 2008 and 2009 annual notices had been sent to customers in accordance with N.J.S.A. 48:5A-26(c), N.J.A.C. 14:18-3.5 and N.J.A.C. 14:18-3.18, in the form of a true copy of the notices sent and proof of mailing the earlier of thirty (30) days of the completion of such notices or ten (10) days following the end of the quarter or annual period for which the notice was sent, pursuant to N.J.A.C. 14:17-11.1.

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES
OFFICE OF CABLE TELEVISION

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PUBLIC UTILITIES
NEWARK, N.J.

STRYKER, TAMS & DELL LLP
Two Penn Plaza East
Newark, New Jersey 07105
(973) 491-9500

IN THE MATTER OF THE ALLEGED)
FAILURE OF CERTAIN CABLE TELEVISION)
SUBSIDIARIES OR AFFILIATES OF)
COMCAST CABLE COMMUNICATIONS,)
LLC TO COMPLY WITH PROVISIONS OF)
THE NEW JERSEY CABLE TELEVISION)
ACT, N.J.S.A. 48:5A-1 ET SEQ., THE NEW)
JERSEY ADMINISTRATIVE CODE, N.J.A.C.)
14:17-1.1 ET SEQ. AND N.J.A.C. 14:18-1.1 ET)
SEQ. AND CERTAIN PROVISIONS OF)
BOARD ORDERS)

OFFER OF SETTLEMENT

Docket No. CO09 110944

WHEREAS, Comcast Cable Communications, LLC ("CCC") owns the stock or equity interests of certain subsidiaries or affiliates which own and operate cable television systems in New Jersey¹ (referred to collectively hereinafter as the "Comcast Subsidiaries"); and

WHEREAS, the Comcast Subsidiaries are subject to the jurisdiction of the Board of Public Utilities (the "Board") and the Office of Cable Television ("OCTV"), within the Board, pursuant to the New Jersey Cable Television Act, N.J.S.A. 48:5A-1 et seq. (the "Act"), and the New Jersey Administrative Code, N.J.A.C. 14:17-1.1 et seq. and N.J.A.C. 14:18-1.1 et seq. (the "Regulations"); and

WHEREAS, New Jersey cable television companies are required to comply with the provisions of the Act, the Regulations and Board Orders issued thereunder; and

¹ Comcast of New Jersey II, LLC; Comcast of South Jersey, LLC; Comcast of the Meadowlands, LLC; Comcast of Monmouth County, LLC; Comcast of Ocean County, LLC; Comcast of Northwest New Jersey, LLC; Comcast of Central New Jersey, LLC; Comcast of Central New Jersey II, LLC; Comcast of Mercer County, LLC; Comcast of Hopewell Valley, Inc.; Comcast of Lawrence, LLC; Comcast of Jersey City, LLC; Comcast of Burlington County, LLC; Comcast of Southeast Pennsylvania, LLC; Comcast of Gloucester County, LLC; Comcast of Plainfield, LLC; Comcast of Long Beach Island, LLC; Comcast of Avalon, LLC; Comcast of New Jersey, LLC; Comcast of Garden State L.P.; and Comcast of Wildwood, LLC.

WHEREAS, the OCTV has conducted an investigation with regard to the Comcast Subsidiaries' compliance with the Act, the Regulations and Board Orders; and

WHEREAS, as a result of said review by the Board and investigation by the OCTV, the OCTV has alleged that some or all of the Comcast Subsidiaries have failed to comply with certain provisions of the Regulations and/or Board Orders; and

WHEREAS, the Comcast Subsidiaries wish to amicably resolve the issues raised by the OCTV without the need for time-consuming and expensive litigation;

NOW, THEREFORE, the Comcast Subsidiaries submit this Offer of Settlement as follows:

1. The OCTV has alleged that the Comcast Subsidiaries have failed to comply with, among other things:
 - a. Regulations pertaining to schedules of all rates, terms and conditions to be filed with the Board.
 - b. Regulations pertaining to the issuance of subscriber refunds.
 - c. Regulations pertaining to customer service standards.
 - d. Regulations and/or Board Orders pertaining to notices and reports to be filed with the Board and notices to be sent to subscribers.

2. The Comcast Subsidiaries will pay to the State of New Jersey the sum of One Hundred Thousand Dollars (\$100,000.00) in full settlement with the Board and the OCTV, except as provided in paragraphs 3, 4, 5 and 6 below, of any violations or potential violations prior to July 1, 2009, of the Act, the Regulations or Board Orders, which violations or potential violations have been or could have been discovered and/or alleged by the Board or the OCTV against any or all of the Comcast Subsidiaries. Upon approval by the Board of this Offer of Settlement and payment as required hereinabove, the Board and the OCTV release CCC and the Comcast Subsidiaries, their parents, affiliates, subsidiaries and successors, from any and all liability with respect to such violations or potential violations.

3. This Offer of Settlement does not relieve CCC, the Comcast Subsidiaries, or their parents, affiliates, subsidiaries or successors, from any liability for violations of the Act, the Regulations or Board Orders that occur after June 30, 2009.
4. This Offer of Settlement does not include, and does not impact upon, any allegation or claim with respect to the 2004 customer complaint report filed with the Board by or on behalf of the Comcast Subsidiaries. To the extent that said filing may involve a potential for liability on the part of the Comcast Subsidiaries, their parents, affiliates, subsidiaries or successors, it will remain subject to enforcement or other appropriate Board action.
5. This Offer of Settlement does not include, and does not have an impact upon the Office's allegation of CCC or the Comcast Subsidiaries' failure to: 1) resolve continual billing code errors pursuant to N.J.A.C. 14:18-3.7, and 2) obtain OCTV approval for the release of maintaining a \$150,000.00 performance bond until the completion of the construction of the downtown area for the City of Plainfield pursuant to Board Orders in Docket Nos. CE01010030 and CE04080880. To the extent that said alleged violations may involve a potential for liability on the part of CCC, Comcast Subsidiaries, their affiliates, subsidiaries or successors, it will remain subject to enforcement or other appropriate Board action.
6. This Offer of Settlement also does not include, and shall not have an impact upon, any party's allegations or claims as they apply to alleged violations of New Jersey's Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq. To the extent that there is a potential for liability on the part of CCC, the Comcast Subsidiaries, their parents, affiliates, subsidiaries, or successors, as a result of alleged Underground Facility Protection Act violations, that liability will remain subject to enforcement or other appropriate Board action.

7. Neither the execution of this Offer of Settlement nor the approval hereof by the Board shall be deemed an admission by CCC or the Comcast Subsidiaries of any violation of the Act, the Regulations or any Board Order, nor a determination by the Board or the OCTV that such a violation has occurred.
8. Any future repeated violation(s) of the Act, the Regulations or Board Orders by CCC and/or the Comcast Subsidiaries, their parents, affiliates, subsidiaries or successors that may now or in the future operate the cable television systems that are the subject of this Offer of Settlement, shall be deemed to be a second, third or subsequent violation, as appropriate, pursuant to the provisions of N.J.S.A. 48:5A-51(b), for the purpose of determining the amount of any applicable penalty.
9. Recognizing but notwithstanding the provisions of the foregoing paragraphs, the Comcast Subsidiaries agree to take the following actions: They will endeavor, going forward, to:
 - a. submit to customers and/or the Board such notifications as may be required under pertinent Board Orders or Regulations.
 - b. issue refund checks promptly to customers no later than either the customer's next billing cycle following the resolution of the issue giving cause for the refund, or thirty (30) days, whichever is earlier, or the return of equipment supplied by the cable operator if service was terminated, as required by N.J.A.C. 14:18-3.25.
 - c. achieve the Federal Communications Commission and State telephone customer service standards as set forth in 47 C.F.R. § 76.309(c) and N.J.A.C. 14:18-7.8(a) 2 and 3.
 - d. submit to the Board such reports and applicable schedules of rates, terms and conditions as required under pertinent Regulations.
10. The execution of this Offer of Settlement shall not be relied upon by CCC or the Comcast Subsidiaries, their parents, affiliates, subsidiaries or successors in an attempt to mitigate any future repeated violation of the Act, the Regulations or

any Board Orders.

Comcast of New Jersey II, LLC
Comcast of South Jersey, LLC
Comcast of the Meadowlands, LLC
Comcast of Monmouth County, LLC
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Comcast of Avalon, LLC
Comcast of New Jersey, LLC
Comcast of Garden State L.P.
Comcast of Wildwood, LLC

BY:



Dennis C. Linken
Attorney for the Comcast Subsidiaries

Dated: November 24, 2009