



STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center, Suite 801
Newark, NJ 07102
www.nj.gov/bpu/

CABLE TELEVISION

IN THE MATTER OF CERTAIN COMCAST)	
CABLE COMMUNICATIONS, LLC)	
SUBSIDIARIES' RATE CHANGES UNDER)	
AGGREGATE FCC FORM 1205 DETERMINING)	ORDER ADOPTING STIPULATION
REGULATED EQUIPMENT AND INSTALLATION)	OF SETTLEMENT AND DENYING
COSTS)	RATE COUNSEL'S REQUEST FOR
)	RECONSIDERATION OF THE
)	BOARD'S JANUARY 19, 2011
)	ORDER DENYING RATE
)	COUNSEL'S REQUEST FOR A
)	CONTESTED-CASE HEARING

BPU DOCKET NO. CR10030162

Dennis C. Linken, Esq., Stryker, Tams & Dill, LLP, for all Comcast Subsidiaries noted herein.

Anne M. Shatto, Deputy Attorney General, for the Staff of the Board of Public Utilities
(Paula T. Dow, Attorney General of New Jersey)

BY THE BOARD:

On March 1, 2010, Comcast Cable Communications, LLC Subsidiaries, as detailed on Attachment A, (collectively, "Comcast") filed a Company Level aggregate Federal Communications Commission ("FCC") Form 1205 with the Board of Public Utilities ("Board") for the purpose of adjusting its maximum permitted rates for regulated equipment and installation charges affecting all its regulated systems in the State of New Jersey pursuant to the Cable Television Consumer Protection and Competition Act of 1992, 47 U.S.C. § 543 et seq., and provisions of the New Jersey Cable Television Act, N.J.S.A. 48:5A-1 et seq. ("the Cable Television Act"). In order to ease the administrative burden on cable operators, the FCC adopted revised equipment and installation rules in 1996 which allow the operators to aggregate the costs underlying the Form 1205 rates on a franchise, system, regional or company level. 47 U.S.C. § 543(a)(7). The amended rules give cable operators the option of aggregating equipment and installation costs into broad categories and submit a single 1205 covering the rates charged by multiple systems. In this case, Comcast has elected to aggregate its costs on a Company or national level. The Board is the local franchising authority in New Jersey and is certified to regulate basic service rates and associated equipment and installation charges.

FCC Form 1205 is the FCC mandated form used by cable operators to update their regulated rates for equipment, such as, converters and remotes, and customer installations. The FCC Form 1205 is designed to calculate the maximum permitted rate ("MPR") which can be charged by a cable operator for installation-related activities and the lease of equipment, based upon information required under the form, and in accordance with the formula established therein. The cable operator is permitted to charge any rate it chooses as to installation activities and the lease of equipment, provided, however, that the operator may not exceed the MPRs calculated under the FCC Form 1205.

Pursuant to 47 C.F.R. § 76.933(g)(2), the Board is required to issue a final rate order within one year of a filing in order to preserve its ability to order customer refunds or prospective rate reductions if the rates to be implemented by Comcast are later found to be unreasonable. Because Comcast filed its FCC Form 1205 on March 1, 2010, a final decision in this matter is due by February 28, 2010.

BACKGROUND AND PROCEDURAL HISTORY

Comcast notified its customers of the rate changes by way of newspaper announcements informing them of their opportunity to submit written comments to the Board for a period of thirty days. The notices appeared in the Gloucester County Times, the Burlington County Times, the Trenton Times, the Home News Tribune, the Asbury Park Press, Today's Sunbeam, the Courier Post, The Express Times, the Bergen Record, the Courier News and The Daily Record on October 29, 2010, the Star Ledger on November 1, 2010, the Courier Post and the Hunterdon Review on November 3, 2010, the Press of Atlantic City, Hopewell Valley News, the Lambertville Beacon, the Echoes Sentinel, the Chatham Courier, the Bernardsville News, the Observer-Tribune and The Cape May Star and Wave on November 4, 2010 and the Windsor Heights Herald and the Princeton Packet on November 5, 2010. No comments or resolutions were received as a result of these public notices.

On April 22, 2010, pursuant to procedure set forth in In the Matter of an Optional Expedited Rate Procedure for Cable Companies and the Application of the Optional Expedited Procedure to the Cable Companies that File FCC Forms 1205 and/or 1210 and All Future Forms Developed and Approved by the Federal Communications Commission, BPU Docket No. CX95120636, Order Dated January 12, 1996 ("Expedited Order"), a pre-transmittal telephone conference was scheduled in this matter.

Customarily, under the terms of the Expedited Order, the parties involved would generally indicate during the pre-transmittal conference call whether the filing should proceed as an expedited or as a standard litigated matter. However, the Division of Rate Counsel ("Rate Counsel") chose not to participate in the April 22nd scheduled conference call, but informed Board's Staff ("Staff") that it would notify the Board on April 26, 2010 how it wished to proceed.

Thereafter, over the next five months, Comcast and Rate Counsel held discussions and exchanged information relative to Comcast's provision of digital adapter equipment, among other things.

On September 28, 2010, Rate Counsel submitted a letter to the Board indicating its position that this matter not be processed under the expedited procedures and expressed its desire that it "be transmitted to the Office of Administrative Law for standard processing as a contested case."

On October 19, 2010, Comcast, in response to the September 28 letter from Rate Counsel, submitted a settlement proposal to Staff and Rate Counsel for review and comments.

Subsequently, on October 27, 2010, representatives for Comcast, Rate Counsel and Staff (collectively, "the Parties") met to discuss Comcast's settlement proposal and Rate Counsel's request that the matter be handled as a contested case. During this meeting, Rate Counsel requested additional information on the digital adapters, subscriber counts and additional outlets.

On November 5, 2010, Comcast filed a letter in response to Rate Counsel's position vis-à-vis certain FCC Orders as addressed at the October 27th meeting and also to clarify its position on the FCC rules regarding additional outlets and basic only equipment rates.

On November 9, 2010, Comcast electronically provided certain highly sensitive and proprietary information requested by Rate Counsel at the October 27th meeting. On November 10, 2010, the Parties participated in a telephone conference call to discuss Rate Counsel's requests for additional information and clarification of the limited basic only digital adapter offering.

On November 19, 2010, the Board's Secretary sent a letter to Rate Counsel in response to its September 28, 2010 letter and requested that it provide, within five days, a list of all disputed material facts for which Rate Counsel contended an evidentiary hearing was required. Also on that date, Staff's attorney sent a letter to Comcast asking whether Comcast would consent to a waiver of its rights under 47 C.F.R. § 76.933(g)(2) so that a rate Order could be issued by the Board beyond the normal twelve-month requirement.

On November 24, 2010, Rate Counsel responded to the Board Secretary's letter and listed fourteen issues which it contended required evidentiary hearings. Also on that date, Comcast responded to Staff's request and indicated, by letter, that it would not be willing to waive its rights under 47 C.F.R. § 76.933(g)(2) for a final determination in this matter within the twelve-month review period.

On December 1, 2010, the Board's Secretary sent a letter to Comcast's Attorney of Record inviting Comcast to respond to issues in Rate Counsel's letter of November 24th and its proposal of September 28th that this matter be processed as a contested case.

On December 6, 2010, Comcast submitted its response and noted that as of that day, Rate Counsel had not made the customary factual inquiries regarding a contested Form 1205 which would routinely be promulgated concerning issues presented in such a filing. Comcast further noted that Rate Counsel chose not to send Comcast any inquiries regarding any aspect of the Form 1205 other than those related to digital adapter rates and contended that Rate Counsel's list of issues were expressly limited to that issue. Comcast averred that Rate Counsel's approach (in submitting a formal request for contested processing now) was at odds with established Board policies and practices essential for the timely completion of rate case reviews.

By an Order dated January 19, 2011, the Board denied Rate Counsel's request for evidentiary hearings in this matter. On January 20, 2011, Comcast and Staff entered into the attached Stipulation of Settlement, which provides subscribers with several benefits. With regard to equipment rates, there will be estimated savings due to the decrease in the converter and remote rates calculated in the Form 1205, as well as the agreed upon \$0.30 reduction of the Limited Basic Service converter from \$0.95 to \$0.65. There are eight (8) decreases in equipment that range from 13.6% to 28.1% and two (2) rates that remain the same as the prior year's rates that were approved by the Board.

With regard to installation rates, there will be estimated savings due to the 4% cap on seven (7) installation increases, eight (8) decreases in installation rates ranging from 1.2% to 13.8% and six (6) rates remaining at the prior year's level, also approved by the Board, and a weighted average decrease in all installation rates of approximately 2.9% for the rate cycle of January 1, 2011 through December 31, 2011.

By letter dated January 20, 2011, Staff's attorney transmitted a copy of the Stipulation of Settlement to Rate Counsel, offering it the opportunity to comment on the proposed stipulation before it is presented to the Board for consideration. By letter dated January 28, 2011, Rate Counsel filed comments with the Board, requesting that the Board "reject the proposed Stipulation of Settlement, and allow Rate Counsel due process by ordering a hearing and/or other additional opportunity to be heard on the issues raised in these comments." Comments at 7.

To summarize, Rate Counsel opposes the Stipulation of Settlement, arguing that the reductions in equipment charges are insignificant when compared to the "millions of dollars charged to subscribers for DTAs"; it exceeds the relief requested by Comcast in its initial filing and that the \$1.99 rate is "beyond the Maximum Permitted Rate ("MPR") for DTA equipment for extended basic service tier subscribers"; Comcast should have filed a cost of service showing; it impermissibly charges basic service tier (B-1) subscribers \$.50 for DTA equipment above three; it discriminates between B-1 and extended basic tier subscribers who require use of a DTA to view programming by charging \$.50 to B-1 and \$1.99 to expanded basic; it impermissibly permits Comcast to allocate and mix DTA equipment and service charges totaling \$1.99 on Form 1205, which should only contain equipment charges; it results in unjust and unreasonable rates for extended basic service tier subscribers since the MPR for DTA equipment was calculated to be \$1.73; it is unjust, unreasonable, and arbitrary and discriminates between classes of cable subscribers by allowing any charges to B-1 customers for a digital converter; and, it is "contrary to [the FCC's] Digital Transition Order."¹ Comments at 3-6.

The only support offered by Rate Counsel for its position or comments, other than the Cable Viewability Order, is "In the Matter of San Juan LLC d/b/a OneLink Communications Petition for Waiver of Section 76.630(a) Basic Tier Scrambling, Memorandum Opinion and Order, Dkt. CSR-8369-Z (rel. Jan. 14, 2011), at p. 5, para. 11 and at fn 36 citing to 47 C.F.R. 47 C.F.R. § 76.62(b)." Comments at 5.

By letter dated February 4, 2011, Comcast filed with the Board a response to Rate Counsel's Comments, challenging the factual and legal bases of Rate Counsel's arguments and requesting that the Board reject Rate Counsel's arguments and adopt the Stipulation of Settlement. Comcast urges the Board to reject Rate Counsel's claims of procedural defects leading to the Stipulation of Settlement and asserts that Rate Counsel failed "to unequivocally and unambiguously make known its position to the other parties at the pre-hearing conference," contrary to the Expedited Order. Comcast Comments at 2.

Regarding the substance of Rate Counsel's issues on the DTA, Comcast argues that Rate Counsel's objections are legally and factually erroneous. According to Comcast, Rate Counsel continues to assert that the digital equipment charges permitted under the Stipulation of

¹ See Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules, Third Report and Order and Third Further Notice of Proposed Rulemaking, 22 FCC Rcd 21064 (November 30, 2007) ("Cable Viewability Order").

Settlement are contrary to the Cable Viewability Order, and Rate Counsel “has egregiously mischaracterized the two FCC rulings it mistakenly relies upon for support.” Comcast Comments at 3. Citing to the Cable Viewability Order, paragraph 42, Comcast notes that it unequivocally states, “As to operator’s [sic] concerns about the expense of providing set-top boxes, nothing in this order precludes them from recovering the costs of those boxes from subscribers. . . .” Comcast Comments at 3. In addition, Comcast avers that Rate Counsel’s reliance on the San Juan decision is in error because that matter involves a waiver for the scrambling of the basic tier signal, not digitizing it, and that the provision for free equipment was temporary. Accordingly, Comcast argues that “Rate Counsel has failed to advance any credible support for its legal position regarding charges for digital equipment.” Id.

Concerning Rate Counsel’s argument that the value of the substantial number of equipment reductions is far outweighed by the revenue to be generated by the charge to be imposed by Comcast for DTAs (beginning at the 4th outlet and beyond), Comcast counters that “[s]trikingly Rate Counsel ignores an important point: Comcast could, if it so chose, charge for each and every DTA utilized by customers in their homes. Under FCC rate regulations, Comcast is lawfully entitled to charge for all DTAs.” Ibid. Comcast also notes that Rate Counsel conspicuously fails to acknowledge Comcast’s decision “to forbear from the collection of revenue which could have been generated but for Comcast’s offer to provide up to three DTAs in each household at no additional cost.” Id. at 3-4.

Regarding Rate Counsel’s assertions that the Stipulation grants more rate relief to Comcast than it requested in its initial 1205 filing, that the \$1.99 rate to be charged to expanded basic subscribers is greater than the MPR set forth under the Stipulation, and that Comcast is in violation of FCC’s rules regarding the Form 1205, which should contain only equipment charges, Comcast asserts that that these related arguments are wrong, because “the rates and information set forth on Comcast’s Form 1205 filing pertain only to regulated equipment charges; they do not pertain to unregulated charges.” Id. at 4.

In addition, Comcast maintains that Rate Counsel’s claim that the Form 1205 filing “did not apply to B-1 customers, and that no amendment has been filed to add the \$.50 charge to B-1 customers is flawed since the \$1.73 MPR calculated on the form applied to all DTAs, thus no amendment was necessary. Citing to Comcast Cable of Indiana/Michigan/Texas, Inc., 19 FCC Rcd 16344 (2004) (“Irving”), Comcast defends its ability to charge its customers additional outlet fees. Comcast further argues that because B-1 customers and expanded basic customers are different classes subject to different regulatory regimes, the \$.50 charge for DTAs provided to B-1 customers and the \$1.99 additional outlet charge assessed to expanded basic customers (which includes a DTA at no additional charge) are both lawful and not discriminatory. Comcast points out that not all discrimination is prohibited by the New Jersey Cable Television Act and that N.J.S.A. 48:5A-39(a) prohibits only those practices that are “arbitrarily or unjustly discriminatory.” In conclusion, on this issue, Comcast avers that “[O]ddly, Rate Counsel seems to be arguing in favor of a higher charge for B-1 customers who, by definition, represent the class of customers the regulations are designed to protect.” Id. at 5.

On February 7, 2011, Rate Counsel moved for reconsideration of the Board’s January 19, 2011 Order by filing a “letter motion in lieu of a more formal statement.” Letter Motion at 1. Rate Counsel asserts that “[w]hether the 1205 rates are just and reasonable is the core matter in dispute.” Id. at 5. Thus, Rate Counsel has asked that the Board reconsider its Order denying Rate Counsel’s request for a contested-case hearing on the DTA issues and “that the Board rescind the Order, direct hearings be held at the OAL, and direct that true-up and refunds are appropriate in the event that the 1205 rates are not just and reasonable.” Id. at 6.

By letter dated February 9, 2011, Comcast requested that the Board deny Rate Counsel's motion for reconsideration. Briefly, Comcast argues that Rate Counsel's motion is deficient, outside the time allowed under N.J.A.C. 14:1-8.6(a), and without merits. Moreover, Comcast points out that the \$1.73 MPR set forth in Comcast's FCC Form 1205 "is simply the MPR attributable only to the cost of the DTA equipment," the stipulated charge of \$0.50 for basic service customers is well below the \$1.73 MPR, and the \$1.99 charge is not the charge for a DTA provided to a limited basic service customer, but the Digital Adapter Outlet Service rate charged to customers subscribing to Comcast's expanded basic service. Letter at 2.

DISCUSSION AND FINDINGS

Under N.J.S.A. 48:5A-11, the Board through the Office of Cable Television is required to prescribe, consistent with federal law, just and reasonable rates, charges, and classifications for the services rendered by a cable operator. The FCC will sustain the Board's rate order or decision "as long as a rational basis for that decision exists." In the Matter of Comcast of Minnesota, Inc., Order Setting Basic Service and Equipment Rates, 20 FCC Rcd 20157, 20159 (2005). The Commission will reverse a franchising authority's rate decision only if it determines that the franchising authority acted unreasonably in applying the Commission's rules. If the Commission reverses a franchising authority's decision, it will not substitute its own decision but instead will remand the issue to the franchising authority with instructions to resolve the case consistent with the Commission's decision on appeal. Id. See also In the Matter of Comcast Cablevision of Dallas, Inc. Tolling Order Regarding Form 1240 Farmers Branch TX (TX0624); Comcast of California/Colorado/Illinois/Indiana/Texas, Inc., Tolling Order, McKinney TX (TX0641), 20 FCC Rcd 14299 (2005)

Rate Counsel's position as evidenced by its list of issues is limited to Comcast's digital adapter offering. Specifically, Rate Counsel questions the legitimacy of charging customers for digital adapter equipment; the taxable nature of that equipment; whether Comcast may, as it has proposed, institute an additional outlet charge for delivery of services beyond the limited basic tier using digital adapter equipment, and whether Comcast provides digital adapter equipment nationally in the same manner as it has proposed in New Jersey. Rate Counsel believes that the FCC's 2007 Order concerning a cable operator's responsibilities in the carriage of digital broadcast signals prohibits Comcast from charging its customers for digital adapters. However, it has not provided any support of law or regulation for this position despite requests by Staff and Comcast that it do so.

While Rate Counsel maintains that the Stipulation addresses issues it strongly contested since April 2010, neither Staff nor Comcast was provided with such a list of "issues" until Rate Counsel's November 24, 2010 letter listing 14 issues. As noted by the Board in its January 19, 2011 Order, these issues were legal, not factual, and beyond the scope of the findings that need to be made in the Form 1205 or outside the Board's jurisdiction. Nevertheless, the Board is hereby addressing Rate Counsel's DTA issues raised in its Comments.

Rate Counsel contends that the \$1.99 rate is beyond the MPR for DTA equipment for expanded basic tier subscribers. However, the \$1.99 rate is an additional outlet charge imposed on the unregulated expanded basic service tier. Therefore, it is not a part of the rates calculated in the Form 1205. In addition, the \$1.99 rate is not among the rates addressed in the Stipulation. What is referenced in the Stipulation is the rate for the regulated basic tier subscribers of \$.50 beginning with the 4th outlet and above. The MPR for the regulated basic DTA is \$1.73 per Comcast's Form 1205. Accordingly, the \$.50 charge is well within the allowable rate, and, according to data supplied to Rate Counsel and Staff, would not result in full rate recovery within

the unit's five-year useful life. Therefore, the relief provided in the Stipulation of Settlement is not beyond Comcast's request in the Form 1205, nor does it substantially exceed the actual cost of the equipment.

Rate Counsel's concerns regarding what it considers to be the difference in charges to limited basic customers and those with expanded basic service is centered on its mistaken assumption that the Stipulation of Settlement permits Comcast to impose the \$1.99 additional outlet charge which includes the DTA and that it is either an equipment charge that exceeds the MPR in the Form 1205 or a mix of equipment and service charges on the Form 1205. As noted above, the Stipulation of Settlement does not include the \$1.99 charge, nor is it a component of the Form 1205. Since this charge involves a fee for the reception of programming beyond the limited basic tier, neither the charge nor the method by which it is imposed is regulated.

Regarding Rate Counsel's position that a cost of service showing is required, the Board disagrees. Without revisiting the entire rate adjustment scheme since 1993, including the thirteen (13) Orders on Reconsideration that the FCC issued to clarify on-going requirements, a cost of service is one of the methods that a cable operator used in 1994 and 1995 to set initial rates for its programming service, equipment and installations. Annual updates via the Form 1240 for programming rates and Form 1205 for equipment and installation charges made it unnecessary to continually go through the cost of service process after setting an initial benchmark.

Rate Counsel's assertion regarding federal regulations at 47 C.F.R. §76.922(a) and C.F.R. § 76.923 that the regulated programming services and installation and equipment charges are to be calculated separately using Form 1240 and Form 1205, respectively, is misplaced. Neither the Form 1205 submitted by Comcast nor the Stipulation of Settlement addresses costs or rates for programming, as implied by Rate Counsel. They are strictly limited to rates for installations and equipment as is appropriate.

Rate Counsel alleges that the DTA for basic subscribers was not in this Form 1205 filed on March 1, 2010. However, a review of that filing shows it listed as converter 4, and the MPR calculated for it (\$1.73) is referenced in Rate Counsel's Comments. That calculation applies to all DTAs. Comcast initially planned not to offer a DTA to basic only customers, but planned to do so in the future. Even if the Board assumes Rate Counsel's assertions to be correct, Comcast is permitted under FCC rules at 47 C.F.R. § 76.923(n)(4) and (o) to introduce new equipment during a rate cycle by notifying the local franchising authority and may begin to charge for it 60 days thereafter and include it in the subsequent Form 1205. In that regard, when the Parties met for settlement on October 27, 2010, Comcast announced its plans to begin offering DTA equipment to basic only customers in select areas and continue throughout 2011. This announcement fulfills its requirement under FCC rules to notify the Board 60 days prior to the effective date of January 1, 2011 for instituting a rate for a basic only DTA. Therefore, Rate Counsel incorrectly asserts that the action taken by Comcast is contrary to federal rules and regulations.

With regard to the ability to require a digital adapter and charge for it, the right of cable operators to change the technology that they use to deliver programming and require their customers to lease equipment to view such programming is well established. Federal regulations provide specifically at 47 C.F.R. §76.605, Note 6, that "[n]o State or franchising authority may prohibit, condition, or restrict a cable system's use of any type of subscriber equipment or any transmission technology." This effectively permits Comcast, through an allowed change in its transmission technology, and after providing notice to its subscribers, to require the use of a

digital converter or digital adapter type device to receive some or all of the channels presently carried on its analog tier without the need to obtain State or local government approval. The Board concurs with Comcast that it may institute additional outlet charges for digital signal delivery and may include the equipment necessary in that price. In fact, the FCC informally advised Staff that Rate Counsel's position is untenable.

FCC staff confirmed that Comcast's sole requirement under the Cable Viewability Order is to continue to make must-carry channels available to its customers with analog television equipment through the end of the digital transition period (June 2012). To meet this requirement, the FCC permits Comcast either to down convert its must-carry channels to analog and deliver them to customers in that format or provide customers the equipment necessary to view those channels. Comcast may, however, according to the FCC, charge its customers for that equipment. Comcast is not obligated to provide the equipment free of charge as Rate Counsel contends. Comcast must merely assure that any needed equipment is available for those customers who require it. Thus, the Cable Viewability Order does not support Rate Counsel's position on the DTA, and nor does the San Juan matter, which did not involve a Form 1205 filing.

Comcast asserts that it is on firm ground for both charging for its digital adapter equipment and charging customers an additional outlet charge for delivery of digital signals beyond the limited basic tier. Comcast, through its outside counsel in Washington, D.C., provided Staff and Rate Counsel with a legal memorandum that explained and provided a level of support for its position, which is in clear conflict with Rate Counsel's position.

Rate Counsel also contends that Comcast is precluded from imposing an unregulated "Digital Adapter Additional Outlet Service Fee" on the delivery of non-basic service. However, the Board disagrees. As Comcast argues, "[a]lthough any *equipment* located at the additional outlet is arguably subject to rate regulation because regulated basic service programming passes through that equipment, this does *not* mean that all *services* delivered at the additional outlet are subject to rate regulation." Comcast November 4, 2010 letter at p. 3 (emphasis in original). Comcast is correct in pointing out that charges for non-basic services (programming) are unregulated under federal law, and that fees imposed for the delivery of unregulated services over additional outlets have been recognized by the FCC as unregulated. See Comcast Cable of Indiana/Michigan/Texas, Inc., 19 FCC Rcd 16344 (2004) ("Irving") (wherein the FCC expressly authorized imposing additional outlet service fees on all unregulated services).

Indeed, in Irving, the FCC held

An additional outlet charge assessed only against CPST subscribers, though they also subscribe to the BST, is not subject to franchising authority jurisdiction. During the period when CPST rates were subject to oversight by the Commission, such a charge had to be based on the cost of the CPST programming. Of course, now that the CPST is unregulated, a CPST additional outlet charge is itself unregulated.

[Id. at 16349]

See also In the Matter of Century Enterprise Cable Corporation Order Setting Basic Service, Equipment and Installation Rates Enterprise AL (AL0025), 20 FCC Rcd 14511, 14514 (2005) ("Thus, in this case, where Adelphia charges specifically for additional outlets used by subscribers to the digital tier, that charge is beyond the regulatory authority of the City. Accordingly, we grant Adelphia's Appeal from the Rate Order's assertion of authority over

charges for digital additional outlets.”); In the Matter of Comcast of Dallas, L.P., Order Setting Basic Equipment and Installation Rates, Dallas TX (TX0726), 20 FCC Rcd 5892, 5894 (2005) (“Comcast provides digital additional outlets only to subscribers to its digital cable service who desire additional outlets for that service. Through those outlets, subscribers receive both the BST and other programming. Only Comcast subscribers who subscribe to its digital tier and who want additional outlets pay the additional outlet charge. The City regulates charges for the BST and associated equipment, but has no authority over other programming and equipment (including that related to digital service.”).

Following its review of Comcast’s Form 1205 filing in this proceeding, the Board is satisfied that the MPRs calculated therein were in accordance with and met the requirements of federal law. It is to be noted that the substantial majority of equipment and installation charges under the settlement agreed upon herewith either decreased from or remained at the prior Board approved levels, thus providing a benefit to subscribers. Having reviewed the submissions of the Parties, the Board believes that the Stipulation of Settlement appropriately protects the public interest while adequately addressing the rights of Comcast and those issues within the FCC Form 1205 subject to the Board’s jurisdiction.

If the Board fails to issue a final rate Order by February 28, 2011, then customers will lose benefits through rate reductions and foregone rate increases that Comcast has proposed in settlement. Rate Counsel is in opposition with Comcast over revenues arising from the unregulated additional outlet charge, which Rate Counsel deems inappropriate. The Board notes that this charge is only imposed by Comcast on a subscriber’s fourth outlet or above where the subscriber requests a digital adapter. In addition, even if Rate Counsel were correct and it could ultimately prove that one or more of Comcast’s rates were not reasonable, such as the 50 cent digital adapter charge or the unregulated \$1.99 additional outlet charge, as a result of its delay in seeking to litigate this case, the Board would be barred from ordering refunds or prospective rate reductions for failing to issue a final rate Order by February 28, 2011.

The Board has reviewed the Stipulation of Settlement and FINDS it to be reasonable, in the public interest and in accordance with the law. Therefore, the Board HEREBY ADOPTS the Stipulation of Settlement (attached hereto) as its own, incorporating by reference the terms and conditions therein as if fully set forth at length herein.

As noted above, the Board in its January 19, 2011 Order denied Rate Counsel’s request for an evidentiary hearing on the DTA issues, and the Board incorporates by reference herein the aforementioned Order and, for the same reasons stated in said Order and as further shown above, HEREBY DENIES Rate Counsel’s request for a hearing or additional opportunity to be heard on the DTA issues, because those issues are irrelevant to this Form 1205 filing and require the Board to make legal conclusions that are reserved to the FCC, and the Board rejects Rate Counsel’s request for a reconsideration of the January 19, 2011 Order, because, as discussed above, Rate Counsel’s proposed issues regarding the DTA are neither meritorious nor properly within the Board’s jurisdiction in this FCC Form 1205 filing.

Thus, Rate Counsel’s motion fails to rise to the level for reconsideration. A party should not seek reconsideration merely based upon being dissatisfied with a decision. D’Atria v. D’Atria, 242 N.J. Super. 392, 401 (Ch. Div. 1990). Rather, reconsideration is reserved for those cases where (1) the decision is based upon “a palpably incorrect or irrational basis”; or (2) it is obvious that the finder of fact did not consider, or failed to appreciate, the significance of probative, competent evidence. See, e.g., Cummings v. Bahr, 295 N.J. Super. 374, 384 (App. Div. 1996). The moving party must show that the court acted in an arbitrary, capricious, or unreasonable manner.

D'Atria, supra, 242 N.J. Super. at 401. Rate Counsel cannot show that the Board has acted in an arbitrary, capricious, or unreasonable manner. Therefore, Rate Counsel's motion for reconsideration is HEREBY DENIED. Also, while the Board's denial of Rate Counsel's request for reconsideration is based on the merits of the case, the Board notes that under N.J.A.C. 14:17-9.6(a), "[a] motion for rehearing, reargument or reconsideration of a proceeding may be filed by any party within 15 days after the issuance of any final decision or order by the Board." Accordingly, Rate Counsel's motion was filed out of time, because February 7, 2011 falls more than 15 days after the issuance of the Board's January 19, 2011 Order.

The Board FURTHER ORDERS that, subject to the ongoing review before the FCC, should these cable systems, or any part thereof, merge or migrate to another system, be upgraded or rebuilt, or its ownership or control be otherwise sold or transferred to another entity, then the basic service tier rate that will be eliminated or superseded as a result of the merger, migration, upgrade, rebuild, sale or transfer must be "trued up" [47 C.F.R. § 76.922 (e) (3)]. The final true up for the affected systems, or any parts thereof, should be calculated on FCC Form 1240 and begin where the last true up period ended on its prior FCC Form 1240. This true up calculation should be filed with the Board when all the affected subscribers are being charged the rate resulting from the merger, migration, upgrade, rebuild, sale or transfer and may be filed in conjunction with the annual rate adjustment cycle (Form 1240) established as a result of said merger, migration, upgrade, rebuild, sale or transfer.

The cable systems, or any part thereof, may be subsequently deregulated as a result of a finding by the Board, the FCC or other party of competent jurisdiction that these systems, or any portion thereof, are subject to effective competition. Should that occur, the last basic service rate established as a result of a prior FCC Form 1240, or such subsequent rate calculation method as may be heretofore adopted by the Board, the FCC or any other party of competent jurisdiction, prior to the deregulation of any rate that is now or may in the future be subject to the Board's jurisdiction, must be trued up for the period of time that the affected rates were subject to regulation by the Board.

The above referenced true-up procedure does not exclude any cable system party to this Order.

DATED: 2/10/11

BOARD OF PUBLIC UTILITIES
BY:



LEE A. SOLOMON
PRESIDENT



JEANNE M. FOX
COMMISSIONER

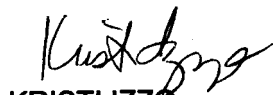


JOSEPH L. FIORDALISO
COMMISSIONER



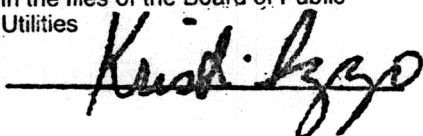
NICHOLAS ASSELTA
COMMISSIONER

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



Attachment A

**COMCAST OF AVALON, LLC
COMCAST OF BURLINGTON COUNTY, LLC
COMCAST OF CENTRAL NEW JERSEY, LLC
COMCAST OF CENTRAL NEW JERSEY II, LLC
COMCAST OF GARDEN STATE, L.P.
COMCAST OF GLOUCESTER COUNTY, LLC
COMCAST OF LONG BEACH ISLAND, LLC
COMCAST OF MEADOWLANDS, LLC
COMCAST OF MERCER COUNTY, LLC,
(COMCAST OF HOPEWELL VALLEY, INC.,
COMCAST OF LAWRENCE, LLC)
COMCAST OF MONMOUTH COUNTY, LLC
COMCAST OF NEW JERSEY, LLC
COMCAST OF NEW JERSEY II, LLC
COMCAST OF NORTHWEST NEW JERSEY, LLC
COMCAST OF OCEAN COUNTY, LLC
COMCAST OF SOUTHEAST PENNSYLVANIA, LLC
COMCAST OF SOUTH JERSEY, LLC
COMCAST OF WILDWOOD, LLC**

**IN THE MATTER OF THE APPLICATION OF CERTAIN COMCAST CABLE
COMMUNICATIONS, LLC SUBSIDIARIES' RATE CHANGES UNDERAGGREGATE FCC
FORM 1205 DETERMINING
REGULATED EQUIPMENT AND INSTALLATION COSTS
DOCKET NO. CR10030162**

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Bureau of Inspection & Enforcement
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Legal Specialist
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

Stefanie A. Brand, Esq., Director
Paul E. Flanagan, Esq.
Litigation Manager
Christopher J. White, Esq.
Deputy Rate Counsel
Jose Rivera-Benitez, Esq.
Maria Novas-Ruiz, Esq.
Asst. Deputy Rate Counsels
Division of Rate Counsel
31 Clinton Street, 11th Floor
Newark, NJ 07102

BEFORE THE STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

IN THE MATTER OF CERTAIN)
SUBSIDIARIES OF COMCAST CABLE)
COMMUNICATIONS, LLC)
RATE CHANGE UNDER FCC FORM 1205)
DETERMINING REGULATED EQUIPMENT)
AND INSTALLATION COSTS)

BPU Docket No. CR10030162

STIPULATION OF SETTLEMENT

Appearances:

Stryker, Tams & Dill LLP by Dennis C. Linken, Esq., for all Comcast Subsidiaries noted herein.

Paula T. Dow, Attorney General of New Jersey, by Anne Marie Shatto, Esq., Deputy Attorney General, Deputy Attorney General, on behalf of the Staff of the Board of Public Utilities.

The undersigned parties, as a result of a review of the Federal Communications Commission ("FCC") Form 1205 and timely filed public comments in this matter, hereby stipulate to the following findings of fact and conclusions of law for consideration by the Board of Public Utilities ("BPU" or "Board"); and,

WHEREAS, the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460 (1992), codified at 47 U.S.C. § 543 et seq., (the "Federal Act"), divided the delivery of cable television services into two separate rate regulable categories: (i) "basic service" (the lowest service tier which includes the retransmission of local television broadcast signals and any public, educational and governmental channels) (sometimes denominated the "limited basic service" or "B-1" tier) and associated equipment and installation and (ii) cable programming services ("CPS") (consisting of other television channels) and associated equipment; and

WHEREAS, under the Federal Act, the limited basic tier of service is regulated by the "local franchising authority," and until March 31, 1999, CPS was regulated by the FCC upon the filing of a complaint from the local franchising authority to the FCC with regard to a CPS tier rate; and

WHEREAS, under the provisions of the New Jersey Cable Television Act ("New Jersey Act"), N.J.S.A. 48:5A-1 et seq., the local franchising authority in New Jersey is the Board; and

WHEREAS, the Federal Act required the FCC to issue regulations governing the

standards to be used by local franchising authorities in regulating rates charged for the limited basic tier of service; and

WHEREAS, under FCC rules, 47 C.F.R. §76.900 et seq., a cable operator may adjust its limited basic service tier rates under the annual rate adjustment system pursuant to the regulations adopted September 15, 1995, (47 C.F.R. §76.922), by filing with the local franchising authority a FCC Form 1240, which computes the maximum permitted rate ("MPR") for the limited basic service tier; and

WHEREAS, under FCC regulations adopted March 30, 1994, 47 C.F.R. §76.900 et seq., a cable operator may adjust its equipment and installation charges annually by filing with the local franchising authority a FCC Form 1205 on the same date; and

WHEREAS, on March 1, 2010, pursuant to 47 U.S.C. § 543 et seq. and N.J.S.A. 48:5A-1 et seq., the undersigned subsidiaries of Comcast Cable Communications, LLC (collectively, "Comcast"), serving the municipalities listed on Attachment I, filed, on a company level aggregated basis, a FCC Form 1205 with the Board in Docket No. CR10030162 (hereinafter "Form 1205 filing") in order to determine regulated equipment and installation rates in all of Comcast's regulated New Jersey systems for the rate cycle of January 1, 2011 through December 31, 2011. However, during this period, if Comcast chooses to decrease these rates, with proper notice to its subscribers and the Board, this decrease will not affect the established rate cycle; and

WHEREAS, on January 12, 1996, the Board adopted and issued an Order of Implementation in Docket No. CX95120636, for the Optional Expedited Rate Procedures for Cable Companies and the Application of the Optional Expedited Procedure to the Cable Companies that File FCC Forms 1205 and/or 1210 and All Future Forms Developed and Approved by the FCC (hereinafter, "Rate Proceeding Order"), pursuant to which the Board set forth optional expedited rate procedures to be utilized in connection with cable operator rate filings before the BPU; and

WHEREAS, under the Rate Proceeding Order, a pre-transmittal conference is required to be scheduled among the parties to a rate proceeding including the Staff of the Board ("Staff"), the Division of Rate Counsel ("Rate Counsel") and the cable operator within 35 days after the receipt of the completed rate filing by the Board including an FCC Form 1240 and/or FCC Form 1205, together with the supplemental information required under the Rate Proceeding Order; and

WHEREAS, discovery requests, if necessary, are required under the Rate Proceeding Order to be sent within ten (10) days of receipt of the completed rate filing; and

WHEREAS, under the Rate Proceeding Order, at the pre-transmittal conference, each of the parties is required to advise the others as to whether the rate filing will be treated in "expedited" fashion (as further set forth under the Order) or in "standard" fashion (through transmittal of the matter to the Office of Administrative Law ("OAL") for "contested case" processing); and

WHEREAS, on March 4, 2010, Staff promulgated discovery questions with

regard to Comcast's Form 1205 filing, as to which Comcast provided responses on March 12, 2010; and

WHEREAS, on March 12, 2010, Staff promulgated additional discovery questions with regard to Comcast's Form 1205 filing, as to which Comcast provided responses on March 12, 2010; and

WHEREAS, on March 15, 2010, Staff promulgated further discovery questions with regard to Comcast's Form 1205 filing, as to which Comcast provided responses on March 15, 2010; and

WHEREAS, on March 16, 2010, Staff promulgated a further request for information with regard to Comcast's Form 1205 filing, as to which Comcast provided responses on March 18, 2010; and

WHEREAS, on March 23, 2010, Staff requested further information with regard to Comcast's Form 1205 filing, as to which Comcast provided responses on April 14, 2010; and

WHEREAS, on April 22, 2010, a pre-transmittal conference call was scheduled among the Parties; and

WHEREAS, Rate Counsel chose not to participate in the scheduled pre-transmittal conference call, but rather conferred with Comcast separately, and

WHEREAS, on April 22, 2010, Rate Counsel requested information with regard to Comcast's Form 1205 filing, as to which responses were provided on the same date; and

WHEREAS, on April 23, 2010, Comcast provided further information to Rate Counsel with respect to the issues raised by Rate Counsel as to Comcast's Form 1205 filing; and

WHEREAS, on May 12, 2010, Rate Counsel promulgated informal discovery questions with regard to Comcast's Form 1205 filing, as to which Comcast provided responses on May 17, 2010; and

WHEREAS, on May 19, 2010, Rate Counsel supplemented its May 12, 2010 informal discovery request with regard to Comcast's Form 1205 filing, as to which Comcast provided responses on June 10, 2010; and

WHEREAS, on June 24, 2010, Rate Counsel forwarded additional informal discovery questions with regard to Comcast's Form 1205 filing, as to which Comcast provided responses on July 9, 2010; and

WHEREAS, on August 4, 2010, Comcast met with Rate Counsel to discuss possible settlement of Comcast's Form 1205 filing; and

WHEREAS, during their August 4, 2010 meeting, Rate Counsel posed further questions with regard to Comcast's Form 1205 filing, as to which Comcast provided responses on August 12, 2010; and

WHEREAS, by letter dated September 28, 2010, Rate Counsel advised the Board that it would not consent to "expedited" treatment of Comcast's FCC Form 1205 filing and that, in Rate Counsel's view, said filing must be handled as a "contested" case before the OAL through evidentiary hearings; and

WHEREAS, pursuant to 47 CFR § 76.933(g)(2), the Board is required to determine a petition within one year of its filing in order to preserve its rights to order customer refunds or prospective rate reductions if the rates implemented by Comcast were later to be found unreasonable, and

WHEREAS, on October 19, 2010, Comcast, in response to the September 28 letter from Rate Counsel, submitted a settlement proposal ("Settlement Proposal") to Staff and Rate Counsel for review and comments, and

WHEREAS, on October 27, 2010, the parties held a settlement conference at which the status of this matter and Comcast's Settlement Proposal were discussed; and

WHEREAS, at said settlement conference, Rate Counsel stated its position that it would not agree to the rate treatment afforded by Comcast of certain equipment known as digital transport adapters ("DTAs") and requested additional information on this equipment, subscriber counts and additional outlets; and

WHEREAS, at said settlement conference, Rate Counsel further advised that, in its view, Comcast is not permitted to charge for DTAs under that certain FCC decision entitled, *Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules*, 22 FCC Rcd. 21064 (2007) (the "Digital Transition Order") and

WHEREAS, under cover letter dated November 5, 2010, Comcast submitted to the parties a letter dated November 4, 2010 ("November 4, 2010 letter") setting forth a legal analysis of the FCC's Digital Transition Order, in which Comcast demonstrated that said Order does not preclude Comcast from charging for DTAs (and that the Digital Transition Order applies instead to the digital conversion of over-the-air broadcast television station transmission); and

WHEREAS, on November 9, 2010, Comcast provided certain information requested by Rate Counsel at the October 27th meeting which was regarded as highly sensitive and proprietary, and

WHEREAS, on November 10, 2010, the parties participated in a telephone conference call to discuss Rate Counsel's requests for additional information and clarification of the limited basic only DTA offering, and

WHEREAS, by letter dated November 19, 2010, the Board afforded Rate Counsel the opportunity to support its request for evidentiary hearings by providing a list of all disputed material facts as to which Rate Counsel contends an evidentiary hearing is required (the "Board's November 19, 2010 Request"); and

WHEREAS, also by letter dated November 19, 2010, Staff inquired whether Comcast would be willing to waive its rights under 47 CFR § 76.933(g)(2); such that, a rate Order could be issued by the Board beyond the normal twelve month review period, and

WHEREAS, by letter dated November 23, 2010, Rate Counsel responded to the Board's November 19, 2010 Request, providing a list of issues alleged by Rate Counsel to require evidentiary hearings ("Rate Counsel's submission"); and

WHEREAS, on November 24, 2010, in a letter response to Staff's November 19th request to waive the twelve month requirement, Comcast chose not to waive its rights under 47 CFR § 76.933(g)(2), that a final determination be issued within the twelve month review period, and

WHEREAS, by letter dated December 1, 2010, the Board requested that Comcast respond to Rate Counsel's submission; and

WHEREAS, by letter dated December 6, 2010, Comcast responded to Rate Counsel's submission, contesting Rate Counsel's position that evidentiary hearings are required; and

WHEREAS, on January 19, 2011, the Board denied Rate Counsel's request for an evidentiary hearing and found, among other things, that Rate Counsel's issues, including the question of whether charging ratepayers for DTAs is just and reasonable, are legal, not factual issues; and

WHEREAS, Staff and Comcast disagree with Rate Counsel's position as to Comcast's right to charge for DTAs; and

WHEREAS, on various dates Comcast, in connection with its Form 1205 filing, notified subscribers of the proposed adjustments to rates for monthly equipment rental and installation via newspaper announcements, informing them of their opportunity to submit written comments and received no comments from subscribers; and

WHEREAS, Staff, upon review of Comcast's Settlement Proposal, engaged in discussions in this matter, and agreed that the Settlement Proposal was just and reasonable; and

WHEREAS, Staff has concluded that Comcast is entitled to the agreed upon rates set forth in Comcast's aggregate FCC 1205 filing in this matter and set forth in the attached Exhibit A;

NOW, THEREFORE, Staff and Comcast hereby STIPULATE and agree to the following for consideration by the Board:

1. Comcast notified its customers of the proposed rate adjustments via advertisements published in various newspapers throughout the State between October 29, 2010 and November 5, 2010, informing them of their opportunity to submit written comments for a period of thirty (30) days.
2. The effective date of the equipment and installation rates and charges as reflected on Exhibit A, under Docket No. CR10030162 for all the regulated Comcast systems in New Jersey is January 1, 2011.
3. The installation charges and equipment charges shall be as set forth in column C, headed "Stipulated Rates Effective January 1, 2011", of Exhibit A

annexed hereto. Said rates shall apply to all the regulated Comcast systems and municipalities in New Jersey, as set forth in Attachment I.

4. The rate cycle established under Docket Number CR10030162 is January 1, 2011 through December 31, 2011.

5. As the local franchising authority in the New Jersey, the Board is vested with the authority under federal law to set rates and charges pertaining to installation and related activities as well as cable operator-owned equipment in the subscriber's home. See 47 U.S.C. §543¹. Under FCC rules, such rates must be determined in accordance with FCC Form 1205. 47 C.F.R. §76.923. The FCC Form 1205 is designed to calculate the maximum permitted rate ("MPR") which can be charged by a cable operator for installation-related activities and the lease of equipment, based upon information required under the form, and in accordance with the formula established therein. The cable operator is permitted to charge any rate it chooses as to installation activities and the lease of equipment, provided, however, that the operator may not exceed the MPRs calculated under the FCC Form 1205.

6. Following a review of Comcast's Form 1205 filing in this proceeding, Staff is satisfied that the MPRs calculated therein are in accordance with and meet the requirements of federal law. It is to be noted that the substantial majority of equipment charges under the settlement agreed upon herewith will decrease from current levels, thus providing a benefit to subscribers.

After review of operable FCC precedent, Staff agrees that Comcast is not precluded from imposing an unregulated "Digital Adapter Additional Outlet Service Fee" on the delivery of non-basic service. As a result, Staff has concluded, that regulation of Comcast's non-basic additional outlet service fees is pre-empted.

7. No rate changes agreed to in this proceeding shall change or affect nor be deemed to change or affect the rate cycle of January 1, 2011 through December 31, 2011 or the effective date of January 1, 2011 that is applicable to any regulated Comcast system in New Jersey.

8. This Stipulation of Settlement resolves all issues raised by Staff in connection with Comcast's company-level aggregate FCC Form 1205 filing submitted to the Board in Docket No. CR10030162.

9. The signatories agree that, except as expressly provided herein, this Stipulation of Settlement has been made exclusively for the purpose of this proceeding and that the provisions contained herein, in total or by specific items, shall not be used against Staff or Comcast in any other proceeding before the

¹ Local franchising authorities are expressly prohibited from regulating the rates of a cable operator except as permitted under federal law. 47 U.S.C. §543(a)(1).

Board or in other forums or jurisdictions, nor shall the contents of this Stipulation of Settlement, in total or by specific items, by inference, inclusion, or deletion, in any way be considered or used by Staff or Comcast as any indication of the position of the other on any issue litigated or to be litigated in other proceedings. All signatories acknowledge that the terms of this Stipulation of Settlement shall not be effective until approved by the Board.


10. This Stipulation of Settlement contains terms, each of which is interdependent with the others and essential in its own right to the signing of this Stipulation of Settlement. Each term is vital to the agreement as a whole, since Staff and Comcast expressly and jointly state that they would not have signed this agreement had any term been modified in any way. Staff and Comcast are each entitled to certain procedures in the event that any modification is made to the terms of this Stipulation of Settlement, pursuant to which each of the signatories below must be given the right to be placed in the position it was in before this Stipulation of Settlement was entered. Therefore, if any modification is made to the terms of this Stipulation of Settlement, it is essential that Staff and Comcast be given the option, before the implementation of any new rate resulting from said action, either to modify its own position, to accept the proposed changes, or to resume the proceedings as if no agreement had been reached.

11. The signatories below believe these provisions are fair to all concerned and therefore they are made an integral and essential element of this Stipulation of Settlement. This being the case, each such signatory expressly agrees to support the right of all other signatories to this Stipulation of Settlement to enforce all terms and procedures detailed herein.

COMCAST OF AVALON, LLC
COMCAST OF BURLINGTON COUNTY, LLC
COMCAST OF CENTRAL NEW JERSEY, LLC
COMCAST OF CENTRAL NEW JERSEY II, LLC
COMCAST OF GARDEN STATE L.P.
COMCAST OF GLOUCESTER COUNTY, LLC
COMCAST OF LONG BEACH ISLAND, LLC
COMCAST OF THE MEADOWLANDS, LLC
COMCAST OF MERCER COUNTY, LLC, COMCAST
OF HOPEWELL VALLEY, INC., COMCAST OF
LAWRENCE, LLC
COMCAST OF MONMOUTH COUNTY, LLC
COMCAST OF NEW JERSEY, LLC
COMCAST OF NEW JERSEY II, LLC
COMCAST OF NORTHWEST NEW JERSEY, LLC
COMCAST OF OCEAN COUNTY, LLC
COMCAST OF SOUTHEAST PENNSYLVANIA, LLC

COMCAST OF SOUTH JERSEY, LLC
COMCAST OF WILDWOOD, LLC

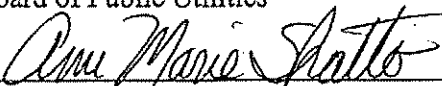
Dated: January 19, 2011

By: 
Dennis C. Linken, Esq.
Stryker, Tams & Dill LLP

PAULA T. DOW
ATTORNEY GENERAL OF NEW JERSEY

Attorney for the Staff of the
Board of Public Utilities

Dated: January 20, 2011

By: 
Anne Marie Shatto
Deputy Attorney General

ATTACHMENT I

SYSTEM

MUNICIPALITIES SERVED

COMCAST OF AVALON, LLC

Borough of Avalon, Township of Middle Swainton area, Avalon Manor & Stone Harbor Manor), City of Sea Isle City, Borough of Stone Harbor and Township of Upper (Strathmere area)

COMCAST OF BURLINGTON COUNTY, LLC

Township of Willingboro, City of Burlington, Township of Westampton, Township of Edgewater Park, City of Beverly, Township of Delran, Township of Bordentown, City of Bordentown, Township of Riverside, Township of Cinnaminson, Borough of Riverton, Borough of Palmyra, Township of Delanco

COMCAST OF CENTRAL NEW JERSEY, LLC

Borough of Roosevelt, Borough of Helmetta, Township of South Brunswick, Township of Plainsboro, Township of East Windsor, Borough of Hightstown, Township of West Windsor

COMCAST OF CENTRAL NEW JERSEY II, LLC

Borough of Princeton, Township of Princeton, Township of Bedminster, Township of Bernardsville, Township of Bethlehem, Township of Branchburg, Township of Chatham, Borough of Chester, Township of Chester, Borough of Clinton, Township of Clinton, Delaware, Township of East Amwell, Borough of Far Hills, Borough of Flemington, Township of Franklin (Somerset), Township of Franklin (Hunterdon), Township of Harding, Township of Hillsborough, Borough of Lebanon, Township of Long Hill (Passaic), Borough of Mendham, Township of Mendham, Borough of Millstone, Township of Montgomery,

Borough of Peapack-Gladstone, Borough
of Raritan, Township of Readington,
Borough of Rocky Hill, Township of
Tewksbury, Township of Union

ATTACHMENT I-CONTINUED

SYSTEM

MUNICIPALITIES SERVED

COMCAST OF GARDEN STATE, L.P. Borough of Audubon Park, Township of Berlin,
Township of Mount Laurel, Borough of Oaklyn,
Borough of Gibbsboro, Borough of
Collingswood, Borough of Hi-Nella, Borough of
Woodlynne, Borough of Pine Hill, Township of
Evesham, Borough of Merchantville, Borough of
Laurel Springs, Borough of Medford Lakes,
Township of Haddon, Township of Medford,
Borough of Lindenwold, Township of
Hainesport, Borough of Bellmawr, Borough of
Runnemede, Borough of Magnolia, Borough of
Tavistock, Borough of Somerdale, Borough of
Stratford, Borough of Berlin, Borough of
Pitman, Township of Gloucester, Borough of
Clementon, Township of Moorestown, Township
of Voorhees, Borough of Pine Valley, Township
of North Hanover

COMCAST OF GLOUCESTER
COUNTY, LLC

Township of Deptford, Borough of Glassboro,
Township of Greenwich, Township of Mantua,
Borough of National Park, Borough of
Wenonah, Township of West Deptford, Borough
of Westville, City of Woodbury, Borough of
Woodbury Heights

COMCAST OF LONG BEACH ISLAND,
LLC

Borough of Harvey Cedars

COMCAST OF MEADOWLANDS,
LLC

Borough of Rutherford, Township of Lyndhurst,
Borough of North Arlington, Town of Kearney

COMCAST OF MERCER COUNTY, LLC,
COMCAST OF HOPEWELL VALLEY, INC.,

COMCAST OF LAWRENCE, LLC

Township of Ewing, Borough of Hopewell
(Mercer), Township of Lawrence, Borough of
Pennington

ATTACHMENT I- CONTINUED

SYSTEM

MUNICIPALITIES SERVED

COMCAST OF MONMOUTH COUNTY,
LLC

Borough of
Monmouth Beach, Township of Shrewsbury,
Township of Hazlet, Borough of Allenhurst,
Borough of Highlands, Village of Loch Arbor

COMCAST OF NEW JERSEY, LLC

Township of Barnegat, Township of Berkeley,
Township of Eagleswood, Borough of Island
Heights, Township of Lacey, Borough of
Lakehurst, Township of Little Egg Harbor,
Township of Manchester (including Crestwood
Village), Borough of Ocean Gate, Borough of
Pine Beach, Township of Stafford (including
Cedar Bonnet Island & Manahawkin), Borough
of South Toms River, Borough of Tuckerton

COMCAST OF NEW JERSEY II,
LLC

Town of
Westfield, City of Linden, Township of Scotch
Plains, Borough of Fanwood, Borough of
Mountainside, Township of Clark, City of East
Orange, Township of Livingston, Township of
West Caldwell, Town of West Orange, Township
of Fairfield, Borough of Verona, Township of
Maplewood, Town of Harrison, Township of
Caldwell, Borough of Roseland, Township of
Hillside, Borough of Essex Fells, Township of
Millburn, City of Summit, Township of
Springfield, Township of Montclair, Township of
Berkeley Heights, Borough of New Providence,
Township of Glen Ridge

COMCAST OF NORTHWEST NEW JERSEY,
LLC

Town of
Hackettstown, Township of Mansfield, Township
of Washington (Warren), Township of
Washington (Morris), Township of

Independence, Borough of Washington
(Warren), Township of Franklin (Warren),
Borough of Hampton (Hunterdon), Borough of
Glen Gardner (Hunterdon)

ATTACHMENT I-CONTINUED

SYSTEM

MUNICIPALITIES SERVED

COMCAST OF OCEAN COUNTY,
LLC

Borough of
Mantoloking, Borough of Bay Head, Township
of Brick, Borough of Point Pleasant, Borough of
Point Pleasant Beach

COMCAST OF SOUTHEAST
PENNSYLVANIA, LLC

Township of Hopewell (Mercer), City of
Lambertville, Township of West Amwell,
Borough of Stockton, Township of Delaware

COMCAST OF SOUTH JERSEY, LLC

City of Absecon, City of Linwood, City of
Northfield, City of Somers Point, City of
Brigantine, City of Margate, Borough of
Longport, Township of Maurice River, Township
of Upper, City of Ocean City, Township of
Mullica, Township of Washington (Burlington),
Borough of Buena, Town of Hammonton, City of
Bridgeton, Township of Hopewell (Cumberland),
City of Vineland, Borough of Shiloh, Township of
Upper Deerfield, Borough of Newfield, City of
Millville, Township of Deerfield, Township of
Buena Vista, Borough of Folsom, Borough of
Chesilhurst, Township of Waterford, Township of
Winslow, Township of Washington (Gloucester),
Township of Monroe, Township of Alloway,
Township of Commercial (including Laurel
Lake), Township of Downe, Township of
Elsinboro, Township of Fairfield, Township of
Lawrence (Cumberland), Township of Lower
Alloways Creek, Township of Harrison,
Township of Mannington, Township of
Pennsville, Township of Pilesgrove, Township of
Pittsgrove, Township of Quinton, Township of
Upper Pittsgrove, Township of South Harrison,
City of Salem, Township of Elk, Borough of
Elmer, Township of Woolwich, Township of

Logan, Township of Oldsmans, Borough of Penns
Grove, Borough of Swedesboro, Borough of
Woodstown, Township of Franklin (Gloucester)

ATTACHMENT I-CONTINUED

SYSTEM

MUNICIPALITIES SERVED

COMCAST OF WILDWOOD, LLC

City of Wildwood, City of Cape May, Borough of
West Cape May, Borough of Cape May Point,
Township of Lower, Township of Middle,
Borough of West Wildwood, City of North
Wildwood, Borough of Wildwood Crest,
Township of Maple Shade, Borough of
Brooklawn, City of Gloucester City, Borough of
Mount Ephraim

EXHIBIT A

COMCAST CABLEVISION CONSOLIDATED OPERATIONS
IN THE STATE OF NEW JERSEY

A	B	C		
RATES AND CHARGES	PRESENT RATES	STIPULATED RATES EFFECTIVE 1/1/2011	DIFF	%
<u>INSTALLATION CHARGES*</u>				
STANDARD INSTALLATION-PRIMARY OUTLET (STANDARD INSTALLATION: 150' OR LESS FROM TAP) (AERIAL & UNDERGROUND)++	\$45.75	\$42.90	(\$2.85)	-6.23%
NONSTANDARD INSTALLATION WORK (1) (PER HOUR)++	\$33.20	\$31.90	(\$1.30)	-3.92%
RECONNECT CHARGE, SERVICE AREA RELOCATION INSTALLATION OR TRANSFER OF SERVICE (EXISTING CUSTOMER MOVES WITH SERVICE AREA AND TAKES CURRENT EQUIPMENT TO A NEW RESIDENCE THAT IS ALREADY CABLED)	\$26.45	\$27.50	\$1.05	3.97%
ADDITIONAL OUTLET INSTALLATION (CABLED OR NON-CABLED, SAME TRIP)	\$15.60	\$15.70	\$0.10	0.64%
ADDITIONAL OUTLET INSTALLATION (CABLED OR NON-CABLED, SEPARATE TRIP)	\$26.20	\$25.90	(\$0.30)	-1.15%
ACTIVATE PRE-EXISTING ADDITIONAL OUTLET (SAME TRIP)	\$10.15	\$8.75	(\$1.40)	-13.79%
ACTIVATE PRE-EXISTING ADDITIONAL OUTLET (SEPARATE TRIP)	\$10.15	\$10.55	\$0.40	3.94%
DVD, VCR OR PICTURE-IN-PICTURE INSTALLATION (SAME TRIP)	\$7.80	\$8.10	\$0.30	3.85%
DVD, VCR OR PICTURE-IN-PICTURE INSTALLATION (SEPARATE TRIP)	\$14.95	\$15.55	\$0.60	4.01%
RELOCATION OF OUTLET (INTERIOR WORK ONLY, SAME TRIP)	\$17.60	\$15.25	(\$2.35)	-13.35%
RELOCATION OF OUTLET (INTERIOR WORK ONLY, SEPARATE TRIP)	\$20.95	\$21.75	\$0.80	3.82%
PREMIUM SERVICE, VIDEO GAME, A/B SWITCH, CONVERTER OR REMOTE CONTROL INSTALLATION (SAME TRIP)	NO CHARGE	NO CHARGE		
PARENTAL CONTROL DEVICE INSTALLATION (SAME OR SEPARATE TRIP)	NO CHARGE	NO CHARGE		
REMOTE CONTROL UNIT INSTALLATION (CUSTOMER PICKS UP)	NO CHARGE	NO CHARGE		
(1) NON-STANDARD WORK INCLUDES, BUT IS NOT LIMITED TO, INSTALLATIONS OVER 150 FEET FROM TAP, WALL FISHING, EXTENSIVE DROP CEILING WORK, BASEMENT CRAWL SPACE, ATTIC WORK, REMOVAL AND REPLACEMENT OF FIXTURES, RELOCATION OF DROPS AND INSTALLATION OF CUSTOMER OWNED EQUIPMENT (e.g. HOME THEATER, SPEAKERS, ETC.) ++				
<u>SERVICE AND SPECIALIZED WORK*</u>				
SERVICE CALLS (NON-CABLE RELATED PROBLEM [A PROBLEM NOT CAUSED BY A DEFECT IN THE FACILITIES OR OF THE SERVICES PROVIDED BY THE COMPANY], OR DAMAGE CAUSED BY CUSTOMER NEGLIGENCE)	\$25.90	\$26.90	\$1.00	3.86%
HOURLY SERVICE CHARGE	\$33.20	\$31.90	(\$1.30)	-3.92%
CHANGE OF SERVICE:				
ADD SERVICE (INSTALLED OTHER THAN WITH PRIMARY OUTLET AND TECHNICIAN GOES TO HOME)	\$16.55	\$16.10	(\$0.45)	-2.72%
DELETE SERVICE (TECHNICIAN GOES TO HOME)	\$10.75	\$10.75	\$0.00	0.00%
ADD OR DELETE SERVICE (SUBSEQUENT TO INITIAL INSTALL AND (A) CUSTOMER PICKS UP OR DROPS OFF CONVERTER, OR (B) ADDRESSABLE ADDITION OR DELETION)	\$1.99	\$1.99	\$0.00	0.00%
VIDEO REACTIVATION FEE	\$1.99	\$1.99	\$0.00	0.00%
<u>OTHER CHARGES</u>				
IN PERSON COLLECTION OF PAST DUE BALANCE	\$18.35	\$17.60	(\$0.75)	-4.09%
<u>EQUIPMENT CHARGES* (PER MONTH)</u>				
LIMITED BASIC SERVICE ONLY CONVERTER (NON-ADDRESSABLE)**	\$0.35	\$0.35	\$0.00	0.00%
LIMITED BASIC SERVICE ONLY CONVERTER (ADDRESSABLE)**	\$1.10	\$0.95	(\$0.15)	-13.64%
ANALOG ADDRESSABLE CONVERTER (NO LONGER AVAILABLE FOR NEW SUBSCRIPTIONS)	\$3.20	\$2.75	(\$0.45)	-14.06%
NORTHWEST NJ	\$1.84	\$2.30	\$0.46	25.00%
DIGITAL CONVERTER	\$3.20	\$2.75	(\$0.45)	-14.06%

EXHIBIT A

NORTHWEST NJ	\$1.84	\$2.30	\$0.46	25.00%
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EQUIPMENT CHARGES CONTINUED*

REMOTE CONTROL		\$0.25	\$0.20	(\$0.05)	-20.00%
	NORTHWEST NJ	\$0.15	\$0.20	\$0.05	33.33%
DIGITAL CONVERTER, WITH HIGH DEFINITION TELEVISION (HDTV) CAPABILITIES (2)		\$3.20	\$2.75	(\$0.45)	-14.06%
	NORTHWEST NJ	\$3.20	\$2.30	(\$0.90)	-28.13%
	LIMITED BASIC ONLY	\$3.20	\$2.75	(\$0.45)	-14.06%
DIGITAL CONVERTER, WITH DIGITAL VIDEO RECORDER (DVR) CAPABILITIES (3)		\$3.20	\$2.75	(\$0.45)	-14.06%
	NORTHWEST NJ (3)	\$1.84	\$2.30	\$0.46	25.00%

LIMITED BASIC SERVICE ONLY DIGITAL ADAPTER AND REMOTE CONTROL - SYSTEMS THAT LIMITED BASIC SERVICE IS VIA DIGITAL TRANSMISSION (4)

PRIMARY OUTLET AND UP TO 2 ADDITIONAL OUTLETS	N/A	NO CHARGE		
EACH ADDITIONAL OUTLET BEYOND THE 3RD OUTLET	N/A	\$0.50		

CABLECARD (FIRST CARD IN DEVICE)	1ST FREE/\$1.50	NO CHARGE	\$0.00	0.00%
CABLECARD (SECOND CARD IN SAME DEVICE)	\$1.50	\$1.50	\$0.00	0.00%

** 175 FT. OR LESS FOR SE PA, PLEASANTVILLE & VINELAND SYSTEMS; 200 FT. OR LESS FOR (AERIAL) AND 125 FT. OR LESS (UNDERGROUND) FOR CENTRAL NJ II SYSTEMS, 250 FT. OR LESS FOR THOSE AREAS OF MIDDLE TOWNSHIP SERVED BY THE AVALON SYSTEM

*MAY BE SUBJECT TO SALES TAX, WHERE APPLICABLE

**NOT OFFERED IN AVALON, CENTRAL II, GARDEN STATE, LBI AND NEW JERSEY (TOMS RIVER)

***THE MONTHLY RATE FOR A LIMITED BASIC SERVICE ONLY CONVERTER (DIGITAL) ON A PRIMARY OUTLET WILL BE REDUCED FROM \$.95 TO \$.65 THROUGH A BPU CREDIT OF \$.30 ON THE LIMITED BASIC ONLY SUBSCRIBERS' MONTHLY BILLS FOR THE RATE CYCLE OF JANUARY 1, 2011 THROUGH DECEMBER 31, 2011

(2) SUBSCRIPTION TO HD TECHNOLOGY FEE SERVICE IS REQUIRED WITH A MINIMUM SUBSCRIPTION OF DIGITAL ECONOMY.

(3) SUBSCRIPTION TO DVR SERVICE IS REQUIRED

(4) \$.50 IMPUTED COST FOR TAX PURPOSES ON ALL NO CHARGE ADAPTERS/REMOTES