



Agenda Date: 8/22/07
Agenda Item: 3 _A

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

CABLE TELEVISION

IN THE MATTER OF THE ALLEGED FAILURE OF	)	ORDER ACCEPTING
COMCAST CABLE COMMUNICATIONS, INC. TO	)	OFFER OF SETTLEMENT
COMPLY WITH PROVISIONS OF THE NEW JERSEY	)	
ADMINISTRATIVE CODE, <u>N.J.A.C. 14:18-1.1 et seq.</u>	)	DOCKET NO. CO07080570

SERVICE LIST ATTACHED

BY THE BOARD:

Comcast Corporation owns the stock of Comcast Cable Communications, Inc. a cable television multi-system operator which by itself or through various operating subsidiaries and affiliates provides cable television services to approximately 1.5 million New Jersey customers throughout 306 municipalities in 19 counties, including Comcast of Avalon, LLC; Comcast of Burlington County, LLC; Comcast of Central New Jersey, LLC; Comcast of Garden State, L.P.; Comcast of Gloucester County, LLC; Comcast of Hopewell Valley, Inc.; Comcast of Jersey City, LLC; Comcast of Lawrence, LLC; Comcast of Long Beach Island, LLC; Comcast of the Meadowlands, LLC; Comcast of Mercer County, 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 Plainfield, LLC; Comcast of South Jersey, Inc.; Comcast of Southeast Pennsylvania, Inc.; and Comcast of Wildwood, Inc. (collectively "Comcast"). The Board's Office of Cable Television ("Office"), Bureau of Inspection and Enforcement uncovered a number of apparent deficiencies during the course of a compliance review conducted as part of its review of a pending petition, Docket No. CM07040250, wherein Comcast Cable Communications Holdings, Inc. seeks approval to acquire control of the cable system currently operated by Patriot Media and Communications CNJ, LLC. The Office served notice of its allegations that Comcast had not conformed to certain provisions of the New Jersey Administrative Code, N.J.A.C. 14:18-1.1 et seq., as more specifically set forth in Attachment 1 (Schedule of Alleged Violations). The aforementioned regulations require that all cable systems in New Jersey operate in a manner that protects the rights of the cable consumer.

As a result of correspondence, telephone conversations and settlement conferences between Comcast and the Office, Comcast, on August 2, 2007, submitted an Offer of Settlement concerning the non-conforming practices outlined on the attached schedule of alleged violations.

Without admitting to any violations, Comcast submitted an Offer of Settlement concerning the alleged non-conforming practices which included a monetary offer in the amount of \$104,000.00 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 \$104,000.00, 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, by filing a true copy of the notices sent and proof of mailing, the earlier of thirty (30) days after the completion of the mailing of such notices or ten (10) days following the end of the quarter or annual period for which the notice was sent. The Board's prior Order in Docket No. CO07030212 had the same required submission to the Office of these notices, and the Board hereby reaffirms that requirement.
3. Comcast shall provide verified proof, including, where appropriate, certifications of continued compliance, to the Office no later than October 22, 2007, that appropriate corrective action was implemented as of the date of its Offer of Settlement to ensure that:
 - a. Comcast subsidiaries provide a separate cover letter for each different rate application indicating which service territory or system is to be affected by the cable television company's rate application, and a copy of the letter for each copy of the application submitted as required by N.J.A.C. 14:17-6.17(a)2;
 - b. Comcast subsidiaries 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 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. Comcast's customers have adequate access to company personnel so that customer telephone calls are answered within the thirty (30) second hold time as required by N.J.A.C. 14:18-7.8(a)2 and 47 C.F.R. §76.309(c); and
 - d. Comcast's customers have adequate access to company personnel so that customer telephone lines are answered within the three (3) percent busy standard as required by N.J.A.C. 14:18-7.8(a)3 and 47 C.F.R. §76.309(c).

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 and 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 subsequent offenses, in accordance with N.J.S.A. 48:5A-51(b).

This Offer of Settlement does not relieve Comcast, their parents, affiliates, subsidiaries and successors, from any liability for violations of any Board Orders in rate, franchising or other dockets not specifically enumerated herein, or for violations of any Board Orders in rate, franchising or other dockets specifically enumerated herein that occur after June 30, 2007.

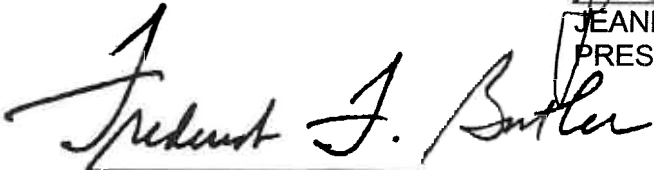
This Offer of Settlement does not relieve Comcast of any liability it may have in connection with the acquisition of certain satellite master antenna television ("SMATV") systems in New Jersey. The question of any potential liability relating to the acquisition of said SMATV systems is subject to a separate proceeding before the Office of Administrative Law ("OAL") in OAL Docket No. CTV 04479-06 and BPU Docket No. C006050336.

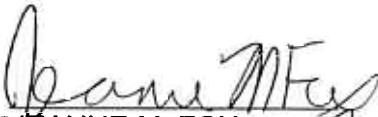
This Offer of Settlement also does not include, and does not have impact upon any party's allegations or claims, related to the 2004 Customer complaint report filed by or on behalf of Comcast.

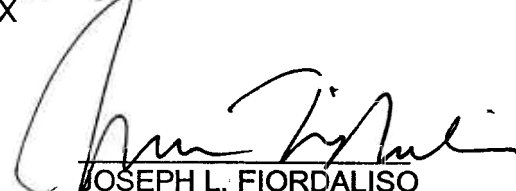
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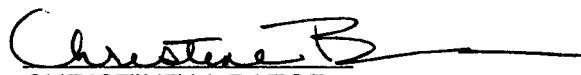
9/22/07

BOARD OF PUBLIC UTILITIES
BY:


FREDERICK F. BUTLER
COMMISSIONER


JEANNE M. FOX
PRESIDENT

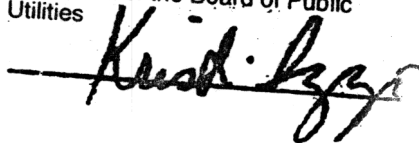

JOSEPH L. FIORDALISO
COMMISSIONER


CHRISTINE V. BATOR
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 COMCAST CABLE COMMUNICATIONS,
INC. TO COMPLY WITH PROVISIONS OF THE NEW JERSEY ADMINISTRATIVE CODE,
N.J.A.C. 14:18-1.1 et seq.**

OFFER OF SETTLEMENT

DOCKET NO. CO07080570

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**ATTACHMENT 1
SCHEDULE OF ALLEGED VIOLATIONS**

OFFER OF SETTLEMENT

DOCKET NO. CO07080570

Some or all of Comcast subsidiaries failed to provide a separate cover letter for each different rate application indicating which service territory or system is to be affected by the cable television company's rate application and a copy of the letter for each copy of the application submitted in 2005 and 2006 as required by N.J.A.C. 14:17-6.17(a)2.

2. Comcast of Garden State failed to issue a refund check promptly to one (1) customer 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 in 2005 as required by N.J.A.C. 14:18-3.25.
3. Some or all of Comcast subsidiaries failed to comply with the FCC Customer Service Standards (30 second hold time) as required by N.J.A.C. 14:18-7.8(a)2 and 47 C.F.R. §76.309(c) for the fourth quarter of 2005, second through fourth quarter of 2006 and first through second quarter of 2007.
4. Some or all of Comcast subsidiaries failed to comply with the FCC Customer Service Standards (3 percent busy percentage) as required by N.J.A.C. 14:18-7.8(a) 3 and 47 C.F.R. §76.309(c) for the fourth quarter of 2005, first and fourth quarter of 2006 and first through second quarter of 2007.

STRYKER
TAMS & DILL LLP

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(212) 432-9180

DENNIS C. LINKEN
Direct: (973) 491-3839
dlinken@strykertams.com

Please Reply to: Newark

August 13, 2007

By Hand

Arlene E. Pasko
Deputy Attorney General
Department of Law and Public Safety
124 Halsey Street, 5th Floor
P.O. Box 45029
Newark, NJ 07102

Re: In the Matter of the Alleged Failure of Certain Cable Television
Subsidiaries 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. 14:18-1.1 et seq.
and/or Certain Provisions of Certain Board Orders
Docket No. CO07080570
Offer of Settlement

Dear Ms. Pasko:

On behalf of Comcast Cable Communications, LLC, and pursuant to our discussion last
week, enclosed please find a revised executed Offer of Settlement.

Needless to say, should you have any questions, please do not hesitate to contact me.

Very truly yours,



Dennis C. Linken

DCL:dp

enc.

cc William H. Furlong, Chief (w/enc.

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

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

IN THE MATTER OF THE ALLEGED	)	
FAILURE OF CERTAIN CABLE TELEVISION	)	OFFER OF SETTLEMENT
SUBSIDIARIES OF COMCAST CABLE	)	
COMMUNICATIONS, LLC TO COMPLY	)	
WITH PROVISIONS OF THE NEW JERSEY	)	Docket No. CO07080570
ADMINISTRATIVE CODE, <u>N.J.A.C. 14:18-1.1</u>	)	
<u>ET SEQ.</u>	)	

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. 14:18-1.1 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

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

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 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.

OCTV has alleged that certain Comcast Subsidiaries have failed to comply with certain provisions of the Regulations; 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:

The OCTV has alleged that the Comcast Subsidiaries have failed to comply with

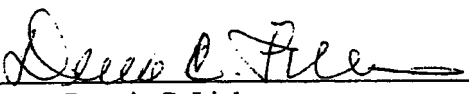
- a. Regulations pertaining to applications to be filed with the Board.
 - b. Regulations pertaining to the issuance of subscriber refunds.
 - c. Regulations pertaining to customer service standards.
2. The Comcast Subsidiaries will pay to the State of New Jersey the sum of One Hundred Four Thousand Dollars (\$104,000.00) in full settlement with the Board and the OCTV, except as provided in Paragraphs 2 and 3 below, of any violations or potential violations prior to July 1, 2007, of the Act, the Regulations or Board Orders, which violations or potential violations have been or could have been 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, their parents, affiliates, subsidiaries or successors, from any liability for violations of the Act, the Regulations or Board Orders that occur after June 30, 2007. Furthermore, this Offer of Settlement shall not be deemed to relieve any Comcast Subsidiary of any liability in connection with their acquisition of certain satellite master antenna television ("SMATV") systems in New Jersey. The question of

any potential liability relating to the acquisition of said SMATV systems is subject to a separate proceeding before the Office of Administrative Law ("OAL") in OAL Docket No. CTV 04479-06 and BPU Docket No. CO06050336.

4. This Offer of Settlement also 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 Board appropriate action.
5. The execution of this Offer of Settlement shall neither be deemed an admission by CCC or the Comcast Subsidiaries of any violation of the Act, the Regulations or any Board Orders, nor a determination by the Board or the OCTV that such a violation has occurred.
6. 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 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.
7. Recognizing but notwithstanding the provisions of the foregoing paragraph, the Comcast Subsidiaries agree to take the following actions: They will use their best efforts going forward to:
 - a. provide a separate cover letter for each different rate application indicating which service territory or system is to be affected by the cable television company's rate application and a copy of the letter for each copy of the application submitted, as required by N.J.A.C. 14:17- 6.17(a)2.

- 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 rebate, 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.
8. 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
Comcast of Ocean County, LLC
Comcast of Northwest New Jersey, LLC
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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.
Comcast of Wildwood, LLC

BY: 
Dennis C. Linken
Attorney for the Comcast Subsidiaries

Dated: August 13, 2007