



FEDERAL COMMUNICATIONS COMMISSION

Enforcement Bureau
Spectrum Enforcement Division
445 12th Street, S.W.
Washington, D.C. 20554

October 30, 2008

**Via Certified Mail -- Return Receipt Requested,
Facsimile At (202) 466-7718, and
E-Mail At mcmanus@comcast.com**

Attn: Paul Hudson, Esq.
Counsel for Bend Cable Communications, LLC
Davis Wright Tremaine
2001 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

Re: File No. EB-08-SE-1071

Dear Ms. McManus:

The Enforcement Bureau (“Bureau”) is investigating whether Comcast Corporation (“Comcast” or “Company”) may have violated various requirements of the Communications Act of 1934, as amended (“Act”) and the Commission’s rules (“Rules”), including, but not limited to, 47 U.S.C. §543 and 47 C.F.R. §§76.630, 76.980, and 76.1603. Accordingly, we direct Company to provide the information and documents specified below within **14 calendar days** of the date of this Letter of Inquiry (“LOI”). The Instructions for responding to this LOI and the Definitions for certain terms used herein are contained in the attachment hereto. Company must supplement the information provided in its response on a quarterly basis until the close of this investigation.

Unless otherwise indicated, the period of time covered by this LOI is November 1, 2006 to the present.

Inquiries: Information to Be Provided

The Bureau has received information indicating that Company may have moved certain analog basic or expanded basic channels to a digital tier (herein referred to as a “analog-to-digital channel change”), making such channels unavailable to analog subscribers unless they obtained a Company-supplied digital set top box and/or subscribed separately to Company’s digital programming tier.

1. For each analog-to-digital channel change, provide the following information, in table format as appropriate:
 - a. The date of the channel change.

- b. The cable system(s) affected.
 - c. The number of analog subscribers in each affected cable system at the time of the analog-to-digital channel change.
 - d. The number of overall subscribers in each affected cable system at the time of the analog-to-digital channel change.
 - e. The channels in each cable system that were moved and the digital tier(s) of service to which they were moved.
 - f. Whether Company now encrypts the channels moved.
 - g. Whether Company implemented a rate reduction for analog subscribers to reflect the reduction in the number of channels they are able to receive without a digital set-top box and/or subscribing to Company's digital programming tier.
 - h. Whether Company implemented a rate increase to customers receiving the digital tier to which the formerly analog programming was moved.
 - i. Whether Company permitted subscribers affected by the analog-to-digital channel change to modify their service at no charge for 30 days after receiving notice of such change.
 - j. Whether the cable system has been found subject to effective competition.
2. To the extent subscribers needed additional equipment to continue to receive the channels affected by the analog-to-digital channel change, provide the following information:
 - a. The model number(s) and manufacturer(s) of the equipment required by Company to receive the affected channels.
 - b. The capabilities and features of this equipment.
 - c. The price of that equipment. To the extent Company offered the equipment at a discounted price for a limited time, state the period of the discount and the price during and after that period.
 - d. Whether subscribers could purchase or lease this equipment from a source other than Company.
 - e. Whether this equipment was available in all franchise areas. If not, explain why not.
3. State whether Company provided written notice to subscribers in each cable system of the analog-to-digital channel change. If so, provide a single copy of each non-identical notice. To the extent this information is not reflected in the written notice, state:
 - a. The date that each notice was provided.
 - b. The channels moved to the digital programming tier and/or made available only through the use of a Company-supplied set-top box.

4. State whether Company provided written notice to the Local Franchising Authorities (“LFAs”) for affected subscribers. If so, provide a copy of each such notice. To the extent this information is not reflected in the written notice, provide:
 - a. The date(s) each such notice was provided.
 - b. The channels that were moved to the digital programming tier and/or made available only through the use of a Company-supplied set-top box.
 - c. The name of each LFA responsible for oversight of the cable system where Company initiated a channel change.

5. For each analog-to-digital channel change, provide the following information about Company’s explanation of such change to customers:
 - a. Copies of all documents furnished to Company subscribers, including bill inserts, web pages, newsletters, pamphlets, or other customer notices.
 - b. Copies of all documents furnished to Company customer service personnel in responding to subscriber questions about the channel change, including scripts or other reference materials.
 - c. Whether Company has misled subscribers by linking or otherwise suggesting that this channel change was made necessary by the February 18, 2009 transition from full-power analog to digital broadcasting.
 - d. Whether Company records or transcribes telephone calls between its customer service representatives and customers, and if so, how long it retains such recordings or transcripts.

6. If Company has received complaints about any analog-to-digital channel changes, whether directly from subscribers or from local, state or federal regulatory agencies, provide each such complaint and Company’s response, if any.

7. State whether Company has received oral complaints about any analog-to-digital channel changes. If so, state the number of such complaints and explain what records, if any, exist of such complaints.

8. For each channel affected by an analog-to-digital channel change, provide the following information:
 - a. The fees related to that channel collected by Company from each subscriber.
 - b. The per-subscriber fees related to that channel paid by Company to the video programming distributor responsible for that channel.

Filing Requirements

We direct Company to support its responses with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Company with personal knowledge of the representations provided in Company’s response, verifying the truth and accuracy of the information therein and that all of the information requested by this letter that are

in Company's possession, custody, control or knowledge have been produced. If multiple Company employees contribute to the response, in addition to such general affidavit or declaration of the authorized officer of Company noted above, if such officer (or any other affiant or declarant) is relying on the personal knowledge of any other individual, rather than his or her own knowledge, provide separate affidavits or declarations of each such individual with personal knowledge that identify clearly to which responses the affiant or declarant with such personal knowledge is attesting. All such declarations provided must comply with section 1.16 of the Commission's rules,¹ and be substantially in the form set forth therein.

To knowingly and willfully make any false statement or conceal any material fact in reply to this inquiry is punishable by fine or imprisonment.² Failure to respond appropriately to this letter of inquiry may constitute a violation of the Communications Act and our rules.

Company shall direct its response, if sent by messenger or hand delivery, to Marlene H. Dortch, Secretary, Federal Communications Commission, 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002, to the attention of Holly Berland, Esq., Spectrum Enforcement Division, Enforcement Bureau, Room 3-A432, Federal Communications Commission, with a copy to JoAnn Lucanik, Deputy Chief, Spectrum Enforcement Division, Enforcement Bureau, Room 3-A362. If sent by commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail), the response should be sent to the attention of Holly Berland, Esq., Spectrum Enforcement Division, Enforcement Bureau, Room 3-A432, Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, Maryland 20743, with a copy to JoAnn Lucanik, Deputy Chief, Spectrum Enforcement Division, Enforcement Bureau, Room 3-A362, Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, Maryland 20743. If sent by first-class, Express, or Priority mail, the response should be sent to Holly Berland, Esq., Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 3-A432, Washington, D.C. 20554, with a copy to JoAnn Lucanik, Deputy Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 3-A362, Washington, D.C. 20554. Company shall also, to the extent practicable, transmit a copy of the response via email to Holly.Berland@fcc.gov and to JoAnn.Lucanik@fcc.gov.

Sincerely,

Kathryn S. Berthot
Chief, Spectrum Enforcement Division
Enforcement Bureau

Attachment

¹ See 47 C.F.R. § 1.16.

² See 18 U.S.C. § 1001; *see also* 47 C.F.R. § 1.17.

ATTACHMENT

Instructions

Request for Confidential Treatment. If Company requests that any information or documents responsive to this letter be treated in a confidential manner, it shall submit, along with all responsive information and documents, a statement in accordance with section 0.459 of the Commission's rules. 47 C.F.R. § 0.459. Requests for confidential treatment must comply with the requirements of section 0.459, including the standards of specificity mandated by section 0.459(b). Accordingly, "blanket" requests for confidentiality of a large set of documents are unacceptable. Pursuant to section 0.459(c), the Bureau will not consider requests that do not comply with the requirements of section 0.459.

Claims of Privilege. If Company withholds any information or documents under claim of privilege, it shall submit, together with any claim of privilege, a schedule of the items withheld that states, individually as to each such item: the numbered inquiry to which each item responds and the type, title, specific subject matter and date of the item; the names, addresses, positions, and organizations of all authors and recipients of the item; and the specific ground(s) for claiming that the item is privileged.

Method of Producing Documents. Each requested document, as defined herein, shall be submitted in its entirety, even if only a portion of that document is responsive to an inquiry made herein. This means that the document shall not be edited, cut, or expunged, and shall include all appendices, tables, or other attachments, and all other documents referred to in the document or attachments. All written materials necessary to understand any document responsive to these inquiries must also be submitted.

Identification of Documents. For each document or statement submitted in response to the inquiries stated in the cover letter, indicate, by number, to which inquiry it is responsive and identify the person(s) from whose files the document was retrieved. If any document is not dated, state the date on which it was prepared. If any document does not identify its author(s) or recipient(s), state, if known, the name(s) of the author(s) or recipient(s). Company must identify with reasonable specificity all documents provided in response to these inquiries.

Documents Already Provided. If a document responsive to any inquiry made herein has already been provided to the Bureau in the course of this or any other investigation, identify each such document, when and how it was produced to the Bureau, and specify the Bates-number range for the document.

Retention of Original Documents. With respect only to documents responsive to the specific inquiries made herein and any other documents relevant to those inquiries, Company is directed to retain the originals of those documents for twelve (12) months from the date of this letter unless (a) Company is directed or informed by the Enforcement Bureau in writing to retain such documents for some shorter or longer period of time or (b) the Enforcement Bureau or the Commission releases an item on the subject of this investigation, including, but not limited to, a

Notice of Apparent Liability for Forfeiture or an order disposing of the issues in the investigation, in which case, Company must retain all such documents until the matter has been finally concluded by payment of any monetary penalty, satisfaction of all conditions, expiration of all possible appeals, conclusion of any collection action brought by the United States Department of Justice or execution and implementation of a final settlement with the Commission or the Enforcement Bureau.

Continuing Nature of Inquiries. The specific inquiries made herein are continuing in nature. Company is required to produce in the future any and all documents and information that are responsive to the inquiries made herein but not initially produced at the time, date and place specified herein. In this regard, Company must supplement its responses (a) if Company learns that, in some material respect, the documents and information initially disclosed were incomplete or incorrect or (b) if additional responsive documents or information are acquired by or become known to Company after the initial production. The requirement to update the record will continue for twelve (12) months from the date of this letter unless (a) Company is directed or informed by the Enforcement Bureau in writing that Company's obligation to update the record will continue for some shorter or longer period of time or (b) the Enforcement Bureau or the Commission releases an item on the subject of this investigation, including, but not limited to, a Notice of Apparent Liability for Forfeiture or an order disposing of the issues in the investigation, in which case the obligation to update the record will continue until the release of such item.

Definitions

For purposes of this letter, the following definitions apply:

"Any" shall be construed to include the word "all," and the word "all" shall be construed to include the word "any." Additionally, the word "or" shall be construed to include the word "and," and the word "and" shall be construed to include the word "or." The word "each" shall be construed to include the word "every," and the word "every" shall be construed to include the word "each."

"Document" shall mean the complete original (or in lieu thereof, exact copies of the original) and any non-identical copy (whether different from the original because of notations on the copy or otherwise), regardless of origin or location, of any taped, recorded, transcribed, written, typed, printed, filmed, punched, computer-stored, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated, or made.

"Identify," when used with reference to a person or persons, shall mean to state his/her full legal name, job title (if any), current business address, and business phone number. If business address and/or telephone number are not available, state the person's home address and/or telephone number.

Mary McManus
Comcast Corporation
October 30, 2008
Page 7

“Identify,” when used with reference to a document, shall mean to state the date, author, addressee, type of document (*e.g.*, the types of document, as described above), a brief description of the subject matter, its present or last known location, and its custodian.

“Identify,” when used with reference to an entity other than a person, shall mean to state its name, current or last known business address, and current or last known business telephone number.

“Company” shall mean Comcast Corporation and any predecessor-in-interest, affiliate, parent company, wholly or partially owned subsidiary, other affiliated company or business, and all owners, including but not limited to, partners or principals, and all directors, officers, employees, or agents, including consultants and any other persons working for or on behalf of the foregoing at any time during the period covered by this letter.