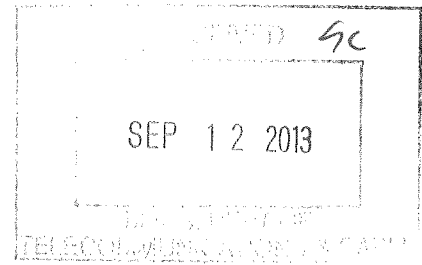


**REDACTED**

(For use in Public File)



Comcast Cable  
200 Gresson Boulevard  
P.O. Box 989  
Oaks, PA 19456



September 11, 2013

Ms. Catrice Williams  
Secretary of the Cable Television Division  
Massachusetts Department of Telecommunications and Cable  
Cable Television Division  
1000 Washington Street, Suite 820  
Boston, MA 02118-6500

RE: Comcast Cable Communications, LLC  
Docket No. D.T.C. 13-5  
FCC Forms 1240 and 1205  
Responses to First Set of Information Requests

Dear Ms. Williams:

Enclosed are an original and three (3) copies of Comcast's response to the First Set of Information Requests issued August 26, 2013 by the Department of Telecommunication & Cable, regarding Comcast Cable Communications, LLC's FCC Form 1205 and FCC Form 1240s submitted on April 1, 2013.

Due to contractual obligations with various broadcasters, the response to D.T.C. 1-8 will be sent under separate cover on September 12, 2013.

Accompanying this response is a Motion for Protective Treatment of Confidential Information. The redacted version of this response will be sent to the Interveners.

If you have any questions regarding this information, please contact me at 610-650-1335.

Sincerely,

James G. Gray  
Director of Regulatory Accounting  
Comcast Cable Communications, LLC

/enclosures

Commonwealth of Massachusetts  
Department of Telecommunications and Cable  
Cable Television Division  
Docket No. DTC 13-5

MOTION OF COMCAST CABLE COMMUNICATIONS, LLC FOR PROTECTIVE  
TREATMENT OF CONFIDENTIAL INFORMATION

Comcast Cable Communications, LLC ("Comcast") hereby requests that the Department of Telecommunications and Cable (the "Department") grant this motion to provide confidential treatment for certain information provided in this proceeding involving the Department's investigation of Comcast's proposed basic service tier programming, equipment and installation rates (*See* D.T.C. 13-5). Specifically, Comcast requests that confidentiality be afforded to portions of the responses to Information Requests 1-6, 1-7, and 1-8, which provide detailed information regarding Comcast's programming and retransmission consent fees in its Massachusetts regulated franchise areas. As grounds for this request, Comcast states that the programming and retransmission consent fee information is confidential, competitively sensitive and proprietary information under G.L. c.25C§ 5.

**I. Standard of Review**

Confidential information may be protected from public disclosure in accordance with G.L. c. 25C § 5, which provides in part that:

[T]he department may protect from public disclosure trade secrets, confidential, competitively sensitive or other proprietary information provided in the course of proceedings conducted pursuant to this chapter. There shall be a presumption that the information for which such protection is sought is public information and the burden shall be on the proponent of such protection to prove the need for such protection. Where such a need has been found to exist, the department shall protect only so much of the information as is necessary to meet such need.

The Department has previously recognized that competitively sensitive information is entitled to protective status. Indeed, the Department has provided confidential treatment for similar information in prior rate reviews. *See, e.g., Hearing Officer's Ruling on Motion of Comcast Cable Communications, LLC*, Tr. 8, D.T.C. 10-8 (August 3, 2011) ("*Comcast Protective Order I*"), *Hearing Officer Ruling on Motion for Protective Order*, DTC 12-2 (Nov. 27, 2012) ("*Comcast Protective Order II*").

## II. Argument

The Department sets forth a three-part standard for determining the applicability of G.L. c. 25C § 5. First, the information for which protective treatment is sought must constitute the type of information that can be exempted from public disclosure (e.g., trade secrets, confidential or competitively sensitive or other proprietary information). The programming and retransmission consent fee information requested by the Department is considered by Comcast to be proprietary and commercially sensitive information. This information is not otherwise publicly available to Comcast's competitors. Public disclosure of this information would provide competitors with cost information giving them an unfair competitive advantage. Moreover, this information could form the basis for pricing and market strategies by competitors. In addition, release of this information could also disadvantage the parties to these contracts (including entities that are not the subject of this proceeding) in their pricing negotiations with third parties. Finally, the Department has ruled in the past that these types of costs are confidential information and exempt from public disclosure. *See, e.g., Comcast Protective Order I; Comcast Protective Order II; Hearing Officer's Ruling on the Motion of Coxcom, Inc., d/b/a Cox Communications New England for Protective Order, D.T.C. 08-8 (2009).*

Second, the party seeking protection must overcome the presumption that the material is public in nature and prove the need for non-disclosure of the information. As noted above, the information the Department is requesting is not publicly available. Moreover, Comcast maintains contractual relationships with the programmers and broadcasters carried on its systems. Under these contracts, Comcast is prohibited from publicly disclosing the terms and conditions, including the fees paid. As such, disclosure of this information to the Department without the grant of protective treatment would violate Comcast's contractual agreements with cable programmers and broadcasters.

Comcast, cable programmers and broadcasters clearly treat this type of cost material as confidential and competitively sensitive. Comcast's business practices ensure that proprietary, commercially sensitive information of this nature is not disclosed to any third party in the ordinary course of business, unless under the umbrella of a non-disclosure agreement.

Third, and finally, where a need for protective treatment has been established, the Department may limit the time period the non-disclosure of the information is in effect. Comcast requests that, if the Department is absolutely compelled to limit the period of confidentiality, the Department treat these materials as having confidential status for at least five (5) years. Comcast submits that a minimum five-year period is absolutely necessary to ensure that these materials will not be of such great competitive value to Comcast's competitors.

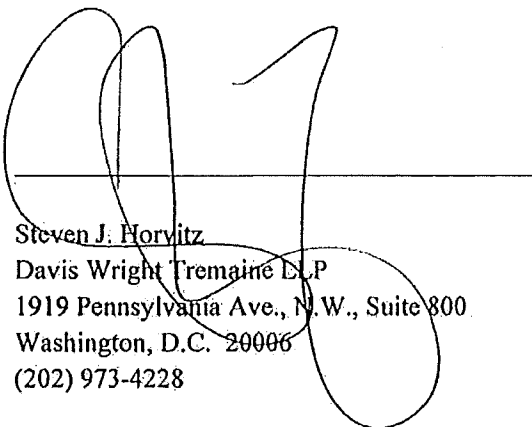
### III. Conclusion

For these reasons, Comcast requests that the Department grant protection from public disclosure of the confidential information submitted in this proceeding in accordance with G.L. c. 25C §5. Should the Department have any concerns regarding the grant of protection from public disclosure for these materials, or if any request by a third party is made for access to these documents, Comcast respectfully requests notification to the undersigned to amend and/or clarify Comcast's request for confidential treatment *before* the Department releases the information.

Respectfully submitted,

COMCAST CABLE COMMUNICATIONS, LLC

By:



Steven J. Horvitz  
Davis Wright Tremaine LLP  
1919 Pennsylvania Ave., N.W., Suite 800  
Washington, D.C. 20006  
(202) 973-4228

September 10, 2013

Commonwealth of Massachusetts  
Department of Telecommunications and Cable  
Cable Television Division  
Docket No. D.T.C. 13-5  
First Set of Information Requests  
August 26, 2013

Response of Comcast Cable Communications, LLC

***D.T.C. 1-1: Referring to the Labor Cost and Policy Changes and Schedule B of Comcast's FCC Form 1205:***

- a. Identify whether the commissions and the time element associated with the installation of the drop for unwired installations are removed, as required by the Department in C.T.V. 04-3/04-4.*
- b. If the commissions and the time element associated with the installation of the drop for unwired installations are not removed, provide a FCC Form 1205 revised to comply with the Department's Order in C.T.V. 04-3/04-4.*

Response:

Please see the attached revised FCC Form 1205 (Attachment 1-1) in compliance with the Department's Order in C.T.V. 04-3/04-4. Commissions and the time element associated with the installation of the drop for unwired installations have been removed.

Responsible Witness: Warren Fitting

Commonwealth of Massachusetts  
Department of Telecommunications and Cable  
Cable Television Division  
Docket No. D.T.C. 13-5  
First Set of Information Requests  
August 26, 2013

Response of Comcast Cable Communications, LLC

***D.T.C. 1-2: Referring to the Worksheet for Calculating Permitted Equipment and Installation Charges of Comcast's FCC Form 1205:***

- a. Provide a detailed narrative explaining the reduction in the Customer Equipment and Installation Percentage on Step A Line 4 from 0.1569 on the previous form to 0.1085 on the current form.*
- b. b) Provide a detailed narrative explaining the drop in Total Labor Hours for Maintenance and Installation of Customer Equipment and Services on Step A Line 6 from 26,911,566 on the previous form to 18,822,281 on the current form.*

**Response:**

- a. The Total Capital Costs and Operating Expenses for Installation and Maintenance from FY2010 FCC Form 1205 to the current total costs are relatively unchanged. However, Annual Customer Maintenance and Installation Costs, excluding Costs of Leased Equipment, have decreased by \$283 million (31%). This decrease is primarily attributable to the decrease in maintenance costs associated with the increased deployment and use of Digital Adapters (DTA) in relation to Digital Converters, as well as a decrease in installations costs as a result of the increase in self- installations relative to professional installations.
- b. The decrease in Total Labor Hours for Maintenance and Installation of Customer Equipment and Services on Step A Line 6 is due to the reduction in Trouble Call Hours as well as less reliance on outside contractors for installation activities. Again, more of our customers prefer self-installations rather than professional installations which has further reduced our installation costs.

Responsible Witness: Warren Fitting

Commonwealth of Massachusetts  
Department of Telecommunications and Cable  
Cable Television Division  
Docket No. D.T.C. 13-5  
First Set of Information Requests  
August 26, 2013

Response of Comcast Cable Communications, LLC

***D.T.C. 1-3: Referring to Schedule C, provide a detailed narrative explaining why the Total Maintenance/Service Hours for Digital Transport Adaptor ("DTA") units decreased from 3.8 million on the previous form to 3.1 million on the current form while the Total Number of Units in Service increased from 16.9 million on the prior form to 25.7 million on the current form.***

Response:

The decrease in Total Maintenance/Service Hours is due to the Company's decision not to repair Digital Adapters that are out of warranty.

Responsible Witness: Warren Fitting



Commonwealth of Massachusetts  
Department of Telecommunications and Cable  
Cable Television Division  
Docket No. D.T.C. 13-5  
First Set of Information Requests  
August 26, 2013

Response of Comcast Cable Communications, LLC

***D.T.C. 1-4: Provide a detailed narrative with supporting documentation explaining Comcast's determination to combine converter box units into 3 categories on the current FCC Form 1205 when they were separated into 4 categories on the prior FCC Form 1205 and in previous filings.***

Response:

With more customers using HD equipment, the Company has decided to reduce the number of categories from four to three. This categorization complies with FCC 96-257, Aggregation of Equipment Costs By Cable Operators, wherein cable operators are permitted to establish broad categories of equipment without regard to the level of functionality.

The three categories are:

- (1) Converter 1 = Converters utilized by subscribers to the basic service tier only. This includes both digital and HD equipment.
- (2) Converter 2 = All other types of converters except digital adapters (DTAs), including digital converters, HD converters, SD-DVR converters and HD-DVR converters.
- (3) Converter 3 = Digital Adapters (DTAs)

Comcast continues to calculate separate maximum permitted rates for remotes and CableCARDS.

Responsible Witness: Warren Fitting

Commonwealth of Massachusetts  
Department of Telecommunications and Cable  
Cable Television Division  
Docket No. D.T.C. 13-5  
First Set of Information Requests  
August 26, 2013

Response of Comcast Cable Communications, LLC

***D.T.C. 1-5: Referring to the 2013 Installation and Equipment Rates list Comcast included with the FCC Form 1205 for DTA units the current Maximum Permitted Rate ("MPR") is \$1.48, the proposed MPR is \$1.30, and the Operator Selected Rate ("OSR") is \$1.30. However, rates cards submitted to the Department with new prices effective January 22, 2013 list the price charged for DTA units to non-basic subscribers as \$1.99. Provide a detailed narrative explaining why Comcast assessed a rate for DTA that exceeds the proposed MPR.***

Response:

The rate assessed for the DTA does not exceed the proposed Maximum Permitted Rate. In support, please see Attachment 1-5 which is an example of one of the rate cards submitted to the Department with prices effective February 2013. This rate card lists "Digital Adapter" in the "Video Equipment" section at \$0.00 for the 1st, 2nd and 3rd outlet; and at \$0.50 for the 4th, 5th, 6th, etc. outlet. In the "Basic and Digital Ancillary Services" section, "Digital Adapter Additional Outlet Service" is listed at \$1.99 (per outlet). As noted in footnote 18, this service package includes a digital adapter and remote (as well as the additional outlet service).

The Digital Adapter Additional Outlet Service is not subject to the Form 1205 as it is not a basic-only service. Rather, it is incurred by non-basic subscribers who want to view Digital Starter channels or higher levels of service on additional outlets. The FCC has previously recognized that such service options are unregulated.

Responsible Witness: Warren Fitting

Commonwealth of Massachusetts  
Department of Telecommunications and Cable  
Cable Television Division  
Docket No. D.T.C. 13-5  
First Set of Information Requests  
August 26, 2013

Response of Comcast Cable Communications, LLC

***D.T.C. 1-6: Referring to Exhibit V attached to FCC Form 1240 for the Town of Acushnet, provide a detailed narrative explaining why the costs for retransmission consent fees for months 1 and 2 for the true-up period are lower than the amounts used on the prior form while the costs of retransmission consent fees increased during the remaining months of the true-up period and for the current projected period***

Response:

***CONFIDENTIAL***

Retransmission consent fees change for a variety of reasons, including channel additions and deletions, changes in broadcast station ownership, contractually-scheduled fee adjustments, and contract modifications and renewals. In Acushnet, the fee reduction reported in the first two months of the true-up period is primarily a result of [REDACTED]. For additional details, please see the schedule of retransmission consent fees submitted as response to request D.T.C. 1-8.

Responsible Witness: Joseph Lance

Commonwealth of Massachusetts  
Department of Telecommunications and Cable  
Cable Television Division  
Docket No. D.T.C. 13-5  
First Set of Information Requests  
August 26, 2013

Response of Comcast Cable Communications, LLC

***D.T.C. 1-7: Referring to the FCC Form 1240 for the Town of Amesbury:***

- a. Provide a detailed narrative explaining why there are programming costs in the true-up period when there were no programming costs in the prior projected period.***
- b. Provide a detailed accounting of the increase in the costs for retransmission consent fees on a channel by channel basis.***

Response:

***CONFIDENTIAL***

- a. Programming costs change for a variety of reasons, including channel additions and deletions, changes in programming channel ownership, contractually-scheduled fee adjustments, and contract modifications and renewals. In Amesbury, the cost increase reflected in the true up period (and not reported in the prior projected period) is primarily a result of the addition of [REDACTED] to the Basic Service tier.
- b. Please see the schedule of retransmission consent fees submitted as response to request D.T.C. 1-8

Responsible Witness: Joseph Lance

Commonwealth of Massachusetts  
Department of Telecommunications and Cable  
Cable Television Division  
Docket No. D.T.C. 13-5  
First Set of Information Requests  
August 26, 2013

Response of Comcast Cable Communications, LLC

***D.T.C. 1-9: Provide a detailed narrative explaining the methodology used by Comcast to determine the retransmission consent fees applicable to the rate for each regulated Massachusetts franchise. In the narrative, include an explanation of the differences between the current methodology with the methodologies used by Comcast on FCC Forms 1240 filed with the Department in previous years.***

Response:

In order to calculate the retransmission consent fees, Comcast utilizes the per subscriber cost identified in each broadcaster's monthly invoice. The per subscriber costs on the invoice are specific to the cable system that services the respective Local Franchising Authority identified on each FCC Form 1240. This methodology is the same as was used and approved in last year's filings.

Responsible Witness: Joseph Lance

Commonwealth of Massachusetts  
Department of Telecommunications and Cable  
Cable Television Division  
Docket No. D.T.C. 13-5  
First Set of Information Requests  
August 26, 2013

Response of Comcast Cable Communications, LLC

***D.T.C. 1-10: For the OSRs listed on the FCC Forms 1240 and FCC Form 1205:***

- a. Verify that the OSRs listed on the FCC Forms 1240 and Form 1205 are the service and equipment basic rates actually being assessed to the subscribers in each regulated Massachusetts franchise.*
- b. For each regulated Massachusetts franchise in which there is a difference between a listed OSR and the service or equipment basic rates assessed to subscribers provide an explanation for this discrepancy.*
- c. For each regulated Massachusetts franchise in which there is a discrepancy between the OSRs and the service and equipment basic rates assessed to subscribers, provide FCC Forms 1240 and FCC Form 1205 revised to reflect the actual rates assessed to subscribers.*

Response:

- a. The OSRs listed on the FCC Forms 1240 and FCC Form 1205 are not the rates that are actually being assessed in the regulated Massachusetts franchises.
- b. The reason for this discrepancy is that when the FCC Forms 1240 and FCC Form 1205 were filed, the service and equipment rates were not finalized. As a result, the OSR listed on the Forms was set equal to the MPR and rounded to two decimal places. The Department of Telecommunications and Cable was later notified of the actual OSRs, which in all cases are lower than the MPRs included on the forms, through our normal notification process.
- c. Comcast requests that the Department accept the schedule of MPRs and OSRs provided in response to Information Request 1-12 rather than requiring Comcast to revise the forms previously submitted. That schedule is provided as Attachment 1-10.

Responsible Witnesses: Joseph Lance and Mark Renaud

Commonwealth of Massachusetts  
Department of Telecommunications and Cable  
Cable Television Division  
Docket No. D.T.C. 13-5  
First Set of Information Requests  
August 26, 2013

Response of Comcast Cable Communications, LLC

***D.T.C. 1-11: Provide a detailed narrative with supporting documentation explaining Comcast's methodology for estimating the subscriber count for the projected period on the FCC Forms 1240.***

Response:

In estimating the subscriber count for the projected period on the FCC Forms 1240, Comcast typically will use the average subscribers from the True-Up Period. Since the True-Up period in these forms was 14 months, Comcast used the subscriber count in True-Up Period 1 for the Projected Period in most cases. However, in some cases, Comcast used the subscriber count in True-up Period 2.

In order to determine whether True-up Period 1 or 2 provided a better estimate of future subscriber counts, Comcast calculated the difference between the first month of the true-up period and the last month. If that difference was a drop of 9% or greater, the assumption was that the subscriber count would not increase significantly during the projected period. Since the twelve month average would be higher in the True-Up period due to a higher number of subscribers at the beginning, Comcast used the subscribers in True-Up Period 2 for the Projected Period in these cases. If the difference between the first month of the true-up period and the last month was less than 9%, the subscriber count in True-Up Period 1 was used. Comcast believes that this method provides the best approximation of what the number of subscriber would be going forward.

Responsible Witness: Mark Renaud

Commonwealth of Massachusetts  
Department of Telecommunications and Cable  
Cable Television Division  
Docket No. D.T.C. 13-5  
First Set of Information Requests  
August 26, 2013

Response of Comcast Cable Communications, LLC

***D.T.C. 1-12: Provide in an Excel file, a spreadsheet detailing the most recently approved MPR, Franchise Related Cost ("FRC"), and OSR and the proposed MPR, FRC, and OSR for each regulated Massachusetts franchise.***

Response:

An Excel file detailing the most recently approved MPR, Franchise Related Cost ("FRC"), and OSR and proposed MPR, FRC, and OSR for each regulated Massachusetts franchise is being forwarded electronically. Please see Attachment 1-10 for a printout of this exhibit.

Responsible Witness: Mark Renaud