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STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE COMMISSION'S)
INVESTIGATION INTO COMCAST'S COMPLIANCE)
WITH VARIOUS ORDERS OF THE COMMISSION)
PROVIDING MULTIPLE COMCAST BUSINESS UNITS)
WITH CERTIFICATES OF FRANCHISE AUTHORITY)
TO PROVIDE VIDEO SERVICES IN THE STATE OF)
INDIANA)

CAUSE NO. 43670

APPROVED: APR 22 2009

RESPONDENTS: COMCAST OF NORTHERN)
INDIANA, INC.; COMCAST OF ILLINOIS/)
INDIANA/MICHIGAN, INC.; COMCAST OF)
INDIANA/MICHIGAN/PENNSYLVANIA, LLC;)
COMCAST CABLE OF INDIANA/MICHIGAN/TEXAS I,)
LLC; COMCAST OF INDIANA/MICHIGAN, LLC;)
COMCAST OF INDIANAPOLIS, LP; COMCAST OF)
FORT WAYNE, LP; COMCAST OF)
CALIFORNIA/COLORADO/ILLINOIS/INDIANA/)
MICHIGAN, LP; COMCAST OF MUNCIE, LP;)
COMCAST OF INDIANA/KENTUCKY/UTAH;)
COMCAST OF ILLINOIS/INDIANA; COMCAST OF)
THE SOUTH; CABLEVISION ASSOCIATES OF GARY)
JOINT VENTURE; AND COMCAST OF)
INDIANA/ILLINOIS/OHIO LLC)

BY THE COMMISSION:

Larry S. Landis, Commissioner
David E. Veleta, Administrative Law Judge

Based on information received by the Indiana Utility Regulatory Commission ("Commission"), the Commission finds it appropriate to commence an investigation into Comcast's compliance with various orders of the Commission approving a Certificate of Franchise Authority ("CFA") and authorizing the provision of video services within designated service areas in the State of Indiana.

1. **Commission Jurisdiction and Review.** Comcast is engaged in the provision of video services, as defined in Ind. Code § 8-1-34-13, within the State of Indiana pursuant to Commission Orders granting CFAs in accordance with Ind. Code § 8-1-34 *et seq.*

Comcast is providing video services in the State of Indiana pursuant to the following CFAs: Comcast of Northern Indiana, Inc., Cause No. 43160 VSP 01 (IURC 11/30/06); Comcast of Illinois/Indiana/Michigan, Inc., Cause No. 43161 VSP 01 (IURC 11/30/06); Comcast of Indiana/Michigan/Pennsylvania, LLC, Cause No. 43162 VSP 01 (IURC 11/30/06); Comcast Cable of Indiana/Michigan/Texas I, LLC, Cause No. 43163 VSP 01 (IURC 11/30/06); Comcast of Indiana/Michigan, LLC, Cause No. 43164 VSP 01 (IURC 11/30/06); Comcast of Indianapolis, LP, Cause No. 43165 VSP 01 (IURC 11/30/06); Comcast of Fort Wayne, LP, Cause No. 43166 VSP 01 (IURC 11/30/06); Comcast of California/Colorado/Illinois/Indiana/Michigan, LP, Cause No. 43167 VSP 01 (IURC 11/30/06); Comcast of Muncie, LP, Cause No. 43168 VSP 01 (IURC 11/30/06); Comcast of Indiana/Kentucky/Utah, Cause No. 43169 VSP 01 (IURC 11/30/06); Comcast of Illinois/Indiana, Cause No. 43170 VSP 01 (IURC 11/30/06); Comcast of the South, Cause No. 43171 VSP 01 (IURC 11/30/06); Cablevision Associates of Gary Joint Venture, Cause No. 43172 VSP 01 (IURC 11/30/06); and Comcast of Indiana/Illinois/Ohio LLC, Cause No. 43358 VSP 01 (IURC 10/30/07).

Pursuant to Ind. Code § 8-1-34-16, the Commission is the sole franchising authority for the provision of video service in the State of Indiana. The Commission is authorized to issue CFAs in accordance with Ind. Code § 8-1-34 *et seq.*, and is required to condition receipt of a CFA upon, among other things, the CFA holder's provision of certain information as set forth in Ind. Code § 8-1-34-20. Inherent in the Commission's grant of power to issue CFAs and to impose certain notification and reporting requirements, is the implicit power and authority to do that which is necessary to effectuate the regulatory scheme, including conducting an investigation to determine whether a video service provider is in compliance with its CFA. *See, South Eastern Indiana Natural Gas v. Ingram*, 617 N.E.2d 943, 948 (Ind. Ct. App. 1993). Accordingly, the Commission has jurisdiction over Comcast and the subject matter of this investigation.

2. **Background.** As identified above, Comcast has been issued fourteen CFAs to provide video services within certain designated service areas in the State of Indiana. Each CFA requires Comcast to provide a:

Quarterly filing with the Commission of updated maps indicating, at the census block level, the portion of authorized designated service areas in which [Comcast] is actually offering video service or a statement indicating that no changes occurred during the quarter pursuant to Ind. Code § 8-1-34-20(a)(7).

Paragraph 2.f. Although Comcast has filed quarterly census block information indicating Comcast's actual service areas, the Commission has yet to receive maps from Comcast indicating the areas in which Comcast is actually offering video service despite repeated informal requests. In addition, the Commission has also received information indicating that the census block information that has been provided to date by Comcast in its quarterly reports may be inaccurate.

3. **Scope of Investigation.** Based on the above, the Commission finds it appropriate to initiate an investigation to determine whether Comcast is in compliance with the aforementioned CFAs and each of the requirements set forth therein.

IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:

1. An investigation is hereby commenced to determine whether Comcast is in compliance with the requirements contained in its CFAs for the provision of video services in the State of Indiana.
2. A preliminary hearing and prehearing conference to determine a procedural schedule for this investigation is scheduled for May 6, 2009 at 2:15 p.m. in Room 222, National City Center, 101 West Washington Street, Indianapolis, Indiana.
3. This Order shall be effective on and after the date of its approval.

GOLC, SERVER, AND ZIEGNER CONCUR; HARDY AND LANDIS ABSENT:

APPROVED: APR 22 2009

I hereby certify that the above is a true and correct copy of the Order as approved.

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**Brenda A. Howe
Secretary to the Commission**