

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

*[Handwritten signatures and initials: JB, SP4, JLG, and another signature]*

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 )

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 )

CAUSE NO. 43670

APPROVED: JUN 30 2009

**BY THE COMMISSION:**  
**Larry S. Landis, Commissioner**  
**David E. Veleta, Administrative Law Judge**

On April 22, 2009, the Indiana Utility Regulatory Commission ("Commission") issued an Order initiating this Cause and commencing an investigation into Comcast Corporation's ("Comcast") 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. On May 19, 2009, the Respondents, all affiliates of Comcast, made their compliance filing. On May 26, 2009, the OUCC filed its Notice of Intent Not to File Testimony.

Pursuant to notice duly published as required by law, the Commission conducted an evidentiary hearing at 10:00 a.m. on June 10, 2009 in Room 222 of the National City Center, 101 West Washington Street, Indianapolis, Indiana. Comcast and the Indiana Office of Utility Consumer Counselor ("OUCC") appeared and participated at the evidentiary hearing. No members of the general public appeared.

Based upon the applicable law, the evidence presented herein and being duly advised, the Commission now finds:

1. **Notice and Jurisdiction.** Due, legal, and timely notice of the public evidentiary hearing in this Cause was given and published by the Commission as required by law. 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. **Evidence of the Parties.** Nick Leuci, Vice President of Government Relations for Comcast's North Central Division, testified on behalf of Comcast. Mr. Leuci sponsored two exhibits. The first exhibit consisted of an Excel spreadsheet containing a description of all 64,468 separate census blocks in which Comcast operates in Indiana, and the second exhibit contained fourteen maps showing the fourteen Comcast affiliates' respective designated service areas, down to the census block level.

The OUCC, in its Notice of Intent Not to file Testimony, indicated that it reviewed the Commission's Order opening this investigation and the testimony and exhibits filed by the Comcast. As a result of its review, the OUCC stated that it did not intend to file testimony in this Cause.

3. **Discussion and Findings by the Commission.** 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. Prior to the Commission commencing an investigation, Comcast filed quarterly census block information indicating Comcast's actual service areas. However, the Commission had not received maps from Comcast indicating the areas in which Comcast was actually offering video service despite repeated informal requests. In addition, the Commission received information indicating that the census block information that had been provided by the Comcast in their quarterly reports might be inaccurate.

In response to the Commission's initiation of this investigation, Comcast retained a mapping company to produce two-dimensional visual representations of each of the 64,468 census blocks in which it has retail video facilities. These maps were supplied electronically as part of Comcast's compliance filing in this cause. In addition, Comcast filed updated census block information as part of their compliance filing. The Commission finds that Comcast's compliance filing appears to be an accurate representation of where Comcast is actually offering service.

Having reviewed Comcast's compliance filing, we find Comcast to be in compliance with the Commission's requirements for holding a certificate of franchise authority to provide video and other communications services in Indiana. Accordingly, this investigation is hereby concluded.

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

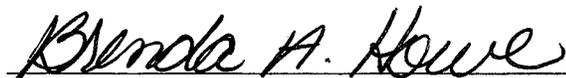
1. Pursuant to Finding No. 3, above, the Commission's investigation is hereby concluded.
2. This Order shall be effective on and after the date of its approval.

**HARDY, ATTERHOLT, LANDIS, GOLC AND ZIEGNER CONCUR:**

**APPROVED:**

**JUN 30 2009**

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



Brenda A. Howe

Secretary to the Commission