

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 19-4845-PET

Joint petition of Southern Vermont Cable Company (SVCC) and Comcast of Connecticut/Georgia/Massachusetts/New Hampshire/New York/North Carolina/Virginia/Vermont, LLC (Comcast) for authority to (1) sell substantially all of SVCC's assets to Comcast, pursuant to 30 V.S.A. § 109; (2) abandon SVCC's cable-television service in Vermont and revoke its Certificate of Public Good, pursuant to 30 V.S.A. § 505; and (3) allow Comcast to own and operate SVCC's cable television system in Vermont, pursuant to 30 V.S.A. §§ 503 and 504	
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Entered: 05/13/2020

CERTIFICATE OF PUBLIC GOOD ISSUED TO COMCAST OF CONNECTICUT/GEORGIA/MASSACHUSETTS/NEW HAMPSHIRE/NEW YORK/NORTH CAROLINA/VIRGINIA/VERMONT, LLC, PURSUANT TO 30 V.S.A. §§ 503 AND 504

IT IS HEREBY CERTIFIED that the Public Utility Commission ("Commission") of the State of Vermont on this date finds and adjudges that the ownership and operation of cable television systems by Comcast of Connecticut/Georgia/Massachusetts/New Hampshire/ New York/North Carolina/Virginia/Vermont, LLC, d/b/a Comcast ("Comcast" or the "Company"), in the towns of Dover, Newfane, Putney, and Townshend, will promote the public good subject to compliance with each of the following conditions:

General Terms

1. This Certificate shall expire 11 years from the date of this certificate.
2. This Certificate shall be subject to revocation upon good cause, including a substantial or continuous failure to abide by its material terms or the representations contained in the petition and application.
3. This Certificate may not be transferred without the consent of the Commission.
4. Comcast shall file tariffs and all individual customer agreements for its cable services with the Commission to the extent required by Vermont law.

5. For the purpose of calculating the gross revenue tax under 30 V.S.A. § 22, Comcast shall use the following definition of gross revenues: all cash, credit, property of any kind or nature, or other consideration received directly or indirectly by Comcast derived from the operation of its cable systems to provide cable service in Vermont including, but not limited to, monthly fees charged to subscribers for basic service; monthly fees charged to subscribers for any optional service; pay television fees; pay-per-view fees, premium-service fees, monthly fees charged to subscribers for any tier of service other than basic service; installation, disconnection and reconnection fees; late fees charged to subscribers; leased-channel fees; fees, payments, or other consideration received from programmers other than programming launch fees; fees, payments, or other consideration received from third parties for lease of space on either fiber or coaxial cable; converter rentals or sales; studio rental, production equipment, and personnel fees; advertising revenues; revenues from home shopping networks; and revenues from internet access service until such time that a gross revenue tax is paid on such revenues as telecommunications services.

6. For purposes of calculating funding for Public, Educational, and Governmental (“PEG”) access in the absence of an agreement otherwise, Comcast shall use the definition of gross revenues in the preceding paragraph except that internet-access service revenues shall be excluded from the calculation unless and until Congress, the Federal Communications Commission (“FCC”), or a court of competent jurisdiction or governmental agency of competent jurisdiction issues a final ruling or order, not subject to appeal, that such revenues shall be included in such a calculation of gross cable-service revenues.

7. Comcast shall not itemize on subscriber bills the Vermont gross revenue tax, imposed on Comcast pursuant to 30 V.S.A. § 22, unless Vermont law allows such itemization.

8. On at least an annual basis, Comcast management with responsibility for Vermont operations shall invite city and town government officials in each of the cities and towns in its cable systems to meet for the purpose of exchanging information about community needs and the Company’s plans. These meetings shall be conducted on a system-wide basis and the PEG Access Management Organization (“AMO”) or AMOs serving that system shall also be invited to these meetings. For smaller systems, such meetings may be held under the auspices of a regional planning commission or other appropriate regional entity. The Company shall submit

summaries of these meetings, including the recommendations made by participants and the Company's response, to participants, the Commission, and the Vermont Department of Public Service ("Department").

9. Comcast shall at all times provide a reasonable quality of service, having regard to FCC minimum service standards, available technology, subscriber interest, and costs. Comcast shall at all times offer a reasonably broad range of programming, having regard to available technology, subscriber interest, the revenues and potential revenues of the systems, and costs. The Commission shall, to the extent permitted by law, retain jurisdiction to prescribe broad categories of programming.

10. Prices for services not subject to rate regulation shall at all times be reasonable, having regard to the costs of providing such services.

11. If Comcast does business in the State of Vermont under any name other than the name in use on the date of this Certificate, it shall file a notice of the new tradename, along with a copy of its Vermont Secretary of State's tradename certificate, with the Clerk of the Commission and the Department 30 days prior to doing so.

12. At the time of filing its Annual Report pursuant to 30 V.S.A. § 22, Comcast shall also file with the Commission the following:

- (1) Comcast's PEG-access report;
- (2) a report of all written consumer complaints and notations regarding oral and telephone complaints received during the preceding calendar year or annual period;
- (3) a map sufficiently outlining the service territory and describing its existing plant and any extensions and replacements planned for commencement or completion within one calendar year from the close of the preceding calendar year or annual period. The map shall also be provided in one of the standard electronic formats: Arc View shapefile (.SHP) or geodatabase (.MDB) formats (preferred); Arc/Info Interchange (.E00) format; MapInfo Interchange (.MIF) format; Microstation (.DBN) format; or AutoCAD (.DWG or .DXF) formats. The map should depict the roads where cable plant exists and identify the proposed coordinate system of the electronic map file;
- (4) a listing of cable services, the rates charged for each cable service as of the date of the filing of the report, a statement of any changes in any such rates from the preceding calendar year or period, and a statement of the revenue derived from each cable service during such calendar year or annual period;

- (5) a statement of significant changes to be implemented during the current calendar year or annual period in Comcast's business structure, operating procedures, and cable services to be offered;
- (6) a balance sheet, an income statement, a statement of changes in financial condition, and a statement of assets used and useful for the provision of cable service in Vermont, all as of the close of the preceding calendar year or annual period;
- (7) the annual calculation of qualifying density ("H") for all of Comcast's Vermont systems for the purpose of Comcast's line-extension policy in accordance with the formula set forth in the Orders in Docket 6101 and Condition 30 below; and
- (8) the information, as set forth in Condition 27 below, related to channels included in Comcast's digital starter tier and the penetration of high definition service among its Vermont customers for all its Vermont systems.

13. Comcast shall at all times comply with Vermont law and all applicable regulations, as they may be amended from time to time.

14. Comcast shall comply with all FCC regulations.

PEG Access

15. Comcast shall designate one or more AMOs as provided in Rule 8.400. Comcast shall provide levels and types of financial, operational, and technical support to those AMOs that are fair and reasonable and in compliance with applicable law. Comcast shall support the provision of PEG access as outlined in the Memorandum of Understanding, executed between Comcast and Brattleboro Community Television on March 3, 2020.

16. Comcast shall file with the Commission and Department copies of all PEG-access contracts with AMOs, and any amendments thereto, within 30 days of execution.

17. Comcast must work with the relevant AMO prior to any PEG-access-channel reassignment and shall pay the access entity's reasonable costs of such reassignment. Comcast shall not reassign a PEG-access channel without advance warning and consultation with the AMO.

18. If the Commission has designated an entity to act as a statewide PEG AMO, Comcast will provide, at minimum, upon request of such AMO, a statewide PEG network with sufficient capacity and capability to (a) transmit signals from the statewide network to any PEG forward channel and (b) transmit to the statewide network signals originating on any PEG reverse channel on the cable system. Any such request for statewide PEG-network capability is

to be made at least one year prior to activation of the statewide channel on a Comcast system. Comcast shall not be obligated to pay for statewide PEG-programming content beyond its PEG-access obligations.

19. (a) Comcast shall provide and maintain, upon written request from the designated AMO and subject to applicable law, a fiber optic or coaxial cable drop for the upstream origination with adequate signal quality of PEG-access programming at any such school, library, PEG studio, municipal building, or other public building. Subject to applicable law, Comcast shall be responsible for the construction costs to such PEG-access origination sites. The AMO requesting such a PEG-access programming origination drop shall be responsible for the provisioning of the required modulators or transmitters/receivers. Comcast may employ various alternative technologies of its choice to provide PEG-access origination capability with adequate signal quality at any requested location and will consult with the designated AMO concerning the technologies for such PEG-access programming origination drops.

(b) This condition does not require Comcast to provide drops for the upstream origination of PEG-access programming to buildings that are neither passed by nor located within 500 feet of fiber that is designed for and capable of upstream transmission of PEG programming. For purposes of any new PEG-access programming origination requested by an AMO, if a building so requested is within 500 feet of fiber that is designed for and capable of upstream transmission of PEG programming, an upstream fiber connection will be provided at no charge to the AMO. If such fiber is not available within 500 feet, Comcast will provide a fiber connection if the AMO agrees to pay the incremental cost of extending fiber from the point at which the available upstream fiber described above is available to within 500 feet of the origination point, with remaining costs to be borne by Comcast. In all cases, the AMO shall continue to be responsible for the provisioning of the required modulators or transmitters/receivers. Nothing prevents Comcast and any AMO from agreeing to use of alternative technologies to satisfy Comcast's obligation.

20. If requested by an AMO, and subject to applicable law, Comcast shall provide, pursuant to a negotiated contract agreement with the AMOs, reasonable capital funding pursuant to Commission Rules 8.417(D) and 8.405.

21. Comcast shall provide AMOs the ability to originate as many simultaneous live PEG programs on any part of its system as there are forward PEG channels on that part of the system. Comcast shall not be obligated to originate any quantity of simultaneous, system-wide broadcasts that exceeds the number of forward PEG channels activated in that part of the system, with the smallest quantity of activated forward PEG channels.

22. The Company shall keep a current PEG-access report on file with the Commission. As allowed by Rule 8.420, Comcast may delegate to one or more AMOs the task of preparing PEG-access plans.

23. Commission Rule 8.400 shall apply to Comcast, to any AMO with which Comcast may designate and contract, and to any organizations that seek Comcast's designation as an AMO. Comcast shall comply with Rule 8.400 as it may be amended from time to time. Total operating funding within each system served by one or more AMOs shall not exceed 5% of the Company's annual gross revenues earned in that cable system to provide cable service in Vermont. Unpaid balances owed by the Company shall earn interest at the legal rate (see 9 V.S.A. § 41a), commencing the day after the due date.

24. Comcast shall maintain PEG policies and procedures that ensure adequate and prompt resolution of technical and administrative matters that arise between Comcast and the AMO which include:

- (1) identification of the types of matters that are likely to arise in the future between the AMOs and Comcast and the urgency demanded by the respective matters;
- (2) designation of an appropriate Company liaison for each type of matter, on a system-by-system basis when necessary;
- (3) delineation of the responsibilities and authority of the designated Company liaison, including how that individual will be trained to handle the individual's role and time frames for response;
- (4) a mechanism for escalation of matters which have not been satisfactorily resolved by the liaison; and
- (5) a periodic review process for the AMOs and Comcast to jointly review the effectiveness of the procedures at least semi-annually.

25. Upon request of the AMO, a Comcast representative shall meet with the AMO's governing board. The Comcast representative must have sufficient authority to be able to make binding promises on behalf of the Company.

26. Comcast shall, at least once every two years, inform each municipality, school, library, and AMO in every system subject to this Certificate of the opportunity to have remote origination service placed at the locations described in Condition 19 above and offer to meet to: (1) determine each entity's need for remote origination service; (2) in the case of municipalities, discuss the location(s) of such drop feed points within each municipality; and (3) negotiate the specific arrangements necessary for installation and maintenance of remote origination service. Comcast's correspondence will direct eligible institutions to contact their AMO to request remote origination service.

27. Until such time as there is a requirement related to the activation of high definition ("HD") PEG channels on Comcast's systems in Vermont, Comcast shall provide the following information with the annual reports it files pursuant to 30 V.S.A. §§ 22 and 514:

(1) the average number of HD channels and standard definition ("SD") channels on Comcast's digital starter tier (or its future equivalent) in its Vermont systems and the identity of all channels on such tier (other than PEG-access channels) that are carried only on SD channels in Vermont; and

(2) the percentage of its Vermont cable television subscribers who either subscribe to any of Comcast's digital services, such as digital economy or digital starter services, or whose subscription includes a HD digital converter that allows them to view HD channels with a limited basic or an expanded basic service subscription, or who subscribe to any service in the future that provides access to HD channels.

Line Extensions

28. With regard to requests for line extensions to provide cable service, Comcast shall abide by Commission Rule 8.000, including Rule 8.313, and shall file a statement of the Company's policy on expansions of service into unserved areas as a tariff for the Commission's approval.

29. Comcast shall annually file with the Commission and the Department a report that details all line extensions completed during the prior calendar year in all its Vermont systems. The report shall, at minimum, describe the length and location of all completed line extensions and the funding source for such extensions. The uncabled areas of the service territory of this

Certificate are fully eligible to be included in the 350 miles of line extensions outlined in Condition 33 of the Docket 8301 Amended Certificate of Public Good.

30. Line extensions shall be built on request without customer contribution in accordance with Comcast's line-extension tariff based on an annual calculation of the minimum average number of verified subscribers per mile ("Qualifying Density" or "H") for all its Vermont systems for the next calendar year. Comcast shall report the basis for its calculation of Qualifying Density for all its Vermont systems with its Annual Report to the Department. The calculation shall be performed for all Comcast's Vermont systems based on the formula set forth in the Commission's Orders in Docket 6101 and shall use revenue data from the Annual Report to the Department and Comcast's average construction cost per mile for qualifying line extensions during the prior year as the assumed construction cost per mile. Comcast may use current data for all other parameters in the formula, including the carrying charge factor. To the extent possible, all elements of the formula should be based on the same time period. If audited financial statements are not available, Comcast shall use unaudited numbers. Any calculation of the Qualifying Density shall be subject to review by the Commission.

Integration of the Former Southern Vermont Cable Company System

31. Comcast shall collaborate with the Department to develop and file quarterly service quality reports specific to customers in the former Southern Vermont Cable Company system during the integration period. The integration period will end upon the transition of all Southern Vermont Cable Company customers to the Comcast system.

32. For the first full quarter following completion of the transition of all Southern Vermont Cable Company customers to the Comcast system, Comcast shall provide an integrated service quality report for all of its Vermont systems to the Department.

33. Within six months from the issuance of this Certificate, Comcast shall collaborate with the Department on a revised service quality plan for all its Vermont systems to be filed with the Commission and the Department. The revised service quality plan shall be filed as a new case.

34. Within 45 days from the issuance of this Certificate, Comcast shall submit to the Commission and Department a detailed migration plan subject to Department comment that includes plans for isolated migration testing to occur before implementation. Comcast may file

the necessary documentation pursuant to Commission rules asking for the protection of allegedly confidential information contained within the detailed migration plan.

35. During the integration period, Comcast shall provide migration assistance, including set-top box and modem setup, at no charge to Southern Vermont Cable Company customers.

Customer Service and Subscriber Notices

36. Comcast shall adhere to the customer service standards contained in 47 C.F.R. § 76.309.2.¹ The Company must monitor its customer service performance in relation to all FCC and Commission customer service standards on a monthly basis. Comcast will maintain a service quality plan, developed in collaboration with the Department, to ensure effective monitoring and adherence to state and federal standards. Quarterly, the Company must submit these data to the Department and the Commission.

37. Should consumer complaints to the Department concerning Comcast exceed a rate of 2.5 escalations per 1,000 customers on a quarterly basis, Comcast must track and analyze consumer complaints in a manner that will enable their periodic analysis. “Escalation” is a complaint to CAPI in which, following investigation, CAPI staff determines reasonably there is something the Company should have done differently prior to the consumer having to contact the Department for assistance. If this provision is triggered, on an annual basis, the Company must submit a report to the Department and the Commission indicating the number and nature of complaints received, how they were analyzed by the Company, what systemic issues were identified, and what responses were implemented to address those systemic issues. Measurement of the consumer complaint rate to determine whether this provision is triggered shall be calculated on a quarterly basis. If this provision is triggered, the requirements of this provision will continue for a period of one year.

38. Comcast shall respond in writing to written inquiries from the Department regarding consumer complaints, the status of a line extension, and construction progress, with such responses to be received within 14 calendar days to the extent reasonable. The 14-calendar-day period commences upon receipt by Comcast of the Department’s written notification of an

¹ All references to sections of 47 C.F.R. are intended to refer to those sections as they may be amended from time to time.

inquiry or complaint. Written notification includes notification by electronic mail, facsimile, hand-delivery, or U.S. mail. In any case in which the Company is unable to respond fully within 14 days, by providing all information necessary to resolve the inquiry or complaint within 14 days, it must provide notice to the Department before the elapse of the initial 14 days that an extension of time is required. Although the initial transmittal of the inquiry or complaint must be in writing, the Department and the Company are permitted to discuss the inquiry or complaint in person or by telephone. Responses that simply acknowledge receipt of the Department's inquiry do not satisfy the requirement. The 14-day response expectation applies to all Department inquiries related to a case.

39. Comcast shall annually cause to be mailed to each of its subscribers a notice, approved by the Commission, that:

- (1) states that the Commission and the Department desire to hear the views of subscribers regarding the quality of services provided by Comcast and as to the reasonableness of the terms upon which such services are provided;
- (2) informs the subscribers how they may communicate their views to the Commission, the Department, and to Comcast; and
- (3) provides the notices required by Commission Rule 8.341 and 47 C.F.R. § 76.1602(b)-(c).

40. On or before January 30 of each year, Comcast shall certify to the Commission, under oath, that it has distributed the notice(s) during the previous calendar year.

41. Comcast shall annually notify all subscribers of the complaint and appeal procedure for complaints against Comcast itself and against any PEG-access administrative entity in Comcast's system.

42. Comcast shall provide outage credit and/or refunds to cable television customers without the necessity of the customer contacting Comcast in those instances in which Comcast knows a cable television outage has occurred and has affected a particular system or portion of a system. Comcast's outage-credit policies and practices shall at all times be consistent with Commission Rule 8.343. For purposes of this requirement, "outage" shall mean a total loss of video and audio on all channels for more than 24 consecutive hours.

43. Comcast shall treat all written complaints from subscribers in accordance with 47 C.F.R. § 76.1619(b) and Commission Rule 8.345.

44. Comcast shall ensure that all customer notices are in plain English, at no greater than a twelfth-grade reading level, and that type sizes and layouts are sufficient to render the notices readable to the average consumer. The Flesch-Kincaid Reading Level test, or equivalent instrument that may widely supersede it, shall be used to determine compliance with the grade-level requirement.

45. Comcast shall provide customers at the time of any service order with a clear and understandable description of the terms, conditions, rates, and charges for all requested services and appropriate alternatives, which shall include the least-cost alternatives to the requested service. The Company shall disclose, at a minimum, any non-recurring charges, such as for installation, the recurring charges for services, any charges that apply to a change in service or periods in which such charges are waived, and information about equipment, policies, and procedures.

46. Comcast shall list the toll-free telephone number of the Department on its bills and in the “complaint procedures” section of its annual notices along with the following language: “You should first try to resolve any complaint or dispute directly with Comcast. If you remain unsatisfied by Comcast’s response, you may request assistance from the Vermont Department of Public Service Consumer Hotline by calling 1-800-622-4496.”

47. Comcast shall ensure that its “complaint procedure” and any other relevant sections of the annual notice provided to consumers in compliance with 47 C.F.R. § 76.102(b) identify the “Vermont Public Utility Commission” as the local franchising authority for all Vermont systems.

48. Comcast shall at all times ensure that its annual customer notice is specific and detailed with respect to Vermont policies and procedures.

49. Comcast shall provide all customers at the time of installation with a clear, written notice complying with 47 C.F.R. § 76.1618 that the basic tier of service is available, its cost per month, and a list of all services included in the basic tier.

50. Comcast shall ensure compliance with 47 C.F.R. § 76.309(c)(3), which requires that refund checks due to cable television customers shall be issued no later than (a) the earlier of the next billing cycle following resolution of the request or 30 days, or (b) the return of equipment supplied by the operator if service is terminated.

Miscellaneous

51. Comcast shall provide the Commission, the Department, affected municipalities, and affected AMOs with complete descriptions of all material system rebuilds and upgrades at least 90 days prior to the commencement of construction, and in all cases sufficiently in advance to allow time for meaningful comments and possible integration of those comments into the planned rebuilds and upgrades.

PUC Case No. 19-4845-PET - SERVICE LIST

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