

**NORTH SUBURBAN COMMUNICATIONS COMMISSION**

**December 1, 2011**

**7:00 P.M.**

**NSCC/NSAC**

**2670 Arthur Street, Roseville, MN**

**A G E N D A**

- I. Call to Order
- II. Roll Call
- III. Public Forum (10 Minutes)
- IV. Approval of Agenda
- V. Approval of Minutes
- VI. Reports
  - A. Executive Director
  - B. Cable Company
- VII. General Business
  - A. Treasurer's Report – October 2011
  - B. 2012 Budget
  - C. Resolution 2011-05, Authorizing the Executive Director to Draw on the Letter of Credit and Setting a Hearing for Any Written Objections – Ms. Wilson
- VIII. Announcements
- IX. Adjournment

*Please call the office if you or your alternate are  
unable to attend the meeting.*

*Next Regular Meeting – January 5, 2011*

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**NORTH SUBURBAN COMMUNICATIONS COMMISSION  
MINUTES  
November 3, 2011**

**I. Call to Order**

The Commission chair, Dan Roe, called the meeting to order at 7:00 pm at the CTV North Suburbs Roseville facility.

**II. Roll Call**

The following Commissioners were in attendance:

Craig Wilson, Arden Hills  
Rick Talbot, Falcon Heights  
Jeff Dains, Lauderdale  
Rick Montour, Little Canada  
Barb Haake, Mounds View  
Gina Bauman, New Brighton  
Dan Roe, Roseville  
Blake Huffman, Shoreview

Others Present:

Coralie Wilson, Executive Director  
Kathi Donnelly-Cohen, Director Government Affairs, Twin Cities Region, Comcast  
Patricia Doocy, Office & Human Resource Coordinator

**III. Public Forum**

No one was present to speak at the public forum.

**IV. Approval of Agenda**

Ms. Bauman moved, seconded by Ms. Haake, to approve the agenda. The motion was approved unanimously

**V. Approval of Minutes**

Mr. Montour moved, seconded by Ms. Haake, to approve the minutes of the October 6, 2011 Commission meeting. The motion was approved with one abstention from Mr. Talbot of Falcon Heights.

**VI. Reports**

**A. Executive Report**

Ms. Wilson stated that she distributed her report on the 2011 NATOA Conference prior to the meeting.

Ms. Wilson, the Commissioners and Ms. Kathi Donnelly-Cohen discussed the Nation-wide Emergency Alert System Testing that will take place this coming Wednesday.

Ms. Wilson reported she attended the MACTA conference in October and moderated two sessions.

**B. Cable Company**

Ms. Donnelly-Cohen explained that if Comcast customers have difficulty with their equipment after the Nation-wide Emergency Alert System Testing, Comcast will have information on their voice recorders that will explain how to reset and adjust the home equipment.

**VII General Business**

**A. Treasurer's Report**

Mr. Huffman moved, seconded by Ms. Haake to accept the September 2011 Treasurer's Report. The motion was approved unanimously.

**B. Resolution no. 2011-04, Authorizing the Issuance of a Notice of Cable Franchise Violation.**

After considerable discussion, Mr. Huffman moved, seconded by Ms. Haake, to approve Resolution N.2011-04, authorizing the issuance of a notice of franchise violation by the Executive Director. The motion was approved unanimously.

**C. 2012 Budget – Preliminary Review**

Ms. Wilson reviewed the draft of the 2012 Budget with the Commissioners and told them that the major policy question for the 2012 budget is whether to increase city contributions.

After discussion, Mr. Talbot moved, seconded by Mr. Huffman to increase the city contributions by 2% in the 2012 budget. The motion was approved unanimously.

**VIII. Announcements**

Ms. Bauman announced there is an election in the City of New Brighton for city council, mayor and school issues on November 8.

Mr. Roe announced that CTV has webstreamed candidates speak-outs and forums that may be viewed on the website.

Ms. Haake reminded everyone CTV will be holding live election coverage beginning at 8:30 pm on Tuesday, November 8

**IX. Adjournment**

Ms. Bauman moved, seconded by Mr. Montour, to adjourn the meeting. The motion was approved unanimously, and the meeting adjourned at 8:00pm.

Respectfully submitted

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Blake Huffman, Secretary/Treasurer

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**NSCC Item VI.A.  
November 21, 2011**

**to:** Commissioners

**from:** Cor Wilson  
Executive Director

**subject:** November Report

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EAS Test – As previously reported, the results of the EAS test on November 9 were spotty at best. Since I do not yet have cable installed in my office, I watched two broadcast channels (KARE 11 and KSTP) and never saw the alert. Ian watched in master control and said he did see the alert on most, but not all, of the channels. I suspect that another test will be scheduled soon.

Franchise Renewal – CBG Communications and The Buske Group are now working on their reports. We have scheduled them to meet with the Franchise Renewal Committee to share their preliminary findings on December 15. (Sue Buske will also be meeting with the NSAC Strategic Planning Committee that day.)

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**North Suburban Communications Commission**

2011 Financial Report Summary

For the Ten Months Ending October 31, 2011

	Current Month		Year to Date	% Total Budget	Y-T-D Budget	Annual Budget
<b>Revenues</b>						
Interest Income	513.23	a.	513.23	(0.07)	5,834.00	7,000.00
Cable Co. Scholarships	0.00		95,828.43	(1.02)	77,932.00	93,518.00
Reimbursement	0.00		6,691.08	(1.00)	5,599.00	6,719.00
Misc. Income	0.00		106.00	0.00	0.00	0.00
City Contributions	0.00		338,467.99	(1.00)	282,058.00	338,468.00
Transfer from Reserves	0.00		0.00	0.00	0.00	0.00
<b>Total Revenues</b>	<b>513.23</b>		<b>441,606.73</b>	<b>(0.99)</b>	<b>371,423.00</b>	<b>445,705.00</b>
<b>Expenses Summary</b>						
Personal Services	10,186.89		100,949.59	0.80	105,129.00	126,156.00
Operating Expenses	49,046.30		267,967.86	0.94	236,653.00	283,978.00
Contingency	0.00		0.00	0.00	0.00	0.00
Capital Expenses	0.00		(200.54)	(0.01)	29,643.00	35,571.00
<b>Total Expenses</b>	<b>59,233.19</b>		<b>368,716.91</b>	<b>0.83</b>	<b>371,425.00</b>	<b>445,705.00</b>
<b>Net</b>	<b>(\$ 58,719.96)</b>		<b>\$ 72,889.82</b>	<b>0.00</b>	<b>(2.00)</b>	<b>0.00</b>

a. Interest Income -- Interest from account at Bremer Bank.

**North Suburban Communications Commission**

2011 Detail Financial Report

For the Ten Months Ending October 31, 2011

	Current Month		Year to Date	% Total Budget	Y-T-D Budget	Annual Budget
<b>Personal Services</b>						
Full Time Salaries	7,391.88		77,629.74	0.79	81,666.00	98,000.00
Part Time Salaries	0.00		0.00	0.00	0.00	0.00
FICA	595.49		6,238.77	0.77	6,753.00	8,105.00
Retirement	1,188.19		4,610.83	1.06	3,627.00	4,351.00
Unemployment	44.68		469.14	0.39	1,000.00	1,200.00
Workers Comp	0.00		290.00	0.58	417.00	500.00
Health/Life Insurance	966.65		11,711.11	0.84	11,666.00	14,000.00
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Total Personal Services	10,186.89		100,949.59	0.80	105,129.00	126,156.00
<b>Operating Expenses</b>						
<b>General</b>						
Printing	25.21	b.	942.46	0.47	1,667.00	2,000.00
Publications	71.55	c.	408.73	1.63	208.00	250.00
Memberships	210.00	d.	5,340.00	0.89	5,000.00	6,000.00
Entries Fees	0.00		0.00	0.00	0.00	0.00
Video Programming	0.00		0.00	0.00	0.00	0.00
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Total General	306.76		6,691.19	0.81	6,875.00	8,250.00
<b>Supplies</b>						
I-Net Supplies	0.00		0.00	0.00	416.00	500.00
Office Supplies	303.94		1,206.53	0.75	1,334.00	1,600.00
Video Supplies	0.00		0.00	0.00	0.00	0.00
Software Supplies	0.00		46.99	0.05	833.00	1,000.00
Volunteer Supplies	195.40	e.	681.96	0.45	1,250.00	1,500.00
<hr/>						
Total Supplies	499.34		1,935.48	0.42	3,833.00	4,600.00

b. Printing -- Mail preparation for summer newsletter

c. Publications -- Pioneer Press; October edition of Scientific American (w/article on "smart cities."

d. Memberships -- New Brighton/Mounds View Rotary Club

e. Volunteer Supplies -- Meeting refreshments

	Current Month	Year to Date	% Total Budget	Y-T-D Budget	Annual Budget
<b>Maintenance</b>					
Office Equipment	216.52	647.61	0.65	833.00	1,000.00
Network Equip. Maint.	0.00	0.00	0.00	1,667.00	2,000.00
Building Janitorial	1,214.14	13,497.56	0.90	12,500.00	15,000.00
<hr/>					
Total Maintenance	1,430.66	14,145.17	0.79	15,000.00	18,000.00
<b>Travel</b>					
Conferences	6,217.85	f. 11,245.62	1.41	6,667.00	8,000.00
Mileage & Meals	170.52	2,154.87	0.83	2,166.00	2,600.00
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Total Travel	6,388.37	13,400.49	1.26	8,833.00	10,600.00
<b>Tuition &amp; Training</b>					
Tuition & Training	0.00	(390.00)	(0.52)	626.00	750.00
<b>Utilities</b>					
Utilities	524.86	6,446.89	1.07	5,000.00	6,000.00
<b>Leases</b>					
Rent	1,696.40	g. 1,696.40	0.08	17,500.00	21,000.00
Property Taxes	0.00	0.00	0.00	0.00	0.00
Miscellaneous	0.00	160.00	0.32	416.00	500.00
Postage Meter	0.00	462.60	0.39	1,000.00	1,200.00
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Total Leases	1,696.40	2,319.00	0.10	18,916.00	22,700.00

f. Conferences -- NATOA conference expense

g. Rent -- First rent payment to Ryan Companies

	Current Month	Year to Date	% Total Budget	Y-T-D Budget	Annual Budget
<b>Contractual</b>					
Audit	0.00	5,600.00	1.02	4,584.00	5,500.00
Insurance	0.00	3,193.20	0.64	4,168.00	5,000.00
Legal	12,587.50	87,217.50	2.49	29,168.00	35,000.00
Intrnet Connection	512.95	5,012.95	0.82	5,084.00	6,100.00
NSCC SALES TAX	56.23	296.93	0.10	2,500.00	3,000.00
Cable Services	1,005.00	9,750.00	0.74	11,050.00	13,260.00
Miscellaneous	15,144.35	h. 47,504.10	1.06	37,500.00	45,000.00
<b>Total Contractual</b>	<b>29,306.03</b>	<b>158,574.68</b>	<b>1.41</b>	<b>94,054.00</b>	<b>112,860.00</b>
<b>Communications</b>					
Postage	24.00	718.00	0.72	834.00	1,000.00
Telephone	187.22	2,752.80	0.66	3,500.00	4,200.00
Advertising & Promotion	0.00	861.20	0.57	1,250.00	1,500.00
<b>Total Communications</b>	<b>211.22</b>	<b>4,332.00</b>	<b>0.65</b>	<b>5,584.00</b>	<b>6,700.00</b>
<b>Grants</b>					
Scholarships	0.00	42,000.00	0.70	50,000.00	60,000.00
Internships	8,682.66	18,512.96	0.55	27,932.00	33,518.00
<b>Total Grants</b>	<b>8,682.66</b>	<b>60,512.96</b>	<b>0.65</b>	<b>77,932.00</b>	<b>93,518.00</b>
<b>Recruiting</b>					
Recruiting	0.00	0.00	0.00	0.00	0.00
<b>Total Operating</b>	<b>49,046.30</b>	<b>267,967.86</b>	<b>0.94</b>	<b>236,653.00</b>	<b>283,978.00</b>

h. Misc. Contractual -- Roseville IT services; The Buske Group

	Current Month	Year to Date	% Total Budget	Y-T-D Budget	Annual Budget
<b>Contingency</b>					
Contingency	0.00	0.00	0.00	0.00	0.00
<b>Capital Expenses</b>					
Capital Improvements	0.00	0.00	0.00	18,809.00	22,571.00
Capital Video	0.00	0.00	0.00	0.00	0.00
I-Net Equipment	0.00	(200.54)	(0.02)	8,334.00	10,000.00
Office Equipment	0.00	0.00	0.00	2,500.00	3,000.00
Total Capital	0.00	(200.54)	(0.01)	29,643.00	35,571.00
Total Expenses	59,233.19	368,716.91	0.83	371,425.00	445,705.00

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**NSCC Item VII.B.  
November 22, 2011**

**to:** Commissioners  
**from:** Cor Wilson, Executive Director  
**subject:** 2012 Budget

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The proposed 2012 Budget is attached for your review and approval.

**Action Requested:** Motion to approve the 2012 Budget.

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**NORTH SUBURBAN COMMUNICATIONS COMMISSION  
2012 BUDGET**

11/22/2011  
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	2010	2011	2011	2011	2012	Percent
	ACTUAL	Budget	Jan-Oct.	Estimated	Proposed	Change
		Proposed	Y-T-D	Total	Budget	
<b>REVENUES</b>						
City Contributions	338,468	338,468	338,468	338,468	345,237	2.0%
Interest Income	33,831	7,000	513	550	1,000	-85.7%
Scholarship Grant	90,443	93,518	95,828	95,828	98,703	5.5%
Reimbursements	4,906	6,719	6,692	6,692	6,800	1.2%
Misc. Income	0	0	106	106	0	0.0%
Transfer from Reserves	0	0	0	59,227	86,068	0.0%
<i>Total Revenues</i>	467,648	445,705	441,607	500,871	537,808	20.7%
<b>EXPENSE SUMMARY</b>						
Personal Services	121,426	126,156	100,950	125,567	127,015	0.7%
Operating Expenses	196,624	283,978	259,811	341,233	396,393	39.6%
Capital Expenses	64,284	35,571	0	34,071	14,400	-59.5%
<i>Total Expenses</i>	382,334	445,705	360,761	500,871	537,808	20.7%
<b>NET REVENUE (LESS EXPENSES)</b>	85,314	0	80,846	0	0	

**City Contributions** -- Although we had been increasing the city contributions by 10% each year since 2002 in order to build the Commission's reserve funds to a healthier level, the increase in 2009 was 3% and in 2010 was 2% in recognition of current and anticipated economic challenges to the member cities. No increase was budgeted for 2011. The amount budgeted for 2012 represents a 2% increase.

**Scholarship Grant** -- This amount increases by the percentage increase in Standard Basic rate for the previous year. The actual increase in 2011 was 3.4%. The 2012 budget estimate is for 3%.

**Reimbursements** -- The funds in this account are from Ramsey County's use of the I-Net. It increases in the middle of the year by the amount of increase in the Consumer Price Index.

	2010	2011	2011	2011	2012	Percent
	ACTUAL	Budget	Jan-Oct.	Estimated	Proposed	Change
		Proposed	Y-T-D	Total	Budget	
<b>Personal Services</b>						
Full-Time Salaries	96,332	98,000	77,630	98,000	98,000	0.0%
Part-Time Salaries	0	0	0	0	0	0.0%
Retirement	3,829	4,351	4,611	4,410	4,410	1.4%
Health/Life Insurance	12,042	14,000	11,711	14,200	15,000	7.1%
SUI (Unemployment)	1,100	1,200	469	563	1,000	-16.7%
Workers Compensation	451	500	290	290	500	0.0%
FICA	7,672	8,105	6,239	8,105	8,105	0.0%
<i>Total Personal Services</i>	121,426	126,156	100,950	125,567	127,015	0.7%

**Full-time Salaries** -- The amount budgeted for 2011 reflects a graduated salary adjustment. NSCC pays 50% of the salaries and benefits of the Executive Director, the Administrative Assistant and the Technical Services Senior Project Manager. In 2012, salaries for these staff are frozen at 2011 levels.

**Retirement** -- 4.5% of eligible Full-time and Part-time salaries.

**Health/Life Insurance** -- Employees pay approximately 20% of the premiums for health, dental and life insurance, plus co-pays.

**NORTH SUBURBAN COMMUNICATIONS COMMISSION  
2012 BUDGET**

11/22/2011  
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	2010	2011	2011	2011	2012	Percent
	ACTUAL	Budget	Jan-Oct	Estimated	Proposed	Change
		Proposed	Y-T-D	Total	Budget	
<b>Operating Expenses</b>						
<b>General</b>						
Printing	889	2,000	942	1,000	1,200	-40.0%
Publications	188	250	409	450	500	100.0%
Memberships	3,816	6,000	5,340	6,000	6,880	14.7%
<i>Total General</i>	4,893	8,250	6,691	7,450	8,580	4.0%
<b>Supplies</b>						
Office Supplies	1,401	1,600	1,207	1,500	2,000	25.0%
I-Net Supplies	0	500	0	500	4,500	800.0%
Software Supplies	222	1,000	47	350	1,000	0.0%
Volunteer Supplies	901	1,500	682	818	1,200	-20.0%
<i>Total Supplies</i>	2,524	4,600	1,936	3,168	8,700	89.1%
<b>Maintenance</b>						
Office Equipment	812	1,000	648	750	1,000	0.0%
Building/Janitorial	10,961	15,000	13,498	16,198	17,000	13.3%
Network Equipment	1,422	2,000	0	1,500	2,000	0.0%
<i>Total Maintenance</i>	13,195	18,000	14,146	16,948	18,000	0.0%
<b>Travel</b>						
Conferences	10,775	8,000	11,771	11,771	10,000	25.0%
Mileage & Meetings	2,446	2,600	2,155	2,586	2,600	0.0%
<i>Total Travel</i>	13,221	10,600	13,926	14,357	12,600	18.9%
Tuition & Training	888	750	-390	350	750	0.0%
Utilities	6,000	6,000	6,447	7,736	8,500	41.7%

**Printing** -- Primarily covers cost (1/4) of monthly newsletter, plus letterhead, etc.

**Publications** -- Includes several trade publications and 1/2 cost of *Pioneer Press*, community newspapers, and weekly newsmagazines.

**Memberships** -- National Association of Telecommunications Officers and Administrators (NATOA), MN Association of Community Telecommunications Administrators (MACTA), New Brighton/Mounds View Rotary Club, and state purchasing group (1/2).

**Office Supplies, Building/Janitorial and Utilities** -- 20% allocation. In 2012, includes the purchase of chairs and equipment for conference room.)

**Software Supplies** -- For I-Net monitoring software and office software upgrades.

**Volunteer Supplies** -- Primarily refreshments for monthly meetings and meals for dinner meetings.

**Network Equipment Maintenance** -- This includes V-Brick and I-Net switch repair and maintenance.

**Conferences** -- Covers the cost of sending staff and Commissioners to the NATOA and MACTA conferences.

**Mileage** -- 50% car allowance for the Executive Director and 50% mileage reimbursement for the Administrative Assistant and Technical Services Senior Project Manager.

**Tuition & Training** -- Includes tuition reimbursement for staff plus some miscellaneous workshops.



**NORTH SUBURBAN COMMUNICATIONS COMMISSION  
2012 BUDGET**

11/22/2011  
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	2010	2011	2011	2011	2012	Percent
	ACTUAL	Budget	Jan-Oct	Estimated	Proposed	Change
		Proposed	Y-T-D	Total	Budget	
Capital Expenses						
Capital Improvements	0	22,571	0	22,571	1,400	-93.8%
Office Furniture & Equipment	1,989	3,000	0	3,000	3,000	0.0%
I-Net Equipment	62,295	10,000	0	8,500	10,000	0.0%
<b>Total Capital Expenses</b>	<b>64,284</b>	<b>35,571</b>	<b>0</b>	<b>34,071</b>	<b>14,400</b>	<b>-59.5%</b>
<b>TOTAL EXPENSES</b>	<b>382,334</b>	<b>445,705</b>	<b>360,761</b>	<b>500,871</b>	<b>537,808</b>	<b>20.7%</b>
<b>NET REVENUE (LESS EXPENSES)</b>	<b>85,314</b>	<b>0</b>	<b>80,846</b>	<b>0</b>	<b>0</b>	
<p><b>Capital Improvements</b> -- For NSCC share (20%) of tenant improvements on new building. In 2012, we will add interior directional and room signage and a handicapped door opener on interior main entrance.</p> <p><b>Office Furniture &amp; Equipment</b> -- For office equipment and furniture.</p> <p><b>I-Net Equipment</b> -- Replacement network switch and optics.</p>						

**NSCC Item VII.C.  
November 21, 2011**

**to:** Commissioners

**from:** Cor Wilson, Executive Director

**subject:** Resolution 2011-05, Authorizing the Executive Director to Draw on the Letter of Credit and Setting a Hearing to Hear Any Objections

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At your November 3 meeting, you approved the adoption of Resolution 2011-04, finding Comcast to be in non-compliance with the cities' franchises for failing to provide information requested in the franchise fee audit. Although Dick Treich of Front Range Consulting and legal counsel Stephen Guzzetta had several conversations with various representatives of the company, they have still not been completely responsive to our questions. As a result, on November 15 I issued the Notice of Non-Compliance and sent it to Kathi Donnelly-Cohen and Ralph Martinez, the Area Vice-President for Comcast.

Although I remain hopeful that the company's representatives will fully respond to our data request, Mr. Guzzetta prepared the attached resolution, authorizing the executive director to draw on the letter of credit and setting a hearing to hear the company's objections for adoption at the December 1 meeting in the event they are not.

**Action Requested (if necessary):** Motion to adopt Resolution 2011-05, Authorizing the Executive Director to Draw on the Letter of Credit and Setting a Hearing to Hear Any Objections.

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## **RESOLUTION NO. 2011-05**

### **AUTHORIZING THE EXECUTIVE DIRECTOR OF THE NORTH SUBURBAN COMMUNICATIONS COMMISSION TO DRAW ON THE LETTER OF CREDIT AND SETTING A HEARING FOR ANY WRITTEN OBJECTIONS**

**WHEREAS**, the North Suburban Communications Commission (hereinafter the “Commission”) is a Joint Powers Commission organized pursuant to Minn. Stat. § 471.59, as amended, and includes the municipalities of Arden Hills, Falcon Heights, Lauderdale, Little Canada, Mounds View, New Brighton, North Oaks, Roseville, St. Anthony, and Shoreview, Minnesota (hereinafter, collectively the “Member Cities” or individually a “Member City”);

**WHEREAS**, a Joint Powers Commission organized pursuant to Minn. Stat. § 471.59 has the statutory authority to “jointly or cooperatively exercise any power common to the contracting parties;” and

**WHEREAS**, the Member Cities have awarded franchises to and entered into Franchise Agreements with Comcast of Minnesota, Inc. and its predecessors in interest (hereinafter, “Comcast”); and

**WHEREAS**, the definition of “the City” is defined under the Franchise Agreements to include, among other entities, the lawful designee of the Member Cities; and

**WHEREAS**, the Commission’s authority under the Joint Powers Agreement entered into by the Member Cities includes the power to administer and enforce the Franchise Agreements, except for that authority and those tasks specifically retained by a Member City; and

**WHEREAS**, the Commission may enforce and administer the Franchise Agreements by conducting franchise fee reviews, as permitted by § 8.3.c of the Franchise Agreements; and

**WHEREAS**, the Commission, pursuant to Resolution No. 2011-02, has authorized Commission staff and/or their designee(s), to evaluate Comcast’s past performance, and to take all steps and actions necessary to review Comcast’s compliance with the Franchise Agreements and applicable laws, including (but not limited to) the issuance of notices of violation; and

**WHEREAS**, the Commission is in the process of conducting a franchise fee review and has retained Front Range Consulting, Inc. (“FRC”), through its attorney, to analyze the accuracy of Comcast’s franchise fee payments for the period from January 1, 2009, through and including December 31, 2010 (the “Review Period”), as part of the Commission’s ongoing past performance review proceeding under Section 626(a) of the Cable Communications Policy Act of 1984, as amended, 47 U.S.C. § 546(a); and

**WHEREAS**, §§ 8.4 and 8.5.b of the Franchise Agreements empower the Commission to require Comcast to furnish reports, records and certifications related to Comcast’s operations in the Member Cities, including (but not limited to) accounting and financial records; and

**WHEREAS**, the Commission, through its Executive Director, issued a data request to Comcast on April 26, 2011 (“Data Request #1”), soliciting data, reports and records concerning Comcast’s franchise payments and calculations for the Review Period; and

**WHEREAS**, Data Request #1, Question #10, asked Comcast to provide “a detailed narrative explanation and numerical description of the methodology(ies) used by Comcast to assign/allocate tower rental revenues to the NSCC and its member cities;” and

**WHEREAS**, Data Request #1 established a deadline of May 10, 2011, for Comcast to respond fully and completely to Data Request #1; and

**WHEREAS**, on April 29, 2011, Comcast Cable Communications, LLC (“Comcast Cable”), a parent entity of Comcast, indicated that it did not have any questions concerning Data Request #1, and asked the Commission’s Executive Director to extend the May 10, 2011, deadline to May 25, 2011; and

**WHEREAS**, Comcast Cable, FRC, and the Commission’s Executive Director and attorney conducted a telephone conference on May 5, 2011, to discuss Data Request #1 and the franchise fee review; and

**WHEREAS**, by letter dated May 5, 2011, the Commission’s Executive Director extended the deadline for submitting all data, documents and reports specified in Data Request #1, other than CSG 318 reports, until 5 p.m. CDT on May 18, 2011; and

**WHEREAS**, the Executive Director’s May 5, 2011, letter extended the deadline for providing the requested CSG 318 reports until 5 p.m. CDT on May 24, 2011; and

**WHEREAS**, Comcast, FRC and Bradley & Guzzetta, LLC (“B&G”), the Commission’s attorneys, executed a confidentiality agreement that became effective on May 10, 2011, which agreement addressed the provision of confidential information to FRC and B&G in connection with the Commission’s franchise fee review; and

**WHEREAS**, on May 18, 2011, Comcast Cable filed a written response to Data Request #1 with the Commission, FRC and B&G; and

**WHEREAS**, Comcast Cable’s May 18, 2011, response was missing certain information specified in Data Request #1; and

**WHEREAS**, on June 29, 2011, the Commission notified Comcast Cable in writing of the information improperly omitted from its May 18, 2011, response, and asked Comcast Cable to provide such information and certain necessary clarifications no later than close-of-business on July 8, 2011 (“Data Request #2”); and

**WHEREAS**, on July 8, 2011, Comcast Cable filed a written response to Data Request #2 with the Commission, FRC and B&G; and

**WHEREAS**, FRC transmitted an e-mail to Comcast Cable on July 12, 2011, requesting certain clarifications to Comcast's ambiguous responses to Question #10 in Data Request #1; and

**WHEREAS**, on July 28, 2011, Comcast Cable provided FRC, B&G and the Commission with a written response to FRC's July 12, 2011, e-mail; and

**WHEREAS**, on July 29, 2011, FRC asked Comcast Cable via e-mail to verify and confirm certain statements and information in Comcast's July 28, 2011, written response; and

**WHEREAS**, on August 8, 2011, Comcast Cable provided FRC, B&G and the Commission with a written response to FRC's July 29, 2011, e-mail; and

**WHEREAS**, on August 12, 2011, the Commission's Executive Director informed Comcast and Comcast Cable, in writing, of the deficiencies in Comcast Cable's August 8, July 28 and July 8, 2011, responses, reiterated prior requests for certain information, solicited certifications from specified Comcast/Comcast Cable officers, and established a deadline of August 22, 2011, for a complete response; and

**WHEREAS**, on August 22, 2011, Comcast Cable filed a written response to the Commission's August 12, 2011, request for information with FRC, B&G and the Commission; and

**WHEREAS**, on August 29, 2011, the Commission's Executive Director again notified Comcast and Comcast Cable, in writing, of the deficiencies in Comcast Cable's prior responses, requested clarification of certain Comcast Cable statements, solicited additional information based on Comcast Cable's previous declarations and set a deadline of September 8, 2011, for a complete response (the "August 29 Request"); and

**WHEREAS**, on September 8, 2011, Comcast Cable submitted a written response to the Commission's August 29 Request to FRC, B&G and the Commission; and

**WHEREAS**, on September 12, 2011, the Commission, through its Executive Director, issued a data request to Comcast and Comcast Cable seeking certain information regarding CSG 318 reports, rate codes and Comcast's current and grandfathered promotional offerings, packages and plans ("Data Request #3"); and

**WHEREAS**, Data Request #3 established a deadline of September 22, 2011, for a complete response; and

**WHEREAS**, by letter dated September 21, 2011, Comcast and Comcast Cable asked to extend the deadline for responding to Data Request #3 until September 30, 2011; and

**WHEREAS**, on September 27, 2011, the Commission's Executive Director conditionally extended the deadline by which Comcast must respond to Data Request #3 until close-of-business on September 30, 2011; and

**WHEREAS**, on September 27, 2011, the Commission's Executive Director once again (i) advised Comcast and Comcast Cable, in writing, of the inadequacies with regard to Comcast Cable's prior responses to Data Request #1, Data Request #2 and associated follow-up requests for information, (ii) requested a clarification of Comcast Cable's response to Question #4 in the August 29 Request, and (iii) established a deadline of September 30, 2011, for a complete response; and

**WHEREAS**, on September 29, 2011, Comcast Cable provided a written response to the Commission's September 27, 2011, request for information to FRC, B&G and the Commission; and

**WHEREAS**, Comcast's September 29, 2011, correspondence does not contain a complete and detailed response to Question #4 set forth in the August 29 Request or to certain prior information requests issued by the Commission and FRC; and

**WHEREAS**, on September 30, 2011, Comcast Cable furnished a written response to Data Request #3 that does not contain all the data requested by the Commission and FRC; and

**WHEREAS**, because Comcast Cable's September 30, 2011, response is deficient, the conditions of the Executive Director's September 27, 2011, conditional extension have not been satisfied, Comcast's and Comcast Cable's September 21, 2011, extension request is deemed denied, and the original September 22, 2011, deadline for responding to Data Request #3 is effective; and

**WHEREAS**, Comcast has not met the September 22, 2011, deadline for providing a full and complete response to Data Request #3; and

**WHEREAS**, on October 11, 2011, the Commission's attorney and Comcast Cable's counsel conducted a telephone conference during which Data Request #1, Data Request #2 and associated follow-up requests were explained and all missing information, data and documents were identified; and

**WHEREAS**, during the October 11, 2011, telephone conference, Comcast Cable's counsel agreed to submit a written explanation of all outstanding issues and information to B&G and FRC for approval and ultimate transmission to Comcast Cable's employees, who would then supply the Commission, B&G and FRC with all missing data, information and/or documents; and

**WHEREAS**, on October 24, 2011, Comcast Cable's attorney submitted a draft certification, dated October 11, 2011, to B&G and FRC for review and approval (the "Proposed October 24 Certification"); and

**WHEREAS**, after reviewing the Proposed October 24 Certification, B&G and FRC concluded that it is not adequate, as currently written; and

**WHEREAS**, by letter dated October 27, 2011, the Commission's Executive Director informed Comcast and Comcast Cable of the deficiencies in Comcast Cable's written response to Data Request #3; and

**WHEREAS**, on November 1, 2011, B&G furnished Comcast Cable's attorney with a revised version of the Proposed October 24 Certification in order to remedy certain deficiencies; and

**WHEREAS**, after considering all relevant information, including the Commission's data requests and clarification requests, and Comcast's responses, the Commission adopted Resolution No. 2011-04 at its regular November 3, 2011, meeting; and

**WHEREAS**, Resolution No. 2011-04 authorized the issuance of a written notice of violation to Comcast for its ongoing violations of §§ 8.3.c, 8.4 and 8.5.b of the Franchise Agreements; and

**WHEREAS**, on November 10, 2011, Comcast Cable submitted additional information to FRC and B&G that was intended to be responsive to Data Request #3; and

**WHEREAS**, on November 14, 2011, the Commission's Executive Director informed Comcast and Comcast Cable, in writing, that its November 10, 2011, submission was not fully responsive to Data Request #3; and

**WHEREAS**, on November 15, 2011, the Commission's Executive Director issued a notice of violation to Comcast in accordance with § 9.2.e of the Franchise Agreements ("Notice of Violation"), and caused the Notice of Violation to be served on Comcast on that date in accordance with § 2.9 of the Franchise Agreements; and

**WHEREAS**, in accordance with § 9.2.e of the Franchise Agreements, the Commission's Notice of Violation gave Comcast thirty (30) days to cure the cited violations by providing all the information, documents and certifications delineated in the Notice of Violation; and

**WHEREAS**, on November 17, 2011, FRC and B&G participated in a video conference with officials from Comcast and Comcast Cable to discuss the Notice of Violation and the materials Comcast and Comcast Cable have failed to provide, to date, in response to the Commission's and FRC's data requests and clarification requests; and

**WHEREAS**, the authority exercised in this Resolution by the Commission is not authority or a task specifically retained by a Member City.

**NOW, THEREFORE, THE NORTH SUBURBAN COMMUNICATIONS COMMISSION HEREBY RESOLVES AS FOLLOWS:**

1. In the event Comcast and Comcast Cable have not furnished to FRC and B&G all of the information, data, documents and certifications specified in the Notice of Violation prior to the expiration of the applicable cure period, the Commission authorizes its staff to satisfy all

conditions necessary to draw upon the letter of credit, but orders Commission staff not to draw on the letter of credit until any Comcast/Comcast Cable objections filed by Friday, January 6, 2012, are heard by the Commission, and a decision is then made by the Commission addressing any timely objections from Comcast/Comcast Cable.

2. If Comcast and Comcast Cable fail to provide all of the information, data, documents and certifications specified in the Notice of Violation within the applicable cure period, Commission staff is directed to inform Comcast, in writing, that the cure period has expired, that Comcast currently remains in violation of the Franchise Agreements, as specified in the Notice of Violation, and that Comcast shall file any written objections it has to this determination, no later than Friday, January 6, 2012.

3. Written objections timely filed by Friday, January 6, 2012, pursuant to the preceding paragraph, will be heard at a public hearing to be conducted at the Commission's February 2, 2012, meeting.

4. From the date hereof to the commencement of the Commission's February 2, 2012, meeting, the Commission delegates to its Executive Committee the power to determine the nature and scope of the public hearing to be conducted pursuant to this Resolution. The Commission reserves all rights, powers, authority, defenses and remedies (legal, statutory, contractual, legal and equitable) it possesses under the Franchise Agreements and applicable laws, rules, orders, resolutions and decisions with regard to making a determination at the February 2, 2012, public hearing concerning (i) the Notice of Violation, and (ii) any written objections timely filed by Comcast/Comcast Cable, including (but not limited to) drawing on the letter(s) of credit filed by Comcast.

5. This Resolution shall be effectively immediately upon its adoption by the Commission.

This Resolution is passed, adopted and issued by the Commission this 1<sup>st</sup> day of December, 2011.

**NORTH SUBURBAN COMMUNICATIONS  
COMMISSION**

By: \_\_\_\_\_  
Its Chair

Attest: \_\_\_\_\_