

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of.)
Comcast Corporation)
Compliance with Rules Regarding Thousands-)
block Number Pooling)
File No. EB-04-IH-0465
Acct. No. 200532080124
FRN: 0006329247

ORDER

Adopted: February 14, 2005

Released: February 15, 2005

By the Chief, Enforcement Bureau:

1. In this Order, we adopt a Consent Decree terminating an investigation into possible violations by Comcast Corporation ("Comcast") of sections 52.15 and 52.20(c) of the Commission's rules, with respect to thousands-block number pooling in certain rate centers.

2. The Enforcement Bureau ("Bureau") and Comcast have negotiated the terms of a Consent Decree that would terminate the Bureau's investigation. A copy of the Consent Decree is attached hereto and incorporated by reference.

3. We have reviewed the terms of the Consent Decree and evaluated the facts before us. We believe that the public interest would be served by approving the Consent Decree and terminating the investigation.

4. Based on the record before us we conclude that there are no substantial or material questions of fact with respect to this matter as to whether Comcast possesses the basic qualifications, including those related to character, to hold or obtain any Commission license or authorization.

5. Accordingly, IT IS ORDERED, pursuant to section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and the authority delegated by section 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that the attached Consent Decree IS ADOPTED.

1 47 C.F.R. §§ 52.15, 52.20(c).

2 Letter from Hillary S. DeNigro, Deputy Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission to Brian L. Roberts, Chief Executive Officer, Comcast Corporation (September 29, 2004).

6. IT IS FURTHER ORDERED that the above captioned investigation IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

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CONSENT DECREE

I. INTRODUCTION

1. The Enforcement Bureau (the "Bureau") of the Federal Communications Commission (the "FCC" or the "Commission") and Comcast Corporation ("Comcast"), by their authorized representatives, hereby enter into this Consent Decree for the purpose of terminating the Bureau's Investigation into whether Comcast complied with sections 52.15 and 52.20(c) of the Commission's rules, with respect to thousands-block number pooling in certain rate centers.

II. DEFINITIONS

- 2. For the Purposes of this Consent Decree, the following definitions shall apply:
(a) "Adopting Order" means an Order of the Bureau adopting the terms and conditions of this Consent Decree without change, addition or modification.
(b) "Comcast" or the "Company" means Comcast Corporation, and any affiliate, d/b/a, predecessor-in-interest, parent companies and any direct or indirect subsidiaries of such parent companies, or other affiliated companies or businesses, and their successors and assigns.
(c) "Bureau" means the Enforcement Bureau of the Federal Communications Commission.
(d) "Communications Act" or "Act" means the Communications Act of 1934, as amended, 47 U.S.C. § 151 et seq.
(e) "Effective Date" means the date on which the Bureau releases the Adopting Order.

1 47 C.F.R. §§ 52.15, 52.20(c).

2 Letter from Hillary S. DeNigro, Deputy Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission to Brian L. Roberts, Chief Executive Officer, Comcast Corporation (September 29, 2004) ("September 29th LOI").

(f) The “FCC” or the “Commission” means the Federal Communications Commission.

(g) “Investigation” means the investigation commenced by the Bureau’s Letter of Inquiry dated September 29, 2004, regarding whether Comcast complied with Sections 52.15 and 52.20(c) of the Commission’s rules.

(h) “Parties” means Comcast and the Bureau.

III. BACKGROUND

3. Section 52.20(b) of the Commission’s rules provides that all carriers, except those exempted by the Commission, must participate in thousands-block number pooling where the Commission implements such a system, and in accordance with a Commission-established framework and schedule.³ The entity responsible for administering the thousands-block number pool is the Pooling Administrator.⁴ Section 52.15 of the Commission’s rules provides, *inter alia*, that in areas where thousands-block numbering pooling has been implemented, telecommunications carriers that are required to participate must submit to the North American Numbering Plan Administrator (“NANPA”) semi-annual forecasts of their yearly numbering resource requirements at the thousands-block level for each rate center.⁵

4. Section 52.20(c)(1) of the Commission’s rules requires all service providers that are required to participate in thousands-block number pooling to donate thousands-blocks with ten percent or less contamination to the thousands-block number pool for the rate center within which the numbering resources are assigned.⁶ Notwithstanding the contamination level of the block, the Commission allows service providers to retain at least one thousands-block per rate center as an initial or footprint block, as well as enough thousands-blocks to meet their six-month projection forecasts for the rate center.⁷ The Commission otherwise allows service providers to maintain an inventory of telephone numbers to meet their needs for six months.⁸

5. On September 29, 2004, the Enforcement Bureau issued a Letter of Inquiry (“LOI”) to Comcast concerning Comcast’s compliance with thousands-block number pooling regulations, and requested that Comcast provide certain documents and other information with respect to 78 specifically identified rate centers.⁹ Comcast submitted its initial response to the LOI on October 25, 2004, and filed a supplement to that response on November 12, 2004.¹⁰

³ 47 C.F.R. § 52.20(b).

⁴ 47 C.F.R. § 52.7(g).

⁵ 47 C.F.R. § 52.15(f)(4)(ii)&(6).

⁶ 47 C.F.R. § 52.20(c)(1). In the 310 and 909 area codes in California, the contamination level is twenty-five percent or less. *See Numbering Resources Optimization, Petition of the California Public Utilities Commission for Waiver of the Federal Communications Commission Contamination Threshold Rule*, Order, 18 FCC Rcd 16860 (2003).

⁷ 47 C.F.R. § 52.20(c)(2); *Numbering Resource Optimization, Report and Order and Further Notice of Proposed Rulemaking*, 15 FCC Rcd 7574, 7661-61 ¶ 191 (2000) (“*NRO Order*”).

⁸ *NRO Order*, 15 FCC Rcd at 7660 ¶ 189.

⁹ *See* September 29th LOI.

¹⁰ *See* Letter dated October 25, 2004 from John G. Sullivan, Vice President & Chief Counsel-Telephony, Comcast Cable Communications to Mika Savir, Attorney, Investigations and Hearings Division, Enforcement Bureau, FCC

(continued...)

6. Comcast states that the thousands-blocks addressed in the LOI were acquired from another carrier, and Comcast was actively working to donate numbers back to the PA in those rate centers before it received the Bureau's LOI. Comcast states that, after receiving the LOI, and before responding, it donated or returned a total of 458 blocks, which represent all eligible thousands-blocks in each of the rate centers identified in the LOI.¹¹ In addition, Comcast states that all the thousands-blocks that it holds, in rate centers where thousands-block pooling is required, are more than ten percent contaminated. Comcast states that it never submitted a growth numbering resources application during the period covered by the LOI. Moreover, Comcast states that it is currently in compliance with the Commission's numbering rules in all of the rate centers identified in the LOI and all other rate centers in which it is required to participate in thousands-block pooling.

IV. AGREEMENT

7. Comcast agrees that the Commission has jurisdiction over it and the matters contained in this Consent Decree and the authority to enter into and adopt this Consent Decree.

8. Comcast represents and warrants that it is the properly named party to this Consent Decree and is solvent and has sufficient funds available to meet fully all financial and other obligations set forth herein. Comcast further represents and warrants that it has caused this Consent Decree to be executed by its authorized representative, as a true act and deed, as of the date affixed next to said representative's signature. Said representative and Comcast respectively affirm and warrant that said representative is acting in his/her capacity and within his/her authority as a corporate officer of Comcast, and on behalf of Comcast and that by his/her signature said representative is binding Comcast to the terms and conditions of this Consent Decree.

9. The Parties agree that this Consent Decree does not constitute either an adjudication on the merits or a factual or legal finding regarding any compliance or noncompliance with the requirements of the Act and the Commission's orders and rules. The Parties agree that this Consent Decree is for settlement purposes only and that, by agreeing to this Consent Decree, Comcast does not admit or deny any wrongdoing, non-compliance, or violation of the Act or the Commission rules.

10. In consideration for the termination of the Investigation in accordance with the terms of this Consent Decree, Comcast shall make a voluntary payment to the United States Treasury, without further protest or recourse to a trial *de novo*, in the amount of fifteen thousand dollars (\$15,000) within ten (10) business days after the Effective Date of the Adopting Order. The payment may be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the Acct No. and FRN No. referenced above. Payment by check or money order must be mailed to Forfeiture Collection Section, Finance Branch, Federal Communications Commission, P.O. Box 73482, Chicago, IL, 60673-7482. Payment by overnight mail must be sent to Bank One/LB 73482, 525 West Monroe, 8th Floor Mailroom, Chicago, IL 60661. Payment by wire transfer must be made to ABA Number 071000013, receiving bank Bank One, and account number 1165259.

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("October 25th Response"); Letter dated November 12, 2004 from John G. Sullivan, Vice President & Chief Counsel-Telephony, Comcast Cable Communications to Mika Savir, Attorney, Investigations and Hearings Division, Enforcement Bureau, FCC ("November 12th Supplement").

¹¹ See October 25th Response and November 12th Supplement.

11. For purposes of resolving and terminating the Investigation, Comcast agrees to implement a Compliance Plan to ensure future compliance with the thousands-block number pooling provisions of the Act, the Commission's rules, and the Commission's orders. The Compliance Plan will include, at a minimum, the following components:

A. Review of Number Pooling Administration Practices and Procedures. Within thirty days of the Effective Date, Comcast will complete a review of its telephone number administration procedures and practices to ensure that those procedures and practices are adequate to achieve and maintain full compliance with the Commission's telephone number administration rules and orders and the Industry Numbering Committee's "Thousand-Block Number (NXX-X) Pooling Administration Guidelines" (the "PA Guidelines").

B. Implementation of Specific Number Pooling Practices and Procedures.

1. **Forecasts and Reports to the Pooling Administrator.** Comcast shall submit thousands-block level forecast data by rate center for all such rate centers to the Pooling Administrator in compliance with the PA Guidelines and in a form reasonably satisfactory to the Pooling Administrator.

2. **Inventory.** Comcast shall maintain no more than a six-month inventory of telephone numbers in any rate center, except as authorized by, Commission rules and orders, and the PA Guidelines.

3. **Part 4 Confirmation.** Comcast shall complete, submit, and document "Confirmation of NXX-X Block in Service" reports to the Pooling Administrator for those rate centers in which codes have been activated in compliance with the PA Guidelines.

C. Designated Compliance Officer. Within thirty days of the Effective Date, Comcast will designate one employee as the point of contact for its number administration compliance matters (the "Designated Compliance Officer"), which includes keeping responsible personnel informed of the Commission's and the Pooling Administrator's thousands-block number pooling requirements. In addition, the Designated Compliance Officer shall review the Compliance Manual annually to ensure that it is maintained in a proper manner and continues to address the objectives set forth herein.

D. Compliance Manual. Comcast shall within sixty days of the Effective Date develop and update as necessary a Compliance Manual on thousands-block number pooling. Comcast personnel engaged in thousands-block number pooling activities shall have ready access to the Compliance Manual and must follow the procedures contained in it. The manual shall, among other things, describe the North American Numbering Plan and PA Guidelines and how they apply to Comcast.

E. Compliance Training Program. Comcast shall within sixty days of the Effective Date establish a thousands-block number pooling compliance training program for employees who engage in thousands-block number pooling activities. Comcast shall conduct training sessions at least annually to ensure compliance with the Act and the FCC's policies and rules, and, for any new employee engaged in thousands-block number pooling activities, within thirty days of employment.

F. Forum Participation: Comcast will maintain membership in one or more trade groups (such as ATIS-INC and Telcordia numbering forums) to keep management and other personnel with thousands-block number pooling compliance responsibilities informed of FCC and Pooling Administrator number administration compliance requirements.

G. Review and Monitoring: Beginning December 31, 2005 and annually thereafter, Comcast shall review the program described in this Plan to ensure that it is achieving the compliance objectives referenced in B.1 – B.3 above.

H. Termination: Comcast's obligation under this Plan shall expire twenty four (24) months after the Effective Date.

12. The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement of the Investigation. In express reliance on the covenants and representations contained herein, and in order to avoid the potential expenditure of additional public resources, the Bureau agrees to terminate the Investigation. In consideration for the termination of this Investigation, Comcast agrees to the terms, conditions, and procedures contained herein.

13. The Bureau agrees that, in the absence of new material evidence related to this matter, it will not use the facts developed in the Investigation through the Effective Date or the existence of the Consent Decree, to initiate, on its own motion, any new proceedings, formal or informal, or take any actions on its own motion against Comcast concerning the matters that were the subject of this Investigation, including any action with respect to Comcast's basic qualifications, including character qualifications to be a Commission licensee. Nothing in this paragraph shall limit the Commission's authority to enforce this Consent Decree in accordance with its terms, nor shall anything in this Consent Decree limit the Commission's authority to consider and adjudicate any formal complaint that may be filed pursuant to section 208 of the Act, 47 U.S.C. Section 208, and to take any action in response to such complaint.

14. Comcast waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal, or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order, provided the Adopting Order adopts the Consent Decree without change, addition, or modification.

15. Comcast's decision to enter into this Consent Decree is expressly contingent upon the Bureau's issuance of an Adopting Order.

16. In the event that this Consent Decree is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

17. The Parties agree that if any provision of this Consent Decree conflicts with any subsequent rule or order adopted by the Commission (except an order specifically intended to revise the terms of this Consent Decree to which Comcast does not consent) that provision will be superseded by such Commission rule or order.

18. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Adopting Order, neither Comcast nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and Comcast and the Bureau will waive any statutory right to a trial *de novo*.

19. Comcast agrees that any violation of the Consent Decree or the Adopting Order will constitute a separate violation of a Commission order, entitling the Commission, or its delegated authority, to exercise any rights or remedies attendant to the enforcement of a Commission order.

20. This Consent Decree may be signed in counterparts.

For: Comcast Corporation.

Date

Arthur R. Block
Senior Vice President and General Counsel

For: Enforcement Bureau
Federal Communications Commission

Date

David H. Solomon
Chief, Enforcement Bureau