

FILE ✓

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

JUN 3 2008

OFFICE OF  
MANAGING DIRECTOR

Marlene E. Shoemaker  
Davis Wright Tremaine LLP  
Suite 200  
1919 Pennsylvania Ave., N.W.  
Washington, D.C. 20006-3402

Re: Comcast Cable Communications, LLC  
Request for Refund of Application Filing Fees  
Lewis County, Washington Franchise Area  
Fee Control No. 0712128205267001

Dear Ms. Shoemaker:

This letter responds to your request filed February 13, 2008 (*Request*), on behalf of Comcast Cable Communications, LLC (Comcast) for a refund of the \$3,750.00 fees associated with a petition for special relief requesting a determination of effective competition in the Lewis County, Washington franchise area pursuant to sections 76.7 and 76.907 of the Commission's rules, 47 C.F.R. §§76.7 and 76.907 (*Petition*). Our records reflect that you paid the filing fees. For the reasons set forth below, we deny your request.

You recite that Comcast filed the *Petition* on December 11, 2007, and that on February 11, 2008, Comcast filed a motion to withdraw the *Petition* (*Motion to Withdraw*).<sup>1</sup> The Commission has discretion to waive filing fees upon a showing of good cause and a finding that the public interest will be served thereby.<sup>2</sup> We construe our waiver authority under section 8 of the Communications Act, 47 U.S.C. § 308, narrowly and will grant waivers on a case-by-case basis to specific applicants upon a showing of "extraordinary and compelling circumstances."<sup>3</sup>

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<sup>1</sup> See *Request* at 1.

<sup>2</sup> See 47 U.S.C. § 158(d)(2); 47 C.F.R. § 1.1117(a); *Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985*, 5 FCC Rcd 3558, 3572-73 (1990).

<sup>3</sup> See *Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985*, 2 FCC Rcd 947, 958 (1987); *Sirius Satellite Radio, Inc.*, 18 FCC Rcd 12551 (2003).

Our records reflect that Comcast filed the *Petition* on December 11, 2007, along with filing fees of \$3,750.00. On January 4, 2008, the Media Bureau placed the *Petition* on Public Notice.<sup>4</sup> On February 11, 2008, Comcast filed the *Motion to Withdraw*.<sup>5</sup> On March 12, 2008, the Media Bureau dismissed the *Petition* without prejudice pursuant to section 0.283 of the Commission's rules, 47 C.F.R. §0.283.<sup>6</sup>

Filing fees accompanying requests for the Commission's regulatory services listed in sections 1.1102 through 1.1107 of the Commission's rules, including the fees Comcast submitted in connection with the *Petition*, are only refundable in the limited circumstances set forth in section 1.1113 of the rules. None of those circumstances are applicable here. Comcast's decision to file the *Motion to Withdraw* was entirely voluntary reflecting its desire to verify data pertaining to the relevant franchise area and provides no basis for a grant of your request. We therefore deny your request for a refund of the \$3,750.00 application fees.

If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Stephens', with a large, stylized initial 'M'.

Mark Stephens  
Chief Financial Officer

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<sup>4</sup> See *Public Notice*, Special Relief and Show Cause Petitions, Report No. 0236 (Jan. 4, 2008).

<sup>5</sup> See *Motion to Withdraw* at 1 ("Comcast seeks to withdraw the *Petition* in order to verify certain underlying data associated with the Lewis County Franchise Area.").

<sup>6</sup> See Letter from Steven A. Broeckert, Senior Deputy Chief, Policy Division, Media Bureau, to Steven J. Horvitz and Frederick W. Giroux (Mar. 12, 2008).

0712128205267001



Davis Wright Tremaine LLP

FOIA TRACKING SYSTEM CONTROL # 10183

ANCHORAGE BELLEVUE LOS ANGELES NEW YORK PORTLAND SAN FRANCISCO SEATTLE SHANGHAI WASHINGTON, D.C.

MARLENE E. SHOEMAKER  
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February 13, 2008

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FEB 19 2008

Federal Communications Commission  
Bureau / Office

VIA COURIER

Mr. Anthony Dale  
Federal Communications Commission  
Office of the Managing Director  
Revenue and Receivables Operations  
445 12 Street S.W.  
Room 1A-821  
Washington, DC 20554

Re: Refund of FCC Filing Fees for Effective Competition Petition  
Comcast Cable Communications, LLC

Dear Mr. Dale:

This firm represents Comcast Cable Communications, LLC ("Comcast"). On Comcast's behalf, we hereby request a prompt refund of an overpayment of FCC filing fees in the amount of \$3,750.00. This letter briefly reviews the background supporting this refund request.

On December 11, 2007, Comcast filed a Petition for Special Relief requesting a Determination of Effective Competition in Lewis County, WA accompanied by FCC Form 159 which reflected information for a check card payment of the filing fees in the amount of \$3,750.00, a copy of which is attached for your reference (Attachment A).

On February 11, 2008, Comcast filed a Motion to Withdraw Petition for Special Relief in Lewis County, WA, a copy of which is also attached for your reference (Attachment B). Accordingly, Comcast hereby requests reimbursement of the \$3,750.00, paid on December 11, 2007. Your prompt attention to this matter would be much appreciated.

Payment was received  
\$ 3,7500

# ATTACHMENT A

STAMP & RETURN <sup>DW</sup>

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
Comcast Cable Communications, LLC, )  
on behalf of its subsidiaries and affiliates )  
For Determination of Effective Competition in: )  
Lewis County, Washington (WA0581) )  
(WA0328) )  
(WA0402) )

CSR No. \_\_\_\_\_

FCC/MELLON DEC 11 2007

To: Chief, Media Bureau

PETITION FOR SPECIAL RELIEF

Comcast Cable Communications, LLC, on behalf of its subsidiaries and affiliates (together "Comcast" or the "Company"), by its attorneys, and pursuant to Sections 76.7 and 76.907 of the Commission's rules,<sup>1</sup> hereby requests that the Commission find that Comcast faces "effective competition" in the Lewis County, Washington franchise area (the "Franchise Area").

The Communications Act of 1934, as amended (the "Act"), and the Commission's rules provide that cable television rates may be regulated only in the absence of effective competition.<sup>2</sup> Cable operators are entitled to demonstrate that effective competition exists on a franchise-by-franchise basis.<sup>3</sup> When a cable operator rebuts the presumption that cable systems are not subject to effective competition with evidence that effective competition is present within a franchise area, cable rates in the affected area are no longer subject to regulation.<sup>4</sup>

<sup>1</sup> 47 C.F.R. §§ 76.7 and 76.907.

<sup>2</sup> 47 U.S.C. § 543(a)(2); 47 C.F.R. § 76.905(a).

<sup>3</sup> 47 C.F.R. § 76.907.

<sup>4</sup> See *Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992, Rate Regulation*, 8 FCC Rcd. 5631, 5664-5665 (1993) ("Rate Order").

FEDERAL COMMUNICATIONS COMMISSION  
REMITTANCE ADVICE

(1) LOCKBOX #  358205	SPECIAL USE ONLY  FCC USE ONLY
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SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card enter name exactly as it appears on the card) Davis Wright Tremaine, LLP	(3) TOTAL AMOUNT PAID (U.S. Dollars and cents) 3,750.00	
(4) STREET ADDRESS LINE NO. 1 1919 Pennsylvania Avenue, N.W., Suite 200		
(5) STREET ADDRESS LINE NO. 2		
(6) CITY Washington	(7) STATE DC	(8) ZIP CODE 20006
(9) DAYTIME TELEPHONE NUMBER (include area code) (202) 973-4200	(10) COUNTRY CODE (if not in U.S.A.)	

FCC REGISTRATION NUMBER (FRN) REQUIRED

(11) PAYER (FRN) 0004063681	(12) FCC USE ONLY
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IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)  
COMPLETE SECTION BELOW FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET

(13) APPLICANT NAME Comcast Corporation		
(14) STREET ADDRESS LINE NO. 1 1500 Market Street		
(15) STREET ADDRESS LINE NO. 2		
(16) CITY Philadelphia	(17) STATE PA	(18) ZIP CODE 19102
(19) DAYTIME TELEPHONE NUMBER (include area code) (215) 665-1700	(20) COUNTRY CODE (if not in U.S.A.)	

FCC REGISTRATION NUMBER (FRN) REQUIRED

(21) APPLICANT (FRN) 0006-3292-47	(22) FCC USE ONLY
--------------------------------------	-------------------

COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET

(23A) CALL SIGN/OTHER ID 010564	(24A) PAYMENT TYPE CODE TQC	(25A) QUANTITY 1
(26A) FEE DUE FOR (PTC) 1,250	(27A) TOTAL FEE 1,250	FCC USE ONLY
(28A) FCC CODE 1	(29A) FCC CODE 2	
(23b) CALL SIGN/OTHER ID 007882	(24B) PAYMENT TYPE CODE TQC	(25B) QUANTITY 1
(26B) FEE DUE FOR (PTC) 1,250	(27B) TOTAL FEE 1,250	FCC USE ONLY
(28B) FCC CODE 1	(29B) FCC CODE 2	

SECTION D - CERTIFICATION

CERTIFICATION STATEMENT  
I, Marlene E. Shoemaker, certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief.

SIGNATURE Marlene E. Shoemaker DATE 12/11/2007

SECTION E - CREDIT CARD PAYMENT INFORMATION

MASTERCARD \_\_\_\_\_ VISA \_\_\_\_\_ AMEX \_\_\_\_\_ DISCOVER \_\_\_\_\_

ACCOUNT NUMBER \_\_\_\_\_ EXPIRATION DATE \_\_\_\_\_

I hereby authorize the FCC to charge my credit card for the service(s) authorization herein described.

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

FEDERAL COMMUNICATIONS COMMISSION  
REMITTANCE ADVICE (CONTINUATION SHEET)

Page No 2 of 2

SPECIAL USE

FCC ONLY

USE THIS SECTION ONLY FOR EACH ADDITIONAL APPLICANT  
SECTION BB - ADDITIONAL APPLICANT INFORMATION

(13) APPLICANT NAME  
Comcast Corporation

(14) STREET ADDRESS LINE NO. 1  
1500 Market Street

(15) STREET ADDRESS LINE NO. 2

(16) CITY Philadelphia (17) STATE PA (18) ZIP CODE 19102

(19) DAYTIME TELEPHONE NUMBER (include area code) (215) 665-1700 (20) COUNTRY CODE (if not in U.S.A.)

FCC REGISTRATION NUMBER (FRN) REQUIRED

(21) APPLICANT (FRN) 0006-3292-47 (22) FCC USE ONLY

COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET

(23A) CALL SIGN/OTHER ID 008646 (24A) PAYMENT TYPE CODE TQC (25A) QUANTITY 1

(26A) FEE DUE FOR (PTC) 1,250 (27A) TOTAL FEE 1,250 (28) FCC CODE 1 (29) FCC CODE 2

(23B) CALL SIGN/OTHER ID (24B) PAYMENT TYPE CODE (25B) QUANTITY

(26B) FEE DUE FOR (PTC) (27B) TOTAL FEE (28) FCC CODE 1 (29) FCC CODE 2

(23C) CALL SIGN/OTHER ID (24C) PAYMENT TYPE CODE (25C) QUANTITY

(26C) FEE DUE FOR (PTC) (27C) TOTAL FEE (28) FCC CODE 1 (29) FCC CODE 2

(23D) CALL SIGN/OTHER ID (24D) PAYMENT TYPE CODE (25D) QUANTITY

(26D) FEE DUE FOR (PTC) (27D) TOTAL FEE (28) FCC CODE 1 (29) FCC CODE 2

(23E) CALL SIGN/OTHER ID (24E) PAYMENT TYPE CODE (25E) QUANTITY

(26E) FEE DUE FOR (PTC) (27E) TOTAL FEE (28) FCC CODE 1 (29) FCC CODE 2

(23F) CALL SIGN/OTHER ID (24F) PAYMENT TYPE CODE (25F) QUANTITY

(26F) FEE DUE FOR (PTC) (27F) TOTAL FEE (28) FCC CODE 1 (29) FCC CODE 2

# ATTACHMENT B

**STAMP & RETURN**

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

**RECEIVED - FCC**

**FEB 11 2008**

**Federal Communications Commission  
Bureau / Office**

In the Matter of Comcast Cable )  
Communications, LLC, on behalf of its )  
subsidiaries and affiliates )  
)  
For Determination of Effective Competition in: )  
Lewis County, Washington (WA0581) )  
(WA0328) )  
(WA0402) )

CSR No. 7698-E

CSR No. 7699-E

CSR No. 7700-E

To: Chief, Media Bureau

**MOTION TO WITHDRAW PETITION FOR SPECIAL RELIEF**

Comcast Cable Communications, LLC, on behalf of its subsidiaries and affiliates (together "Comcast" or the "Company"), by its attorneys, hereby moves to withdraw the Petition for Special Relief seeking a determination of effective competition ("Petition") for the Lewis County Franchise Area in the above-docketed proceedings.<sup>1</sup>

Comcast seeks to withdraw the Petition in order to verify certain underlying data associated with the Lewis County Franchise Area. Comcast withdraws the Petition without prejudice and reserves the right to seek a determination of effective competition in Lewis County

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<sup>1</sup> Lewis County filed an Opposition to Comcast's Petition for Special Relief on January 22, 2008, referencing CSR Nos. 7697-E, 7698-E, 7699-E, and 7700-E ("Opposition"). The proceedings docketed as CSR Nos. 7698-E, 7699-E, and 7700-E are associated with Comcast's petition for "effective competition" for the unincorporated Lewis County, WA Franchise Area, filed December 11, 2007 ("Lewis County Petition"). Docket number CSR - 7697-E is associated with a separate petition involving the Mossyrock, WA Franchise Area, also filed December 11, 2007 ("Mossyrock Petition"). As indicated by the caption herein, Comcast moves to withdraw only the Lewis County Petition for CSR Nos. 7698-E, 7699-E, and 7700-E. Comcast does not intend to withdraw the Mossyrock Petition for CSR - 7697-E. Rather, Comcast is filing contemporaneously herewith, a reply to Lewis County's Opposition as it pertains to the Mossyrock Petition.

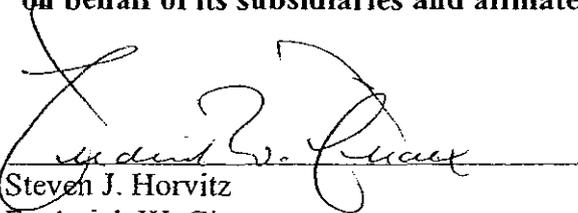
in the future. Good cause exists for granting this request, as it will relieve the Bureau of reviewing Comcast's Petition.

Accordingly, Comcast respectfully requests that the Bureau grant the Company's motion to withdraw the Petition for Special Relief.

Respectfully submitted,

**Comcast Cable Communications, LLC**  
on behalf of its subsidiaries and affiliates

By:

  
Steven J. Horvitz  
Frederick W. Giroux  
Brian J. Hurh

**Davis Wright Tremaine LLP**  
1919 Pennsylvania Avenue, N.W., Suite 200  
Washington, D.C. 20006  
(202) 973-4200

Its Attorneys

February 11, 2008

**CERTIFICATE OF SERVICE**

I, Deborah D. Williams, do hereby certify on this 11th day of February, 2008 that a true and correct copy of the foregoing "Petition for Special Relief" has been sent via U.S. mail, postage prepaid to the following:

Steven A. Broeckaert, Esq.  
Media Bureau Policy Division  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Room 4-A865  
Washington, DC 20554

Richard Graham  
Board Chairman – Lewis County  
351 NW North Street  
Chehalis, WA 98532

Glenn J. Carter, Esq.  
Lewis County Prosecuting Attorney  
345 W Main St, 2nd Floor  
Chehalis, WA 98532

  
Deborah D. Williams

**FILE**

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

OFFICE OF  
MANAGING DIRECTOR

February 21, 2008

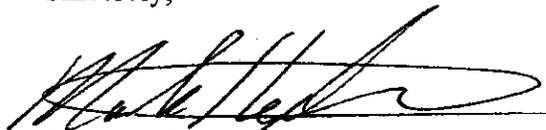
Marlene E. Shoemaker, Paralegal  
Davis Wright Tremaine LLP  
1919 Pennsylvania Avenue, NW  
Suite 200  
Washington, DC 20006-3402

Re: Request for Refund for Overpayment  
For Comcast Cable Communications, LLC  
**FO WTS Control No. 10183**

Dear Ms. Shoemaker:

This letter is acknowledging receipt of your letter dated February 13, 2008, which was received by the FCC on February 13, 2008. Within 30 days of this letter we will mail you either a resolution to your item or a letter telling you when you can expect a resolution. If you have any questions concerning this letter please call the Office of the Chief Financial Officer at (202) 418-1925. As you may notice from the date your correspondence was actually received in our office, we continue to experience significant delays in mail delivery. You may choose to fax or email any further correspondence to the Agency for a more timely response.

Sincerely,



Mark A. Stephens  
Chief Financial Officer