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

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|---|---|
| In the Matter of<br>Comcast Cable Communications, LLC | |
| Petition for Determination of Effective Competition in: | |
| Duxbury, MA (MA0302) | MB 13-157, CSR-8803-E |
| Easton, MA (MA0233) | MB 13-158, CSR-8804-E |
| Lakeville, MA (MA0278) | MB 13-159, CSR-8805-E |
| Billerica, MA (MA0079) | MB 13-160, CSR-8806-E |
| Chelmsford, MA (MA0147) | |
| North Andover, MA (MA0102) | MB 13-161, CSR-8807-E |
| Danvers, MA (MA0279) | MB 13-167, CSR-8809-E |
| Marblehead, MA (MA0263) | |
| Middleton, MA (MA0223) | |
| Topsfield, MA (MA0288) | |
| 6 Massachusetts Franchise Areas | MB 13-168, CSR-8810-E |
| Dover, MA (MA0314) | MB 13-169, CSR-8811-E |
| Foxborough, MA (MA0176) | |
| Norfolk, MA (MA0248) | |
| Walpole, MA (MA0220) | |
| Wrentham, MA (MA0203) | |
| Wayland, MA (MA0267) | MB 13-170, CSR-8812-E |
| Weston, MA (MA0268) | |
| Ashby, MA (MA0262) | MB 13-172, CSR-8814-E |
| Leominster, MA (MA0017) | |
| Maynard, MA (MA0146) | |
| Shirley, MA (MA0295) | |
| Stow, MA (MA0256) | |
| Templeton, MA (MA0127) | |
| 8 Massachusetts Franchise Areas | MB 13-180, CSR-8817-E |

# REPLY TO OPPOSITIONS

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September 4, 2013

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## REPLY TO OPPOSITIONS

## INTRODUCTION AND SUMMARY

Comcast Cable Communications, LLC ("Comcast") hereby replies to the Oppositions to Comcast's Petitions for Special Relief ("Oppositions") submitted by the Massachusetts

Department of Telecommunications and Cable ("MDTC") and the Town of Hull ("Town") in the above-captioned proceeding. Significantly, there is no dispute that competing MVPDs (*i.e.*, Verizon, DirecTV and DISH) serve well above the statutory 15 percent threshold required to demonstrate effective competition under the Competing Provider Test. Neither Opposition presents any evidence to the contrary. In fact, the evidence in the record clearly demonstrates that the Competing Provider Test is easily satisfied in every community -- with competing MVPDs reporting a combined subscriber penetration rate *more than double* the required 15 percent level in each of the 21 contested communities.[1]

Unable to challenge the presence of robust MVPD competition, the MDTC and the Town instead criticize the *cumulative* MVPD subscriber numbers associated with certain communities. They contend that effective competition should be denied in 21 Franchise Areas -- *not* because the competing MVPDs fall short of the 15 percent subscriber threshold -- but because combining the competing MVPD subscriber data Comcast submitted with the MDTC's figures for Comcast subscribers produces a *cumulative* MVPD subscriber count slightly exceeding 100 percent of the reported households in these communities. The Commission should reject this argument.

As detailed below, the Opposition arguments are unavailing because they are dependent upon an analysis that yields overstated cumulative subscriber counts. Specifically, the inclusion of "commercial," "seasonal," and "dual" subscribers in MDTC's subscriber numbers, and the exclusion of new "occupied households" that were not reported in the 2010 Census, erroneously inflate the cumulative MVPD penetration rate. Even *without* making any reduction for the difficult to quantify "dual" subscribers, adjusting for the three other identified factors brings the

[1] *See* Attachment A for a complete listing of the Contested Franchise Areas and their competing MVPD penetration rates reported in Comcast's Petitions.

cumulative MVPD subscriber penetration rate *below* the 100 percent level in 20 of the 21 contested communities. But, in all events, leaving aside these corrections, the alleged subscriber surplus does not in any way impact the Competing Provider Test. The bottom line is that the critical 15 percent threshold is exceeded by a wide margin in *every community,* and nothing in the Opposition undermines that essential, and decisive, fact. Because the Oppositions fail to refute Comcast's compelling demonstration of effective competition under the Competing Provider Test, they should be rejected and the Petitions promptly granted.

## I. THE COMPETING PROVIDER EFFECTIVE COMPETITION FINDINGS REMAIN VALID FOR ALL FRANCHISE AREAS

In the sections that follow, Comcast refutes the allegations in the Oppositions regarding the purported cumulative subscriber totals in certain communities. Before delving into the reasons why these allegations are erroneous, however, it is important to understand that even if they were valid – which they are not – the Commission should still grant Comcast's Petitions because the Opposition allegations have no impact on the effective competition findings.

In rendering an effective competition decision, the Commission focuses on whether it has sufficient relevant evidence before it to reach a reasoned outcome: "We entertain data that is relevant to the statutory tests for effective competition and, if we conclude that we have enough evidence to reach a competent and reasonable decision, we make a decision based on that evidence."[2] Where such evidence exists, the Commission does not focus on whether all data

[2] *Petition of the Town of Richlands, North Carolina for Recertification*, Memorandum Opinion and Order , 25 FCC Rcd 4958, ¶ 9 (2010) ("*Town of Richlands*")

before it is "of unimpeachable quality"[3] – especially where, as here, the alleged concern does not in any way impact the clear evidence demonstrating effective competition.

The overwhelming evidence of effective competition presented by Comcast in this case is more than sufficient for the Commission to grant the requested relief, even if the Commission were to take the Opposition arguments at face value. If the Commission were to attribute the alleged subscriber surplus touted in the Oppositions to the competing MVPDs, and remove that figure from the competing MVPD subscriber tallies reported by Comcast, every single Franchise Area at issue would still be well above 15% penetration threshold required by the Competing Provider Test.[4] In fact, the Commission could reduce the competing MVPD subscriber counts by a number *several times the alleged surplus identified by the MDTC*, and the Competing Provider Test would remain easily satisfied in each Franchise Area.[5] In short, the cumulative MVPD subscriber surplus alleged in the Oppositions has no decisional significance, and the Commission should grant the Petitions in reliance on the overwhelming evidence of effective competition presented by Comcast.

## II. THE OPPOSITIONS IGNORE REASONABLE FACTORS THAT REDUCE THE MVPD SUBSCRIBER TOTALS IN EACH COMMUNITY

As explained above, the MDTC and the Town premise their Oppositions on a purported MVPD subscriber surplus in 21 Franchise Areas – an alleged surplus that has no conceivable

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[3] *Id.*

[4] Indeed, the cumulative subscriber surplus is negligible relative to the amount by which the competing MVPD penetration rate exceeds the statutory threshold. After making the adjustments set forth below, the average competing MVPD penetration rate is still 40.87 percent, with the lowest such figure being Easton at 30.45 percent. *See* Attachment M.

[5] *See* Attachment N.

impact on Comcast's demonstration that the Competing Provider Test has been met for each Franchise Area. In any event, the Oppositions' technical objection to the Petitions is unfounded, as the MDTC and the Town have ignored a host of factors that reveal the illusory nature of their criticisms.

### A. Commercial Customers

Comcast's submission in this effective competition proceeding relies on the publicly available subscriber data that Verizon reported to the MDTC as part of its annual Form 500 filing. The MDTC's Opposition calculation adds the subscriber data reported on Comcast's own Form 500 filing to the Verizon and DBS subscriber figures included in Comcast's Petition. The Opposition calculation therefore yields an overstated cumulative MVPD subscriber rate, because the subscriber figures reported by Verizon and Comcast on the Form 500 include "commercial" subscribers that should be excluded from the effective competition calculation.[6] These subscribers do not inhabit "occupied households" and, therefore, were not included in the 2010 Census number for total occupied households. Thus, the inclusion of these commercial subscribers mistakenly inflates the *cumulative* MVPD subscriber counts and penetration rates in the communities.

[6] Comcast included "commercial" subscribers in its own Form 500 reporting to the MDTC, and it now understands that Verizon did so as well. *See* Attachment B (Declaration of Mark Renaud). For its part, SCBA expressly excludes commercial subscribers from the DBS subscriber counts it provides pursuant to Section 76.907(c) of the Commission's rules. *See, e.g.*, "Petition for Special Relief," Docket No. MB 13-157, CSR-8803-E, Exhibit 6 (submitted June 6, 2013) (the "Duxbury Petition") (The Effective Competition Tracking Report includes an explanation of SBCA's reporting methodology.).

When these commercial subscribers are removed from the MDTC's calculation, the subscriber surplus identified in the Oppositions largely disappears.[7] The cumulative MVPD penetration rate decreases in each of the 21 contested communities, and the majority of these communities no longer show any surplus subscribers.

The presence of commercial customers in Verizon's Form 500 filing does not in any way undermine Comcast's showing that the Competing Provider Test has been met. The competing MVPD subscribers exceed the 15 percent threshold by such a large margin that the number of Verizon's commercial subscribers could be multiplied *tenfold,* and then excluded from the competing MVPD subscriber count, and the revised calculation would still pass the 15 percent threshold.[8] In short, the use of the MDTC Form 500 (with its inclusion of commercial customers) in this proceeding explains much of the identified subscriber surplus, yet the inclusion of Verizon commercial subscribers is of no decisional significance, as the Competing Provider Test is still easily met in each Franchise Area when those commercial subscribers are excluded.

### B. Seasonal Subscribers

In addition to the inclusion of commercial subscribers in their cumulative MVPD penetration calculations, the MDTC and the Town overlook the impact of "seasonal" subscribers on the cumulative MVPD subscriber counts. Like commercial subscribers, seasonal subscribers

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[7] *See* Attachment C. Comcast's actual commercial subscriber count is identified in this Attachment and removed from the revised subscriber calculation. Comcast does not know Verizon's precise commercial subscriber count and, due to competitive concerns, has not sought that specific information. For purposes of this revised calculation, Comcast has simply assumed that Verizon's ratio of commercial to total subscribers matches Comcast's ratio of commercial to total subscribers.

[8] *See* Attachment D.

do not inhabit "occupied households" and, therefore, similarly were not included in the 2010 Census number for purposes of the Competing Provider Test.[9] Accordingly, where a community has a significant number of seasonal MVPD subscribers, the resulting MVPD subscribers likely will exceed 100 percent of "occupied households" reported in the 2010 Census.

Ironically, the Town of Hull (the sole local franchising authority joining the MDTC's Opposition) perfectly illustrates the seasonality issue and shows why, contrary to the assertions in the Oppositions, the initial finding of a cumulative MVPD penetration exceeding 100 percent does *not* in any way undermine the clear evidence of effective competition. The Census Bureau reports that there are 798 seasonal households in Hull, equivalent to 17.24 percent of all occupied housing units.[10] Including these "seasonal" households potentially inflates the MVPD subscriber penetration rates for Hull.

The MDTC, in a separate Opposition involving Comcast and the Town of Gloucester, has espoused a methodology for adjusting the MVPD penetration calculation to remove seasonal households.[11] The MDTC argues in the Gloucester proceeding that the Commission should assume that seasonal residents subscribe to MVPDs at about the same rate as the overall population and deduct this figure from the numerator of the MPVD penetration calculation.[12] If that same approach is applied to Hull (using a 100 percent cumulative MPVD penetration

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[9] The Census Bureau officially classifies seasonal residences as "vacant," rather than "occupied," housing units. *See , e.g.,* http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_DP_DPDP1&prodType=table (showing "seasonal" housing units listed under "vacant" (rather than "occupied") housing units).

[10] *See* Attachment E. 798/4630 = 17.24%.

[11] *See* MDTC Opposition, Docket No. MB 13-142, CSR-8800-E, at 4 (submitted July 25, 2013).

[12] *Id.*

figure), it would indicate that there are 798 seasonal subscribers in Hull's *cumulative* MVPD subscriber total. If this number were removed from the cumulative MVPD penetration calculation (including the commercial adjustment described above), it would reduce that rate from 104.35 percent to 87.11 percent -- thereby entirely resolving the concern about surplus MVPD subscribers.[13]

More importantly, this seasonal subscriber adjustment does *not* adversely affect the results of the Competing Provider Test in Hull. Assuming (consistent with the MDTC's suggested approach) that seasonal housing units in Hull subscribe to *competing* MVPDs at about the same rate as the overall population, the seasonal adjustment advocated by the MDTC would identify 336 seasonal subscribers within the *competing* MVPD tally for Hull.[14] If this number were removed from Comcast's original calculation (combined with the commercial adjustment described above), it would reduce the *competing* MVPD penetration rate in Hull to 34.45 percent – still more than double the requisite 15 percent.[15]

The other contested Franchise Areas in this proceeding have far fewer seasonal households than Hull.[16] Although the potential seasonal subscriber impact is less in these communities, Comcast has adjusted for this factor in Attachment F. Removing seasonal subscribers – in addition to the commercial subscriber adjustment discussed above – further

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[13] *See* Attachment F.

[14] *See* Attachment G. 798 x 42.16% = 336.

[15] *See id.*

[16] The average seasonal household figure for these communities is just 1.70 percent. *See* Attachment E.

reduces the cumulative MVPD penetration figure so that another five Franchise Areas no longer show any subscriber surplus.[17]

### C. Dual Subscribers

The MDTC and the Town also fail to consider that a number of the total MVPD subscribers are "dual" subscribers. The Commission has repeatedly recognized the existence of dual subscribers, and has been very clear that dual subscribers should be counted for purposes of effective competition analysis.[18] Although Commission precedent allows for the inclusion of dual subscribers in the competing MVPD penetration calculation, their inclusion necessarily inflates the cumulative number of MVPD subscribers in each community as well as the overall penetration rate, potentially above 100 percent.

Although it is not possible to quantify the exact number of dual subscribers in these communities, it is clear that at least some number of households were subscribing to more than one MVPD at the time the MDTC subscriber reports were submitted. In addition to consumers who might select dual service on a long-term basis, it is reasonable to assume that there are

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[17] *See* Attachment F.

[18] *See, e.g.*, *Mediacom Minnesota LLC Petition for Determination of Effective Competition and Revocation of Certification in Sixteen Minnesota Communities,* Memorandum Opinion and Order, 20 FCC Rcd 4984 ¶ 13 (2005) ("The dual cable/DBS subscribers need not be subtracted from total DBS subscribers before calculating the DBS penetration level."); *Comcast Cable Communications, LLC Petition for Determination of Effective Competition in Fourteen Florida Communities*, Memorandum Opinion and Order, 22 FCC Rcd. 1691, ¶ 15 (2007) ("The Commission has determined that there is no rationale for discounting dual subscribers . . . for the purpose of the competing provider test."); *Comcast Cable Communications LLC Petition for Determination of Effective Competition in Nine Texas Communities*, Memorandum Opinion and Order, 26 FCC Rcd 3850, ¶ 16 (2011) ("[T]he Commission has long included dual subscriber households. . . ."); *Town of Richlands,* 25 FCC Rcd 4958, ¶ 6 (rejecting a reduction for "dual households").

consumers in these very competitive Massachusetts communities who commenced service with a competing provider before officially terminating service with their original provider. Comcast understands that Verizon actively encourages consumers to enroll in its FiOS service *before* terminating service from alternative MVPDs – effectively leading to a temporary double-counting of consumers migrating to Verizon service. Even a modest number of such dual subscribers would contribute to the small subscriber surplus in the cumulative MVPD total at issue here.

### D. Housing Units

Finally, the MDTC and the Town do not consider how the original reporting of "occupied households" might have affected the cumulative MVPD penetration rate. Consistent with well-established Commission precedent, Comcast properly used "occupied household" data from the 2010 Census in the denominator of its competing MVPD penetration rate calculation.[19] Neither the MDTC nor the Town challenge this use. Yet, based on past population growth rates in the communities at issue, it is likely that there was an increase in occupied households (and MVPD subscribers in those new households) in certain Franchise Areas subsequent to the 2010 Census that would modestly inflate the cumulative MVPD penetration calculation.

Although there does not appear to be a source for updated household information for the specific Franchise Areas, Comcast did identify a Census Bureau report of countywide population growth between 2010 and 2012.[20] For the counties at issue in this proceeding, the population

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[19] *See, e.g.*, Duxbury Petition, Exhibit 7. The Commission has consistently approved cable operators' reliance on the most recent Census data available in effective competition cases. *See, e.g., Comcast Cable Communications, LLC-15 Illinois Franchise Areas,* Memorandum Opinion and Order, 28 FCC Rcd. 9316, ¶ 6 (2013).

[20] *See* Attachment H.

growth ranged from 0.5 percent to 2.3 percent.[21] Assuming that this population growth rate translated to a corresponding growth rate in occupied households, this adjustment further reduces the number of alleged surplus MVPD subscribers in each of the contested Franchise Areas. In addition to the commercial and seasonal adjustments discussed above (but with no adjustment made for dual subscribers), this adjustment to the occupied households included in the denominator of the cumulative MVPD penetration calculation would leave just three Franchise Areas (Topsfield, Cohasset, and Norfolk) with any "surplus" subscribers.[22]

In response to the MDTC's Opposition, Comcast was able to identify updated household data for Cohasset and Norfolk that impacts the cumulative MVPD penetration rate for these two communities. Comcast's construction records identify a significant number of additional housing units built in Cohasset and Norfolk since the 2010 Census – particularly in the Avalon Bay community in Cohasset and the Village at River's Edge in Norfolk.[23] While it is difficult to identify the precise number of units that were occupied at a particular date, the total number of new units in Cohasset and Norfolk appears to be 268 and 69, respectively.[24] If these figures are added to the denominator of the cumulative MVPD penetration calculation for these two communities (in addition to the other adjustments discussed), the cumulative MVPD penetration rate for each community falls below 100 percent.[25]

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[21] *Id.*

[22] *See* Attachment I. The 100.16% cumulative MVPD penetration rate calculated for Norfolk equates to an alleged surplus of just 5 subscribers.

[23] *See* Attachments B and J.

[24] *Id.*

[25] *See* Attachment K. With the Cohasset and Norfolk adjustments, the average cumulative MVPD penetration rate in the 21 contested Franchise Areas would fall to 96.48 percent (still

## III. THE OPPOSITIONS RELY ON DISTINGUISHABLE BUREAU PRECEDENT

Both Oppositions erroneously contend that effective competition precedent involving Time Warner Cable[26] compels the Commission to reject Comcast's Petitions in each community for which the cumulative MVPD penetration rate exceeds 100 percent.[27] In fact, the *Time Warner* precedent relied upon by the MDTC and the Town is easily distinguished from the current case.

First, Comcast does *not* use the controversial five-digit zip code subscriber allocation approach challenged in the *Time Warner* cases. To ensure a reliable DBS subscriber count, Comcast instead incurred the extra expense necessary to use the Commission's "preferred" ZIP+4 approach. And to calculate the much larger Verizon subscriber count, Comcast relied on franchise-specific data provided by Verizon to the MDTC. This difference in methodology is

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without any adjustment for dual subscribers). *See* Attachment L. These adjustments collectively leave only the community of Topsfield with a cumulative MVPD subscriber percentage (106.37) exceeding 100 percent. Comcast assumes that the remaining surplus in Topsfield's cumulative MVPD penetration rate is attributable to dual subscribers, which cannot be readily quantified. This small surplus in Topsfield does not, in any event, justify rejecting the overwhelming evidence that competing MVPDs enjoy a subscribership in Topsfield of 62.63 percent, more than four times the required 15 percent penetration level. *See* Attachment A. Even after reducing this figure by the adjustments discussed above, the competing MVPD penetration rate for Topsfield is 57.85 percent. *See* Attachment M. There is certainly "enough evidence" in this case for the Commission to "reach a competent and reasonable decision" in Comcast's favor and affirm the presence of effective competition in Topsfield. *See Town of Richlands*, 25 FCC 4958, ¶ 9. Indeed, there is no credible basis for the Commission to conclude otherwise.

[26] *Time Warner Cable Inc. Petition for Determination of Effective Competition in 105 Franchise Areas in Ohio,* Memorandum Opinion and Order, 25 FCC Rcd. 14422 (rel. Oct. 14, 2010); *Time Warner Cable Inc. & Time Warner Entm't-Advance Newhouse P'ship (25 Petitions in Various Cmtys. in New York & Pennsylvania, 23 FCC Rcd. 12069 (2008), recons. denied,* 23 FCC Rcd. 16483 (2008); *Time Warner Cable Inc., Petition for Determination of Effective Competition in Cheshire, MA,* Memorandum Opinion and Order, 26 FCC Rcd. 1728 (2011) (collectively "*Time Warner*").

[27] *See* MDTC Opp. at 2-3; Town Opp. at 3.

critical, as the operator's use of a contested five-digit zip code allocation was a fundamental consideration in the *Time Warner* precedent.

Second, the extraordinarily high cumulative penetration rates that troubled the Bureau in the *Time Warner* cases were of a dramatically greater magnitude than the penetration rates at issue here. In one *Time Warner* case, the cable operator reported five communities with a cumulative MVPD penetration rate *exceeding 200 percent*,[28] and in another case there were two communities with a cumulative penetration rate *at more than 200 percent*, and the average cumulative MVPD penetration rate for the contested communities was 135 percent.[29] The Bureau also confronted multiple communities in the *Time Warner* cases for which the operator reported *its own subscribership* exceeding 100 percent and adjacent cable communities with such disparate penetration rates as to "strain[] credulity."[30]

In short, the *Time Warner* precedent was based upon the operator's use of a contested five-digit zip code subscriber allocation methodology, as well as a collection of improbable and unexplained statistics. None of these factors are even remotely present in this proceeding.

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[28] *See* 23 FCC Rcd. 12069, Attachment C.

[29] *See* 25 FCC Rcd. 14422, Attachment B. In fact, the Town fails to identify a subsequent decision involving the same communities, in which the Commission actually removes its entire discussion of this issue based on Time Warner having withdrawn the subject communities prior to the Commission's initial decision. *See Time Warner Cable Inc. Petition for Determination of Effective Competition in 105 Franchise Areas in Ohio,* Memorandum Opinion and Order, 25 FCC Rcd. 14422 (dated Nov, 19, 2010).

[30] 23 FCC Rcd. 16483, ¶ 4.

## CONCLUSION

The Oppositions never dispute that competing MVPDs far exceed the 15 percent penetration threshold necessary to demonstrate effective competition. They focus instead on the cumulative MVPD subscriber totals – without even considering the reasonable adjustment factors that effectively eliminate the alleged "surplus." Moreover, the purported surplus is so small relative to the Competing Provider Test penetration rates as to be mathematically insignificant. The Oppositions have entirely failed to provide any reasonable basis for rejecting the clear demonstration of effective competition under the Competing Provider Test that has been made for each of the Franchise Areas. Accordingly, Comcast requests that the Commission promptly grant the Petitions for Special Relief.

Respectfully submitted,

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

By: _____

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September 4, 2013

Its Attorneys

# ATTACHMENT A

# CONTESTED FRANCHISE AREAS

| Community | State | Competing Provider Penetration Rate |
|---|---|---|
| TOPSFIELD | MA | 62.63% |
| COHASSET | MA | 35.67% |
| HANOVER | MA | 47.63% |
| LAKEVILLE | MN | 47.76% |
| DUXBURY | MA | 44.76% |
| HULL | MA | 42.16% |
| NORWELL | MA | 40.47% |
| WRENTHAM | MA | 45.45% |
| MIDDLETON | MA | 40.92% |
| NORFOLK | MA | 61.40% |
| EASTON | MA | 31.82% |
| FOXBOROUGH | MA | 33.18% |
| HOPEDALE | MA | 40.79% |
| NORTH ANDOVER | MA | 40.11% |
| MARBLEHEAD | MA | 39.15% |
| WESTON | MA | 39.33% |
| BILLERICA | MA | 39.74% |
| MENDON | MA | 47.58% |
| BELLINGHAM | MA | 47.33% |
| STOW | MA | 53.31% |
| DOVER | MA | 51.31% |

# ATTACHMENT B

## DECLARATION OF MARK RENAUD

I, Mark Renaud, declare, under penalty of perjury that:

1. I am Director of Regulatory Accounting for Comcast Cable Communications, LLC ("Comcast").

2. I have read the foregoing Reply to Oppositions ("Reply") and am familiar with the contents thereof and the matters referred to therein.

3. I am responsible for providing the subscriber data included in the annual Form 500 that Comcast submits to the Massachusetts Department of Telecommunications and Cable. Consistent with our historic practice, Comcast's last Form 500 filing (using data from year-end 2012) included both residential and commercial subscribers in the subscriber tally. The number of commercial subscribers included in that tally is correctly stated in Attachment C to the Reply. I understand that Verizon similarly includes commercial subscribers in its Form 500 filing.

4. I have consulted with Comcast's construction team for Massachusetts in an effort to quantify residential units constructed subsequent to the 2010 Census. They identified existing business records reporting Comcast's new residential construction (*i.e.*, homes passed) for Cohasset and Norfolk, Massachusetts in 2010, 2011, and 2012. The number of new residential units identified in those records is correctly stated in Attachment J to the Reply.

5. I have consulted with Comcast's marketing team for Massachusetts in an effort to quantify dual MVPD subscribers. Although they could not quantify dual subscribers, they reported a significant number of "disconnect" requests where the existing Comcast customer has already been installed with Verizon's competing cable service. They believe this is attributable to Verizon encouraging customers to install FiOS before terminating Comcast's service.

6. The facts contained within the Reply are true and correct to the best of my knowledge, information and belief.

September 4, 2013
Date

Mark Renaud

# ATTACHMENT C

# Cumulative MVPD Penetration Removing Commercial Subscribers

| | A | B | C | D | E | G | H | I |
|---|---|---|---|---|---|---|---|---|
| 1 | Community | DBS Subs | Verizon Subs (DTC) | Comcast Subs (DTC) | 2010 Census Occupied Housing Units | Comcast Commercial Subs | Verizon Commercial Subs (Estimate) C/D *G | Cumulative Penetration Rate Removing Commercial Subs (B+C+D-G-H)/E |
| 2 | TOPSFIELD | 44 | 1,265 | 1097 | 2,090 | 59 | 68 | 109.04% |
| 3 | COHASSET | 92 | 879 | 2114 | 2,722 | 72 | 30 | 109.59% |
| 4 | HANOVER | 135 | 2,108 | 2837 | 4,709 | 198 | 147 | 100.55% |
| 5 | LAKEVILLE | 151 | 1,628 | 2,214 | 3,725 | 58 | 43 | 104.49% |
| 6 | DUXBURY | 242 | 2,150 | 3,273 | 5,344 | 80 | 53 | 103.53% |
| 7 | HULL | 167 | 1,785 | 2934 | 4,630 | 34 | 21 | 104.35% |
| 8 | NORWELL | 108 | 1,330 | 2305 | 3,553 | 151 | 87 | 98.65% |
| 9 | WRENTHAM | 227 | 1,456 | 2191 | 3,703 | 54 | 36 | 102.19% |
| 10 | MIDDLETON | 100 | 1,086 | 1845 | 2,898 | 111 | 65 | 98.50% |
| 11 | NORFOLK | 132 | 1,740 | 1312 | 3,049 | 31 | 41 | 102.06% |
| 12 | EASTON | 164 | 2,339 | 5,666 | 7,865 | 194 | 80 | 100.38% |
| 13 | FOXBOROUGH | 370 | 1,788 | 4561 | 6,504 | 166 | 65 | 99.75% |
| 14 | HOPEDALE | 141 | 754 | 1351 | 2,194 | 68 | 38 | 97.54% |
| 15 | NORTH ANDOVER | 309 | 3,909 | 6,520 | 10,516 | 266 | 159 | 98.07% |
| 16 | MARBLEHEAD | 190 | 2,998 | 5125 | 8,144 | 111 | 65 | 99.91% |
| 17 | WESTON | 127 | 1,358 | 2369 | 3,776 | 36 | 21 | 100.57% |
| 18 | BILLERICA | 566 | 5,011 | 8,556 | 14,034 | 328 | 192 | 97.00% |
| 19 | MENDON | 149 | 813 | 1071 | 2,022 | 32 | 24 | 97.76% |
| 20 | BELLINGHAM | 384 | 2,529 | 3270 | 6,155 | 105 | 81 | 97.43% |
| 21 | STOW | 95 | 1,200 | 1142 | 2,429 | 23 | 24 | 98.39% |
| 22 | DOVER | 77 | 882 | 916 | 1,869 | 7 | 7 | 99.59% |
| 23 | | | | | | | Average | 100.92% |

ATTACHMENT C

# ATTACHMENT D

# Competing Provider Subscriber Surplus Compared to Commercial Subscribers

| | A | B | C | D | E | F | G | H | R | S | V |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | Community | DBS Subs | Verizon Subs (DTC) | Comcast Subs (DTC) | 2010 Census Occupied Housing Units | Competing Provider Penetration Rate (B+C)/E | Comcast Commercial Subs | Verizon Commercial Subs (Estimate) C/D *G | Competing Provider Subscriber Threshold (15%) E*15 | Competing Provider Subscriber Surplus B+C-R | Competing Provider Subscriber Surplus Compared to Verizon Commercial Subs S/H |
| 2 | TOPSFIELD | 44 | 1,265 | 1097 | 2,090 | 62.63% | 59 | 68 | 314 | 996 | 1463% |
| 3 | COHASSET | 92 | 879 | 2114 | 2,722 | 35.67% | 72 | 30 | 408 | 563 | 1880% |
| 4 | HANOVER | 135 | 2,108 | 2837 | 4,709 | 47.63% | 198 | 147 | 706 | 1537 | 1044% |
| 5 | LAKEVILLE | 151 | 1,628 | 2,214 | 3,725 | 47.76% | 58 | 43 | 559 | 1220 | 2861% |
| 6 | DUXBURY | 242 | 2,150 | 3,273 | 5,344 | 44.76% | 80 | 53 | 802 | 1590 | 3026% |
| 7 | HULL | 167 | 1,785 | 2934 | 4,630 | 42.16% | 34 | 21 | 695 | 1258 | 6079% |
| 8 | NORWELL | 108 | 1,330 | 2305 | 3,553 | 40.47% | 151 | 87 | 533 | 905 | 1039% |
| 9 | WRENTHAM | 227 | 1,456 | 2191 | 3,703 | 45.45% | 54 | 36 | 555 | 1128 | 3142% |
| 10 | MIDDLETON | 100 | 1,086 | 1845 | 2,898 | 40.92% | 111 | 65 | 435 | 751 | 1150% |
| 11 | NORFOLK | 132 | 1,740 | 1312 | 3,049 | 61.40% | 31 | 41 | 457 | 1415 | 3441% |
| 12 | EASTON | 164 | 2,339 | 5,666 | 7,865 | 31.82% | 194 | 80 | 1180 | 1323 | 1652% |
| 13 | FOXBOROUGH | 370 | 1,788 | 4561 | 6,504 | 33.18% | 166 | 65 | 976 | 1182 | 1817% |
| 14 | HOPEDALE | 141 | 754 | 1351 | 2,194 | 40.79% | 68 | 38 | 329 | 566 | 1491% |
| 15 | NORTH ANDOVER | 309 | 3,909 | 6,520 | 10,516 | 40.11% | 266 | 159 | 1577 | 2641 | 1656% |
| 16 | MARBLEHEAD | 190 | 2,998 | 5125 | 8,144 | 39.15% | 111 | 65 | 1222 | 1966 | 3028% |
| 17 | WESTON | 127 | 1,358 | 2369 | 3,776 | 39.33% | 36 | 21 | 566 | 919 | 4451% |
| 18 | BILLERICA | 566 | 5,011 | 8,556 | 14,034 | 39.74% | 328 | 192 | 2105 | 3472 | 1807% |
| 19 | MENDON | 149 | 813 | 1071 | 2,022 | 47.58% | 32 | 24 | 303 | 659 | 2712% |
| 20 | BELLINGHAM | 384 | 2,529 | 3270 | 6,155 | 47.33% | 105 | 81 | 923 | 1990 | 2450% |
| 21 | STOW | 95 | 1,200 | 1142 | 2,429 | 53.31% | 23 | 24 | 364 | 931 | 3851% |
| 22 | DOVER | 77 | 882 | 916 | 1,869 | 51.31% | 7 | 7 | 280 | 679 | 10069% |

ATTACHMENT D

# ATTACHMENT E

# Seasonal Housing Units Compared to Occupied Housing Units

| | A | E | J | K |
|---|---|---|---|---|
| 1 | **Community** | **2010 Census Occupied Housing Units** | **2010 Census Seasonal Housing Units** | **Seasonal Housing Units Compared to Occupied Housing Units J/E** |
| 2 | TOPSFIELD | 2,090 | 18 | 0.86% |
| 3 | COHASSET | 2,722 | 82 | 3.01% |
| 4 | HANOVER | 4,709 | 20 | 0.42% |
| 5 | LAKEVILLE | 3,725 | 325 | 8.72% |
| 6 | DUXBURY | 5,344 | 343 | 6.42% |
| 7 | NORWELL | 3,553 | 23 | 0.65% |
| 8 | WRENTHAM | 3,703 | 48 | 1.30% |
| 9 | MIDDLETON | 2,898 | 34 | 1.17% |
| 10 | NORFOLK | 3,049 | 9 | 0.30% |
| 11 | EASTON | 7,865 | 50 | 0.64% |
| 12 | FOXBOROUGH | 6,504 | 42 | 0.65% |
| 13 | HOPEDALE | 2,194 | 7 | 0.32% |
| 14 | NORTH ANDOVER | 10,516 | 62 | 0.59% |
| 15 | MARBLEHEAD | 8,144 | 310 | 3.81% |
| 16 | WESTON | 3,776 | 56 | 1.48% |
| 17 | BILLERICA | 14,034 | 39 | 0.28% |
| 18 | MENDON | 2,022 | 19 | 0.94% |
| 19 | BELLINGHAM | 6,155 | 24 | 0.39% |
| 20 | STOW | 2,429 | 26 | 1.07% |
| 21 | DOVER | 1,869 | 19 | 1.02% |
| 22 | | | Average | 1.70% |
| 23 | | | | |
| 24 | HULL | 4,630 | 798 | 17.24% |

# ATTACHMENT F

# Cumulative MVPD Penetration
## Removing Commercial and Seasonal Subscribers

| | A | B | C | D | E | G | H | J | L |
|---|---|---|---|---|---|---|---|---|---|
| 1 | Community | DBS Subs | Verizon Subs (DTC) | Comcast Subs (DTC) | 2010 Census Occupied Housing Units | Comcast Commercial Subs | Verizon Commercial Subs (Estimate) C/D *G | 2010 Census Seasonal Housing Units | Cumulative Penetration Rate Removing Seasonal and Commercial Subs (B+C+D-G-H-J)/E |
| 2 | TOPSFIELD | 44 | 1,265 | 1097 | 2,090 | 59 | 68 | 18 | 108.18% |
| 3 | COHASSET | 92 | 879 | 2114 | 2,722 | 72 | 30 | 82 | 106.58% |
| 4 | HANOVER | 135 | 2,108 | 2837 | 4,709 | 198 | 147 | 20 | 100.12% |
| 5 | LAKEVILLE | 151 | 1,628 | 2,214 | 3,725 | 58 | 43 | 325 | 95.77% |
| 6 | DUXBURY | 242 | 2,150 | 3,273 | 5,344 | 80 | 53 | 343 | 97.11% |
| 7 | HULL | 167 | 1,785 | 2934 | 4,630 | 34 | 21 | 798 | 87.11% |
| 8 | NORWELL | 108 | 1,330 | 2305 | 3,553 | 151 | 87 | 23 | 98.00% |
| 9 | WRENTHAM | 227 | 1,456 | 2191 | 3,703 | 54 | 36 | 48 | 100.89% |
| 10 | MIDDLETON | 100 | 1,086 | 1845 | 2,898 | 111 | 65 | 34 | 97.33% |
| 11 | NORFOLK | 132 | 1,740 | 1312 | 3,049 | 31 | 41 | 9 | 101.77% |
| 12 | EASTON | 164 | 2,339 | 5,666 | 7,865 | 194 | 80 | 50 | 99.74% |
| 13 | FOXBOROUGH | 370 | 1,788 | 4561 | 6,504 | 166 | 65 | 42 | 99.11% |
| 14 | HOPEDALE | 141 | 754 | 1351 | 2,194 | 68 | 38 | 7 | 97.22% |
| 15 | NORTH ANDOVER | 309 | 3,909 | 6,520 | 10,516 | 266 | 159 | 62 | 97.48% |
| 16 | MARBLEHEAD | 190 | 2,998 | 5125 | 8,144 | 111 | 65 | 310 | 96.11% |
| 17 | WESTON | 127 | 1,358 | 2369 | 3,776 | 36 | 21 | 56 | 99.08% |
| 18 | BILLERICA | 566 | 5,011 | 8,556 | 14,034 | 328 | 192 | 39 | 96.72% |
| 19 | MENDON | 149 | 813 | 1071 | 2,022 | 32 | 24 | 19 | 96.82% |
| 20 | BELLINGHAM | 384 | 2,529 | 3270 | 6,155 | 105 | 81 | 24 | 97.04% |
| 21 | STOW | 95 | 1,200 | 1142 | 2,429 | 23 | 24 | 26 | 97.32% |
| 22 | DOVER | 77 | 882 | 916 | 1,869 | 7 | 7 | 19 | 98.57% |
| 23 | | | | | | | | Average | 98.48% |

ATTACHMENT F

# ATTACHMENT G

# Competing MVPD Penetration Rate
# Town of Hull
# Removing Commercial and Seasonal Subscribers

| | A | B | C | D | E | F | G | H | J | N |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | **Community** | **DBS Subs** | **Verizon Subs (DTC)** | **Comcast Subs (DTC)** | **2010 Census Occupied Housing Units** | **Competing Provider Penetration Rate (B+C)/E** | **Comcast Commercial Subs** | **Verizon Commercial Subs (Estimate) C/D *G** | **2010 Census Seasonal Housing Units** | **Competing Provider Rate After Commercial and Seasonal Adjustments (B+C-H-(J*F))/E** |
| 2 | HULL | 167 | 1,785 | 2934 | 4,630 | 42.16% | 34 | 21 | 798 | 34.45% |

ATTACHMENT G

# ATTACHMENT H

AMERICAN FactFinder

PEPCUMCHG

Cumulative Estimates of Resident Population Change and Rankings: April 1, 2010 to July 1, 2012 - State -- County / County Equivalent

2012 Population Estimates

**Geography: Massachusetts**

| Geography | Population Estimates | | Change, 2010 to 2012 | | Rankings |
|---|---|---|---|---|---|
| | April 1, 2010 Estimates Base | July 1, 2012 | Number | Percent [1] | Population Estimates April 1, 2010 Estimates Base |
| Massachusetts | 6,547,629 | 6,646,144 | 98,515 | 1.5 | (X) |
| Barnstable County | 215,888 | 215,423 | -465 | -0.2 | 9 |
| Berkshire County | 131,219 | 130,016 | -1,203 | -0.9 | 11 |
| Bristol County | 548,285 | 551,082 | 2,797 | 0.5 | 6 |
| Dukes County | 16,535 | 17,041 | 506 | 3.1 | 13 |
| Essex County | 743,167 | 755,618 | 12,451 | 1.7 | 3 |
| Franklin County | 71,372 | 71,540 | 168 | 0.2 | 12 |
| Hampden County | 463,490 | 465,923 | 2,433 | 0.5 | 8 |
| Hampshire County | 158,080 | 159,795 | 1,715 | 1.1 | 10 |
| Middlesex County | 1,503,077 | 1,537,215 | 34,138 | 2.3 | 1 |
| Nantucket County | 10,172 | 10,298 | 126 | 1.2 | 14 |
| Norfolk County | 670,850 | 681,845 | 10,995 | 1.6 | 5 |
| Plymouth County | 494,919 | 499,759 | 4,840 | 1.0 | 7 |
| Suffolk County | 722,023 | 744,426 | 22,403 | 3.1 | 4 |
| Worcester County | 798,552 | 806,163 | 7,611 | 1.0 | 2 |

# ATTACHMENT I

## Cumulative MVPD Penetration
## Removing Commercial and Seasonal Subscribers and Updating Housing Units

| | A | B | C | D | E | F | G | H | J | M | Q |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | Community | DBS Subs | Verizon Subs (DTC) | Comcast Subs (DTC) | 2010 Census Occupied Housing Units | Competing Provider Penetration Rate (B+C)/E | Comcast Commercial Subs | Verizon Commercial Subs (Estimate) C/D *G | 2010 Census Seasonal Housing Units | Updated Housing Units Attachment H Data*E | Revised Cumulative Penetration Rate After Standard Adjustments ((B+C+ D) - (G+H+J))/M |
| 2 | TOPSFIELD | 44 | 1,265 | 1097 | 2,090 | 62.63% | 59 | 68 | 18 | 2126 | 106.37% |
| 3 | COHASSET | 92 | 879 | 2114 | 2,722 | 35.67% | 72 | 30 | 82 | 2766 | 104.90% |
| 4 | HANOVER | 135 | 2,108 | 2837 | 4,709 | 47.63% | 198 | 147 | 20 | 4756 | 99.13% |
| 5 | LAKEVILLE | 151 | 1,628 | 2,214 | 3,725 | 47.76% | 58 | 43 | 325 | 3762 | 94.82% |
| 6 | DUXBURY | 242 | 2,150 | 3,273 | 5,344 | 44.76% | 80 | 53 | 343 | 5397 | 96.15% |
| 7 | HULL | 167 | 1,785 | 2934 | 4,630 | 42.16% | 34 | 21 | 798 | 4676 | 86.25% |
| 8 | NORWELL | 108 | 1,330 | 2305 | 3,553 | 40.47% | 151 | 87 | 23 | 3589 | 97.03% |
| 9 | WRENTHAM | 227 | 1,456 | 2191 | 3,703 | 45.45% | 54 | 36 | 48 | 3762 | 99.31% |
| 10 | MIDDLETON | 100 | 1,086 | 1845 | 2,898 | 40.92% | 111 | 65 | 34 | 2947 | 95.70% |
| 11 | NORFOLK | 132 | 1,740 | 1312 | 3,049 | 61.40% | 31 | 41 | 9 | 3098 | 100.16% |
| 12 | EASTON | 164 | 2,339 | 5,666 | 7,865 | 31.82% | 194 | 80 | 50 | 7904 | 99.25% |
| 13 | FOXBOROUGH | 370 | 1,788 | 4561 | 6,504 | 33.18% | 166 | 65 | 42 | 6608 | 97.55% |
| 14 | HOPEDALE | 141 | 754 | 1351 | 2,194 | 40.79% | 68 | 38 | 7 | 2216 | 96.26% |
| 15 | NORTH ANDOVER | 309 | 3,909 | 6,520 | 10,516 | 40.11% | 266 | 159 | 62 | 10695 | 95.85% |
| 16 | MARBLEHEAD | 190 | 2,998 | 5125 | 8,144 | 39.15% | 111 | 65 | 310 | 8282 | 94.50% |
| 17 | WESTON | 127 | 1,358 | 2369 | 3,776 | 39.33% | 36 | 21 | 56 | 3863 | 96.86% |
| 18 | BILLERICA | 566 | 5,011 | 8,556 | 14,034 | 39.74% | 328 | 192 | 39 | 14357 | 94.55% |
| 19 | MENDON | 149 | 813 | 1071 | 2,022 | 47.58% | 32 | 24 | 19 | 2042 | 95.86% |
| 20 | BELLINGHAM | 384 | 2,529 | 3270 | 6,155 | 47.33% | 105 | 81 | 24 | 6253 | 95.51% |
| 21 | STOW | 95 | 1,200 | 1142 | 2,429 | 53.31% | 23 | 24 | 26 | 2485 | 95.13% |
| 22 | DOVER | 77 | 882 | 916 | 1,869 | 51.31% | 7 | 7 | 19 | 1899 | 97.02% |
| 23 | | | | | | | | | | Average | 97.05% |

ATTACHMENT I

# ATTACHMENT J

# Comcast Residential Unit Construction

| COHASSET | |
|---|---|
| 2010 | 16 |
| 2011 | 118 |
| 2012 | 134 |
| Total | 268 |

| NORFOLK | |
|---|---|
| 2010 | 64 |
| 2011 | 3 |
| 2012 | 2 |
| Total | 69 |

# ATTACHMENT K

## Competing and Cumulative MVPD Penetration
## After New Housing Unit Adjustment -- Cohasset/Norfolk

| | A | B | C | D | E | G | H | J | N | O | P |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | **Community** | **DBS Subs** | **Verizon Subs (DTC)** | **Comcast Subs (DTC)** | **2010 Census Occupied Housing Units** | **Comcast Commercial Subs** | **Verizon Commercial Subs (Estimate) C/D *G** | **2010 Census Seasonal Housing Units** | **New Construction Housing Units Cohasset/Norfolk (Attachment J)** | **Competing Provider Penetration Rate After Standard Adjustments and Cohasset/Norfolk Adjustments (B+C-H-(J*F))/E+N** | **Cumulative Penetration Rate After Standard Adjustments & Cohasset/Norfolk Adjustments ((B+C+D)-(G+J+H))/(E+N)** |
| 2 | COHASSET | 92 | 879 | 2114 | 2,722 | 72 | 30 | 82 | 268 | 30.50% | 97.03% |
| 3 | NORFOLK | 132 | 1,740 | 1312 | 3,049 | 31 | 41 | 9 | 69 | 58.54% | 99.52% |

ATTACHMENT K

# ATTACHMENT L

# Cumulative MVPD Penetration
# Removing Commercial and Seasonal Subscribers and Updating Housing Units
# with Cohasset/Norfolk Adjustment

| | A | B | C | D | E | G | H | J | M | R |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | **Community** | **DBS Subs** | **Verizon Subs (DTC)** | **Comcast Subs (DTC)** | **2010 Census Occupied Housing Units** | **Comcast Commercial Subs** | **Verizon Commercial Subs (Estimate) C/D *G** | **2010 Census Seasonal Housing Units** | **Updated Housing Units Attachment H Data*E** | **Revised Cumulative Penetration Rate After Standard Adjustments and Cohasset/Norfolk Adjustments** |
| 2 | TOPSFIELD | 44 | 1,265 | 1097 | 2,090 | 59 | 68 | 18 | 2126 | 106.37% |
| 3 | COHASSET | 92 | 879 | 2114 | 2,722 | 72 | 30 | 82 | 2766 | 97.03%* |
| 4 | HANOVER | 135 | 2,108 | 2837 | 4,709 | 198 | 147 | 20 | 4756 | 99.13% |
| 5 | LAKEVILLE | 151 | 1,628 | 2,214 | 3,725 | 58 | 43 | 325 | 3762 | 94.82% |
| 6 | DUXBURY | 242 | 2,150 | 3,273 | 5,344 | 80 | 53 | 343 | 5397 | 96.15% |
| 7 | HULL | 167 | 1,785 | 2934 | 4,630 | 34 | 21 | 798 | 4676 | 86.25% |
| 8 | NORWELL | 108 | 1,330 | 2305 | 3,553 | 151 | 87 | 23 | 3589 | 97.03% |
| 9 | WRENTHAM | 227 | 1,456 | 2191 | 3,703 | 54 | 36 | 48 | 3762 | 99.31% |
| 10 | MIDDLETON | 100 | 1,086 | 1845 | 2,898 | 111 | 65 | 34 | 2947 | 95.70% |
| 11 | NORFOLK | 132 | 1,740 | 1312 | 3,049 | 31 | 41 | 9 | 3098 | 99.52%* |
| 12 | EASTON | 164 | 2,339 | 5,666 | 7,865 | 194 | 80 | 50 | 7904 | 99.25% |
| 13 | FOXBOROUGH | 370 | 1,788 | 4561 | 6,504 | 166 | 65 | 42 | 6608 | 97.55% |
| 14 | HOPEDALE | 141 | 754 | 1351 | 2,194 | 68 | 38 | 7 | 2216 | 96.26% |
| 15 | NORTH ANDOVER | 309 | 3,909 | 6,520 | 10,516 | 266 | 159 | 62 | 10695 | 95.85% |
| 16 | MARBLEHEAD | 190 | 2,998 | 5125 | 8,144 | 111 | 65 | 310 | 8282 | 94.50% |
| 17 | WESTON | 127 | 1,358 | 2369 | 3,776 | 36 | 21 | 56 | 3863 | 96.86% |
| 18 | BILLERICA | 566 | 5,011 | 8,556 | 14,034 | 328 | 192 | 39 | 14357 | 94.55% |
| 19 | MENDON | 149 | 813 | 1071 | 2,022 | 32 | 24 | 19 | 2042 | 95.86% |
| 20 | BELLINGHAM | 384 | 2,529 | 3270 | 6,155 | 105 | 81 | 24 | 6253 | 95.51% |
| 21 | STOW | 95 | 1,200 | 1142 | 2,429 | 23 | 24 | 26 | 2485 | 95.13% |
| 22 | DOVER | 77 | 882 | 916 | 1,869 | 7 | 7 | 19 | 1899 | 97.02% |
| 23 | | | | | | | | | Average | 96.48% |
| 24 | *See Attachment K | | | | | | | | | |

ATTACHMENT L

# ATTACHMENT M

# Competing MVPD Penetration
# After All Adjustments

| | A | B | C | D | E | F | G | H | J | M | O | P |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | Community | DBS Subs | Verizon Subs (DTC) | Comcast Subs (DTC) | 2010 Census Occupied Housing Units | Competing Provider Penetration Rate (B+C)/E | Comcast Commercial Subs | Verizon Commercial Subs (Estimate) C/D *G | 2010 Census Seasonal Housing Units | Updated Housing Units Attachment H Data*E | Competing Provider Rate After Standard Adjustments (B+C-H-(J*F))/M | Competing Provider Rate After Standard Adjustments and Cohasset/Norfolk Adjustments |
| 2 | TOPSFIELD | 44 | 1,265 | 1097 | 2,090 | 62.63% | 59 | 68 | 18 | 2126 | 57.85% | 57.85% |
| 3 | COHASSET | 92 | 879 | 2114 | 2,722 | 35.67% | 72 | 30 | 82 | 2766 | 32.97% | 30.50%* |
| 4 | HANOVER | 135 | 2,108 | 2837 | 4,709 | 47.63% | 198 | 147 | 20 | 4756 | 43.87% | 43.87% |
| 5 | LAKEVILLE | 151 | 1,628 | 2,214 | 3,725 | 47.76% | 58 | 43 | 325 | 3762 | 42.03% | 42.03% |
| 6 | DUXBURY | 242 | 2,150 | 3,273 | 5,344 | 44.76% | 80 | 53 | 343 | 5397 | 40.50% | 40.50% |
| 7 | HULL | 167 | 1,785 | 2934 | 4,630 | 42.16% | 34 | 21 | 798 | 4676 | 34.11% | 34.11% |
| 8 | NORWELL | 108 | 1,330 | 2305 | 3,553 | 40.47% | 151 | 87 | 23 | 3589 | 37.38% | 37.38% |
| 9 | WRENTHAM | 227 | 1,456 | 2191 | 3,703 | 45.45% | 54 | 36 | 48 | 3762 | 43.20% | 43.20% |
| 10 | MIDDLETON | 100 | 1,086 | 1845 | 2,898 | 40.92% | 111 | 65 | 34 | 2947 | 37.55% | 37.55% |
| 11 | NORFOLK | 132 | 1,740 | 1312 | 3,049 | 61.40% | 31 | 41 | 9 | 3098 | 58.92% | 58.54%* |
| 12 | EASTON | 164 | 2,339 | 5,666 | 7,865 | 31.82% | 194 | 80 | 50 | 7904 | 30.45% | 30.45% |
| 13 | FOXBOROUGH | 370 | 1,788 | 4561 | 6,504 | 33.18% | 166 | 65 | 42 | 6608 | 31.46% | 31.46% |
| 14 | HOPEDALE | 141 | 754 | 1351 | 2,194 | 40.79% | 68 | 38 | 7 | 2216 | 38.55% | 38.55% |
| 15 | NORTH ANDOVER | 309 | 3,909 | 6,520 | 10,516 | 40.11% | 266 | 159 | 62 | 10695 | 37.72% | 37.72% |
| 16 | MARBLEHEAD | 190 | 2,998 | 5125 | 8,144 | 39.15% | 111 | 65 | 310 | 8282 | 36.24% | 36.24% |
| 17 | WESTON | 127 | 1,358 | 2369 | 3,776 | 39.33% | 36 | 21 | 56 | 3863 | 37.34% | 37.34% |
| 18 | BILLERICA | 566 | 5,011 | 8,556 | 14,034 | 39.74% | 328 | 192 | 39 | 14357 | 37.40% | 37.40% |
| 19 | MENDON | 149 | 813 | 1071 | 2,022 | 47.58% | 32 | 24 | 19 | 2042 | 45.47% | 45.47% |
| 20 | BELLINGHAM | 384 | 2,529 | 3270 | 6,155 | 47.33% | 105 | 81 | 24 | 6253 | 45.10% | 45.10% |
| 21 | STOW | 95 | 1,200 | 1142 | 2,429 | 53.31% | 23 | 24 | 26 | 2485 | 50.59% | 50.59% |
| 22 | DOVER | 77 | 882 | 916 | 1,869 | 51.31% | 7 | 7 | 19 | 1899 | 49.63% | 49.63% |
| 23 | | | | | | | | | | | Average | 40.87% |
| 24 | *See Attachment K | | | | | | | | | | | |

ATTACHMENT M

# ATTACHMENT N

# Competing Provider Subscriber Surplus Compared to Cumulative Subscriber Surplus

| | A | B | C | D | E | S | T | U | V |
|---|---|---|---|---|---|---|---|---|---|
| 1 | **Community** | **DBS Subs** | **Verizon Subs (DTC)** | **Comcast Subs (DTC)** | **2010 Census Occupied Housing Units** | **Competing Provider Subscriber Threshold (15%) E*15** | **Competing Provider Subscriber Surplus B+C-S** | **Cumulative Subscriber Surplus B+C+D-E** | **Competing Provider Subscriber Surplus Compared to Cumulative Subscriber Surplus T/U** |
| 2 | TOPSFIELD | 44 | 1,265 | 1097 | 2,090 | 314 | 996 | 316 | 315% |
| 3 | COHASSET | 92 | 879 | 2114 | 2,722 | 408 | 563 | 363 | 155% |
| 4 | HANOVER | 135 | 2,108 | 2837 | 4,709 | 706 | 1537 | 371 | 414% |
| 5 | LAKEVILLE | 151 | 1,628 | 2,214 | 3,725 | 559 | 1220 | 268 | 455% |
| 6 | DUXBURY | 242 | 2,150 | 3,273 | 5,344 | 802 | 1590 | 321 | 495% |
| 7 | HULL | 167 | 1,785 | 2934 | 4,630 | 695 | 1258 | 256 | 491% |
| 8 | NORWELL | 108 | 1,330 | 2305 | 3,553 | 533 | 905 | 190 | 476% |
| 9 | WRENTHAM | 227 | 1,456 | 2191 | 3,703 | 555 | 1128 | 171 | 659% |
| 10 | MIDDLETON | 100 | 1,086 | 1845 | 2,898 | 435 | 751 | 133 | 565% |
| 11 | NORFOLK | 132 | 1,740 | 1312 | 3,049 | 457 | 1415 | 135 | 1048% |
| 12 | EASTON | 164 | 2,339 | 5,666 | 7,865 | 1180 | 1323 | 304 | 435% |
| 13 | FOXBOROUGH | 370 | 1,788 | 4561 | 6,504 | 976 | 1182 | 215 | 550% |
| 14 | HOPEDALE | 141 | 754 | 1351 | 2,194 | 329 | 566 | 52 | 1088% |
| 15 | NORTH ANDOVER | 309 | 3,909 | 6,520 | 10,516 | 1577 | 2641 | 222 | 1189% |
| 16 | MARBLEHEAD | 190 | 2,998 | 5125 | 8,144 | 1222 | 1966 | 169 | 1164% |
| 17 | WESTON | 127 | 1,358 | 2369 | 3,776 | 566 | 919 | 78 | 1178% |
| 18 | BILLERICA | 566 | 5,011 | 8,556 | 14,034 | 2105 | 3472 | 99 | 3507% |
| 19 | MENDON | 149 | 813 | 1071 | 2,022 | 303 | 659 | 11 | 5988% |
| 20 | BELLINGHAM | 384 | 2,529 | 3270 | 6,155 | 923 | 1990 | 28 | 7106% |
| 21 | STOW | 95 | 1,200 | 1142 | 2,429 | 364 | 931 | 8 | 11633% |
| 22 | DOVER | 77 | 882 | 916 | 1,869 | 280 | 679 | 6 | 11311% |

ATTACHMENT N

## CERTIFICATE OF SERVICE

I, Nichele Rice, do hereby certify on this 4th day of September, 2013 that a true and correct copy of the foregoing "Reply to Oppositions" has been sent via U.S. mail, postage prepaid to the following:

William Lake, Chief, Media Bureau
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Mr. Steven Broeckaert, Deputy Division Chief
Media Bureau – Policy Division
Federal Communications Commission
445 12th Street, SW
Room 4-A8645
Washington, D. C. 20554

Geoffrey G. Why
Commissioner
Massachusetts Department of Telecommunications and Cable
1000 Washington Street, Suite 820
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Sean M. Carroll
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Massachusetts Department of Telecommunications and Cable
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319 Main Street
Stoneham, MA 02180

Board of Selectmen
Town of Mendon
20 Main Street
Mendon, MA 01756

Board of Selectman
Town of North Andover
120 Main Street
North Andover, MA 01845

Board of Selectmen
Town of Milford
52 Main Street
Milford, MA 01757

Board of Selectmen Town of Marblehead
Abbott Hall
188 Washington Street
Marblehead, MA 01945

Board of Selectmen
Town of Duxbury
878 Tremont Street
Duxbury, MA 02332

Board of Selectman
Town of Easton
136 Elm Street
Easton, MA 02356

Board of Selectman
Town of Lakeville
346 Bedford Street
Lakeville, MA 02347

Board of Selectman
Town of Billerica
365 Boston Road
Billerica, MA 01821

Board of Selectman
Town of Chelmsford
50 Billerica Road
Chelmsford, MA 01824

Town Council
Town of Randolph
41 South Main Street
Randolph, MA 02368

Board of Selectmen
Town of Cohasset
41 Highland Avenue
Cohasset. MA 02025

Board of Selectmen
Town of Topsfield
8 West Common Street
Topsfield, MA 01983

Board of Selectmen
Town of Danvers
One Sylvan Street
Danvers, MA 01923

Board of Selectmen
Town of Middleton
48 South Main Street
Middleton. MA 01949

Board of Selectmen
Town of Hanover
550 Hanover Street
Suite 29
Hanover, MA 02339

Board of Selectmen
Town of Hull
253 Atlantic Avenue
Hull, MA 02045

Board of Selectmen
Town of Wayland
41 Cochituate Road
Wayland, MA 01778

Board of Selectmen
Town of Weston Town House Road
P.O. Box 378
Weston, MA 02493

Board of Selectmen
Town of Hingham
210 Central Street
Hingham, MA 02043

The Honorable Dean Mazzarella
Office of the Mayor
City of Leominster
25 West Street
Leominster, MA 01453

Board of Selectmen
Town of Norwell
345 Main Street
Norwell, MA 02061

Board of Selectmen
Town of Shirley
7 Keady Way
Shirley, MA 01464

Board of Selectmen
Town of Dover
5 Springdale Avenue
P.O. Box 250
Dover, MA 02030

Board of Selectmen
Town of Templeton
690 Patriots Road
P.O. Box 250
Templeton, MA 01468

Board of Selectmen
Town of Norfolk
One Liberty Lane
Norfolk, MA 02056

Board of Selectmen
Town of Ashby
895 Main Street
Ashby, MA 01431

Board of Selectmen
Town of Wrentham
79 South Street
Wrentham, MA 02093

Board of Selectmen
Town of Maynard
195 Main Street
Maynard, MA 01754

Board of Selectmen
Town of Foxborough
40 South Street
Foxborough, MA 02035

Board of Selectmen
Town of Stow
380 Great Road
Stow, MA 01775

Board of Selectmen
Town of Walpole
135 School Street
Walpole, MA 02081

Board of Selectmen
Town of Ashland
101 Main Street
Ashland, MA 01721

Board of Selectmen
Town of Bellingham
10 Mechanic Street
Bellingham, MA 02019

Board of Selectmen
Town of Holliston
703 Washington Street
Holliston, MA 01746

Board of Selectmen
Town of Hopedale
78 Hopedale Street
Hopedale, MA 01747

Board of Selectmen
Town of Medway
155 Village Street
Medway, MA 02053

Board of Selectmen
Town of Millis
Veterans Memorial Building
900 Main Street
Millis, MA 02054

Nichele Rice