

March 14, 2012

Gentlemen;

My name is James Kelley and I am a resident of the City of Charlottesville. First, allow me to thank you for the opportunity to address with you a cable television system change issue that I believe warrants attention at your level.

I would like to register a complaint regarding the Cities franchised cable television, internet and telephone Provider, COMCAST. This complaint is based on what I believe to be our cable television Providers deviation from the intent and specific provisions of its Franchise Agreement with the City of Charlottesville, and to be contrary to the interests of the residents of the City. I address these issues with you as a resident of the City of Charlottesville, because Comcast has an exclusive Franchise Agreement (FA) for Cable TV Service with the City and its residents, with specific franchise requirements.

The complaint detailed herein is not one of signal quality, channel/tier programming, channel mix, cost of basic cable TV service, accessibility, or other service quality / programming issues. Those kinds of service oriented complaints would be handled directly with COMCAST and are not likely Franchise Agreement issues. This complaint is based on a broadcast system change, and new custom equipment and its cost, now required by Comcast to access TV channel services for which we, as residents of the City, are already paying. As the City of Charlottesville holds the Franchise Agreement with Comcast I believe this issue warrants a close review by the City, and the City Attorney.

Prior to making the above referenced change in their service plan, the details, specifics and the implications of Comcast's pending changes might well have not been obvious in whatever advance notifications Comcast might have given the City under FA Section 6.03. But the results of these changes are now very clear. If Comcast gave advance notifications to the City of this change, as they did to the residents of the City, they were silent as to the resulting impacts that the subscribers TVs and VCR/DVD recorders would actually experience. In no publication or advance notice that this subscriber received were the subscribers advised that this pending change or the new Converter Box that was to be part of that change would impede the channel availability to customers digital TVs and VCR/DVD recorders. There was no notification that digital TVs would lose a significant functional element, or that VCR/DVDs recorders would lose nearly all of their programmability, or that additional Remote Controls would be required.

I do not believe notifications that we did receive complies with FA Section 6.03 as to full disclosure of the impacts of Comcast's pending change. Comcast did however correctly advise of the improved picture quality their new digital signal broadcasts would provide, for the channels that are available. For that information they should be commended.

Cable television service for the City of Charlottesville is provided under a Franchise Agreement (FA) which effectively gives the provider a monopoly over "ground-line" (non-satellite, non-fiber) based cable services to the City of Charlottesville and surrounding areas. In other similar consumer situations where customers are dissatisfied with a Provider's service, the customer exercises his or her options and simply finds another service Provider. In the situation of cable television (and associated internet and phone service) in our City, the Franchise Agreement with the City of Charlottesville makes COMCAST the only ground-line "Provider" available, in the City or the surrounding areas. There are no other "ground-line", non-satellite, non-fiber cable television providers for customers to choose from. Residents of the City are locked into COMCAST if we want "ground-line" cable television service.

VERY GENERAL:

As explained in detail below, the franchised "ground-line" (non-satellite, non-fiber) cable television Provider for the City of Charlottesville and surrounding areas has recently changed its cable television broadcast signal type. Comcast has advised that a Federal Government mandate required that Comcast change its previous broadcast signal to a signal which is "all-digital". Accordingly, in early March 2012 Comcast changed the broadcast signal from its original signal which included analog and digital channels, which was compatible and usable by all TVs and VCR/DVDs in use in the area, to a new all-digital broadcast signal type which is not compatible with any of the customers' existing digital televisions and VCR/DVD recorders). This made basic tier broadcast channels for which subscribers were paying completely inaccessible without a new piece of custom, restrictive, and intrusive equipment, generally at an additional cost to the subscriber.

In order to make this new all-digital signal compatible with customers' existing digital TVs and VCR/DVDs, Comcast now requires the use of a smallish digital "Converter Box", provided by Comcast, in a limited quantity at no cost, for an additional monthly fee for boxes over a selected quantity.

This new digital signal change and its new required Converter Box has seriously diminished customers and subscribers use of their existing TVs and VCR/DVD recorders, and potentially other viewing equipment as well. It has almost totally destroyed customer's ability to utilize the programming features on every existing digital VCR/DVD recorder (eliminating 66% of its functionality), and completely eliminated digital TVs "picture in a picture" (PIP) feature.

I believe Comcast's digital broadcast signal change and this new converter box deviate from a key provision of the Franchise Agreement with the City of Charlottesville, and constitute an infringement on customer's rights to the unrestricted use of the cable channels for which they are paying.

Additionally, this new equipment required by Comcast greatly adds to the complexity of utilizing our TVs and VCR/DVDs, and is an additional cost to consumers. It also constitutes an additional electrical drain to the local grid system as well.

I am not an attorney and I can make no legal assessment as to any violation of the revered Franchise Agreement. And I do not represent this complaint as one of any legal standing, and I make no allegations against Comcast as a company. For the reasons discussed herein, on their face I believe the recent changes in our cable Providers service delivery system are not in accordance with their Franchise Agreement, and not in the interest of the residents of the City. I request that the City of Charlottesville review these recent changes relative to the Franchise Agreement and make that determination.

And I do not want to present myself as a representative of all who are experiencing problems with Comcast's new broadcast system change and its implications on their equipment and service. Yet, responses to my recent inquiry asking if others were experiencing the same problems that I am having, was revealing. Responses to that inquiry indicate that there are a growing number of cable television subscribers who are extremely unhappy with the recent broadcast signal changes, and find the restrictions, equipment requirements, and additional costs to access cable television channels, for which subscribers were already paying, objectionable.

Below are the names of some of those (which have allowed me to use their names) who have advised that they too are having operational problems with their TVs and VCR/DVDs, and with this new digital signal and its additional converter box requirement:

James Kelley	Mr. Casey	Mr. Wright	Mr. Waverly
Ms. Roeder	Mr. Steele	Mr. Feigert	Mr. and Mrs. Thacker
Mr. Wagnon	Mr. Pontious	Mr. Scott	Ms. Oswald

DETAILS: (COMPLAINT FOLLOWS BELOW)

A. Signal Conversion

In early March 2012 our cable Provider changed its cable television delivery system, phasing in a new “all-digital” cable broadcast signal. Customers were advised that this new broadcast signal was to initiate an all-digital signal broadcast mandated by the Federal Government, and was to replace the previous signal broadcast that was not all-digital. While the change from one signal type to another signal type would generally not be terribly significant, providing there is no unnecessary disruption, inconvenience, restriction or cost to the subscribers. The type of digital signal selected by COMCAST however is significant, as are the other related implications from that signal type change.

B. Converter Box

The **primary intrusive component** of the system change is the new requirement for the use of a “Digital Converter Box” on each TV and VCR/DVD in use by customers and subscribers. The function of this box is to convert the new all-digital signal into a signal that customers TVs and VCR/DVDs can use. But in addition to translating and making the new signal useful to TVs and VCR/DVD recorders, the box also chokes down the out-put signal from the box such that only one channel at a time is allowed out of the converter box. This is an important point. This makes only one channel at a time available to the cable customers. The “choke-down” characteristic of this Converter Box is the major problem with this new device.

Originally, in its pre-March broadcast signal, all of the channels for which subscribers were paying were available to our TVs and VCR/DVDs without restriction. Again, this is an important point. All customers digital TVs and VCR/DVDs were able to scan, receive and view all of the TV channels that were in our elected service tier, either singularly one channel at a time or simultaneously two channels at a time.

Design characteristics of digital TVs and VCR/DVDs, with or without digital tuners, require that multiple channels, all of the channels for which subscribers are paying, be available to those devices for them to fully function as designed. When programmed to do so, the equipment is designed to access 1 channel, 2 channels simultaneously or multiple channels sequentially.

1. VCR/DVDs are designed to:
  - a. Record a program on the channel the owner is viewing,
  - b. Record a program on one channel while viewing a program on another channel,
  - c. To set the machines timers to record several programs, at various times, on several different channels, for viewing later.

The choke-down characteristic within this new required converter box chokes down and restricts the channel access to one channel out at a time and completely eliminates functions 2 and 3 of all VCR/DVD recorders.

2. Digital Televisions frequently have as part of their designed features a “picture in a picture” (PIP) function. This built-in feature allows the owner to view one channel while keeping up with a sporting event or some other broadcast on the small inset screen. The small inset screen requires access to a second channel simultaneous to the access of the main viewing screen. And again, the new converter box with its “one-channel-out” limitation completely eliminates this feature from digital TVs that are equipped with that feature, and significantly devalues the functionality of the television.

#### C. Remote Controls

The new “converter box” required by Comcast also now requires the use of its own separate custom Remote Control device to change channels from that box. Subscribers are now required to use two remote devices; one for TV volume control and channel selection, and one to isolate and operate the TV manufacturers basic design features.

#### D. Power Usage

The new Converter Box is equipment that requires an electrical power supply. The box itself is small and while it does not require a major amount of power, it does have an additional power requirement.

#### E. Additional Costs

The new Converter Box required to access subscribers tier channel selections comes with an additional cost to customers. While the cost of the box is not major, it is still a reoccurring, monthly cost that customers are required to absorb, with no other ground-wire cable television service Provider option available.

## COMPLAINT:

This complaint is based on the type of digital signal that our cable Provider recently selected and initiated, and the new equipment that is now required as a result of that change. This complaint is not related to the standard Cable Converter Box (Set Top Box) customarily used by cable subscribers who have selected, at their choice, the higher service tier channels, requiring that box. Higher tier service such as movie channels, pay-per-view, paid sports events, concerts, etc. require this Set Top Box. But, that upper tier service level is selected and chosen by specific customers, not by all customers, and that Set Top Box is a stipulation of that higher service tier.

This complaint is based only on the new “Converter Box” requirement, brought about by the digital signal change, that customers **did not elect**, did not approve, and for which there is no other “ground-line” cable television service alternative. The converter box is now required on every TV and VCR/DVD recorder, regardless of the customer’s subscription tier selection. Comcast did allow two or three converter boxes free to each subscriber, but the cost of the boxes is not so much the issue as is the restrictive nature of the box. Even some number of free converter boxes per subscriber does nothing for the significant loss of functionality every box causes to digital TVs and VCR/DVDs.

Regarding Point A. Above: Signal Conversion

As indicated, the change from one type of transmission signal, analog or digital, to another type of signal would be no issue if there were no other consequential issues to the customers. The type of digital signal selected by our Provider does have significant consequential issues. Where the pre-March digital signal broadcasts from Comcast required no “Converter Box”, the new signal does. As explained below the related issues to this signal type change is quite consequential. There does appear to be accessible digital channel signals available, with no box.

Regarding Pont B. Above: Converter Box

The requirement to use this additional Converter Box to access a digital signal broadcast appears to be unnecessary. Subscribers TVs and VCR/DVDs with digital tuners do not require Converter Boxes to access digital channels. Before March 2012 Comcast’s broadcast signal included analog channels 2, 3, 4, 6, 9, 28, 36, 40, 41, 47, 38, 54, 55, 61 (to list but a few), and digital channels such as 16.1, 29.2, 27.2, 19.1, 75.4031, 77.201, 90.2, 94.7, 100.412 (again listing only a few). Prior to March 2012, customers digital TVs and VCR/DVDs were able to scan the incoming cable signal, receive and view the analog channels, as well as the digital channels, without the use of a converter box.

And as of today, there are digital signal broadcasts available and in use by this Provider to deliver digital channels which do not require a converter box. Such channels as 41.1, 66.1, 66.7, 74.2, 75.2, 75.5, 94.8 are being broadcast with no restrictive converter box requirement. Yet the lower tier basic service channels (TNT, AMC, A&E, TLC, HISTORY, DISC, USA, and many others) are not being broadcast such that they can be accessed without a Converter Box.

With other digital signals being broadcast requiring no converter box, the use of a new digital signal that requires a converter box for accessibility, along with its restrictive cost and energy consumption, appears to be inconsistent with the “to the extent reasonably possible” requirement of the Franchise Agreement.

Regarding Point C. Above: Remote Controls

While the requirement to alternate between two remote control devices to operate out TV features is only inconvenient to most who use these features on their TVs regularly, for some it is a significant challenge. Seniors have great difficulty in toggling between the use of two remotes, or perhaps three remotes, not knowing for sure which is the right one to use. This new requirement is very difficult for the elderly, the handicapped and disabled.

Regarding Point D. Above: Power Usage

The converter box under discussion is plugged into its power source and operational 24/7, and is drawing power that entire time. Customers have to pay for this power usage regardless of how small. Given that there has to be a converter box in operation on every TV in use and every VCR/DVD in use, in every home or business subscribing to this Providers cable TV service, the impact of this requirement is of interest.

Regarding Point E. Above: Additional Cost

While the additional cost for the new converter box is nominal, it is an additional cost that Comcast’s customers did not have with the past service. In its previous service, prior to March 2012, there was no requirement for any additional equipment, and therefore no additional cost to the customer. And while Comcast allows a small number of these Converter Boxes to customers at no cost, there is a monthly cost to customers for those over that number. I do not believe it to be reasonable that there be any additional costs to the subscriber for any component of a change implemented by our cable television Provider.

The initiation of what I see as a new cost format in cable television service is significant. Our cable Provider can charge for cable service to our homes, and now adds an extra cost by way of a Converter Box on each TV-VCR/DVD over a certain number, even for basic tier service. This change in the way cable service costs are assessed changes the entire character of the cost of cable TV service in our area. Without this new cost format for this new service change there would still be other important implications. But this particular cost of service change is something to be considered.

#### SUMMARY:

As I read and understand Section 5.01.F of the Franchise Agreement there are two parts that are of interest. I believe that this provision requires that our Provider 1. “to the extent reasonably possible”, avoid making any changes to its system or service that are 2. noticeable to subscribers.

1. Since there are so many digital channel signals available and in use by the Provider (shown above) where no converter box is required, it is not clear why the Provider selected a digital signal type that requires a Converter Box at all. Hence, there would otherwise be no need for a converter box, no additional cost, on intrusive channel restriction, and no issue.
2. As noted above, the required use of the Converter Box have brought about conditions for subscribers that are not only very noticeable, but very intrusive, restrictive and very disruptive to the functionality of customer’s video equipment. The function of this new equipment infringes on the subscribers rights to freely use all of the channels for which they are paying, either one channel at a time, or two channels simultaneously, or multiple channels sequentially as they choose.

#### SOLUTION:

I can not determine how best to correct the impact that the new digital signal change has had on customers economically, to their digital TVs and VCR/DVDs, or in their inconvenience. One option might be to change the new digital broadcast signal back to a digital signal that the customers digital TVs and VCR/DVDs can use without additional restrictive and costly equipment. Option two would be to provide customers with a converter box that requires no remote control device and allows unrestricted access to all of the channels that the subscriber is paying for, either singularly or multiple channels simultaneously or sequentially.



I again respectfully request that the City and the City Attorney closely review the impact on the residents service and their existing equipment, brought about by Comcast's recent changes in signal broadcast and equipment, relative the referenced or other provisions its Franchise Agreement with the City.

END OF COMPLAINT

Thank You.

ATTACHMENT:

Franchise Agreement Section Against Noticeable Change:

5.01.F. Grantee shall, to the extent reasonably possible, engineer its System so as to provide all off-air broadcast, satellite-delivered, optically delivered, digital, analog and other signals such that signal impairments, degradation or other problems not noticeable to Subscribers.

Franchise Agreement Section Requiring Advance Notice:

6.03 Programming Decisions. All programming decisions shall be at the sole discretion of Grantee; provided, however, that any change in the mix, quality, or level of Service shall require the prior notice to the City and shall be done in accordance with 47 U.S.C. § 545 and all Applicable Laws. In all cases Grantee shall provide a minimum of thirty (30) days advance written notice of any programming changes to all Subscribers and to the City.