## ORIGINAL

# Before The FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554

FLORIDA CABLE TELECOMMUNICATIONS ASSOCIATION; COX COMMUNICATIONS GULF COAST, L.L.C., et al.

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Complainants,

P.A. No. 00-004

VS.

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SER

GULF POWER COMPANY,

Respondent.

To: Cable Services Bureau

## SECOND AFFIDAVIT OF MICHAEL R. DUNN

I, Michael R. Dunn, being duly swom, depose, and state as follows:

## I. Background

1. I am employed by Gulf Power Company ("Gulf"), One Energy Place, Pensacola, Florida 32520-0302. I have been employed with Gulf since 1968. In my position as Project Services Manager, I have management responsibility over attachments made by third parties to Gulf's distribution poles, including responsibility over pole attachments that are subject to the Pole Attachment Act, 47 U.S.C. § 224.

## II. Previous Affidavit

2. In their opposition to Gulf's motion to dismiss, the Complainants repeat many of the arguments made in their petition for stay that were refuted in my previous affidavit

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("First Affidavit") filed in this proceeding and attached to Gulf's answer to petition for temporary stay. In particular, in the First Affidavit I presented evidence refuting Complainants' arguments pertaining to the termination of pole attachment agreements and Gulf's willingness to engage in negotiations and provide information to the cable companies. The evidence that I submitted in the First Affidavit equally applies to the similar arguments made in the motion to dismiss, and I hereby incorporate by reference the First Affidavit in its entirety.

## III. Complainants' Failure to Negotiate

agreements, as provided in Attachments A, B, C and D of my First Affidavit, requires that all notices to Gulf under those agreements be addressed to the person holding the position at Gulf that I have occupied for the past seven years. Along with this designation as the point of contact at Gulf for such notices and communications, I have the responsibility to negotiate any agreement changes. After the initial meetings with the designated points of contact for Complainants Comcast Cablevision of Panama City, Inc. ("Comcast") and Mediacom Southeast LLC ("Mediacom"), which were initiated by me to explain the new Pole Attachment Agreement, neither of these companies has attempted to meet to negotiate any changes to Gulf's proposal. Cox Communications Gulf Coast, L.L.C. ("CCGC") has not accepted any of my offers to meet and discuss the new Pole Attachment Agreement. Contrary to the assertions in the petitioner's opposition to motion to dismiss, I have not said that "no negotiation was possible." It is simply false to say that I have refused to negotiate with any of the Complainants at any time. I have repeatedly offered to explain Gulf's use

of replacement cost in an attempt to establish a fair payment by Comptainants that approaches just compensation.

- 4. As demonstrated in Section II of my First Affidavit, ample notice of changes and a willingness to negotiate have been provided in all cases. Indeed, I have offered to discuss just compensation with all the Complainants, but they have deliberately ignored my offer and refused to engage in any meaningful discussions. It is the Complainants who have failed to negotiate by refusing to pursue any discussion of just compensation. However, the Complainants' failure to discuss just compensation or otherwise negotiate with Gulf follows the course being set by them in their rhetoric about maintaining the "status quo." The Complainants openly declare in their filings before the Commission that their idea of status quo is requiring Gulf's customers to continue their over 20-year subsidization of Complainants with artificially low pole attachment fees. Complainants consciously avoid even mentioning that the Eleventh Circuit has mandated in Gulf Power I that the actual status quo now includes just compensation from attachers to the utilities' poles.
- 5. Because they want to maintain subsidized pole attachment fees as their concept of "status quo", the Complainants made it clear, both when Gulf tried to engage them in meaningful negotiations and in their filings with the Commission, that they have no intention of discussing just compensation for their taking of Gulf's property. Real negotiations would put an end to the Complainants' attempts to have both mandatory access and a fee based on a formula that amounts to 12% of Gulf's replacement cost fee. Contrary to the claim in the Complainants' opposition to motion to dismiss, it is the Complainants, not Gulf, who are seeking to "have it both ways." Now that the Complainants have the right of mandatory

access to Gulf's property, they cannot avoid their legal obligation to pay a full and perfect price for taking that property.

## IV. Increase on Cost per Customer Basis

- 6. In footnote 13 (at pages 14-15) of their opposition to the motion to dismiss, Complainants take issue with the otherwise uncontroverted fact that the Complainants are only alleging monetary harm that is of the degree of cost normally absorbed by businesses. They attempt to do this by challenging whether there is any methodology to support my statement in the First Affidavit (which statement is neither disputed nor contradicted by Complainants in their opposition) that "if Cox were to pass through 100% of the increase to its customers (which it would not have to do), the increase from the previous rate calculation to just compensation amounts to approximately \$1.10 per Cox customer per month." First Affidavit at ¶ 11. The method of calculation is not confounding.
- 7. Gulf used a readily available and locally obtained cable industry estimate of approximately 150,000 subscribers to CCGC in Gulf's service area. This figure is within 6% of the number of subscribers (160,000) that Mr. Gregory, Vice President and General Manager of CCGC, specified in his first affidavit, Exhibit 7 of the Complaint. The potential increase rate per month per customer is then derived from a simple calculation: The total annual cost difference divided by the number of CCGC subscribers divided by 12 months per year. This resulted in Gulf's calculation of \$1.10, but using the data relied upon by Mr. Gregory, CCGC, and Complainants in their exhibits, the rate is even less, as is the actual corresponding impact on Complainants. Using Mr. Gregory's own numbers of 160,000 subscribers and 61,581 poles owned by Gulf, the increase becomes \$1.02 per CCGC

customer per month. It is CCGC's sole prerogative whether any or all of this increase is actually passed through to its customers or absorbed in the business.

- 8. I have reviewed reports of the Commission and other documents in the public domain that were submitted by Alabama Power Company ("APCO") as exhibits to its answer to the complaint in *Alabama Cable Telecommunications Association*, FCC P.A. No. 00-003, reveal that cable rates have been steadily increasing over the years with no drop in demand.
- 9. The Commission recognized in its Report on Cable Industry Prices; Statistical Report on Average Rates for Basic Service, Cable Programming and Equipment, 12 FCC Rcd. 3239 (Jan. 2, 1997) ("Report on Cable Industry Prices"), that from January 1990 to April 1993 (prior to cable regulation), there was an average annual growth rate in cable rates of 8%. The Commission's report also noted that even after regulation (from April 1993 to November 1996), cable rates continued to rise at a 2.2% annual rate. I have reviewed the U.S. Department of Labor, Bureau of Statistics Consumer Price Index for cable television (Exhibit F to APCO Answer), and it shows that from 1990-2000 cable rates rose an average of 5.83%.
- 10. In 1997-1998, the Commission reported that average monthly rates for both regulated and unregulated cable companies rose by rates of 6.8% and 8.9%, respectively. Report on Cable Industry Prices; Statistical Report on Average Rates for Basic Service, Cable Programming and Equipment, 14 FCC Rcd. 8331 (May 7, 1999). The Commission also reported that just last year, in 1999, regulated and unregulated rates rose from 4.6% and 5.8%, respectively. Report of Cable Industry Priced; Statistical Report on Average Rates

for Basic Service, Cable Programming and Equipment, 2000 WL 767685, \*2 (June 5, 2000) ("2000 Report"). Yet, Complainant Comcast reported that in a three-month period during 1999 alone, it added 20,600 basic cable customers, representing a 1.3% twelve month trailing growth rate. (Exhibit G to APCO Answer.) During first quarter 1999, Comcast added more than 20,000 customers to its high speed data service, and in April alone added 5,700 new digital cable subscribers. (Exhibit G to APCO Answer.) In 1999, basic subscriptions grew cable industry wide 1.8% to 67.3 million. (Exhibit D, at 6, to APCO Answer) There was also an industry-wide surge in the "new services sector." Cable added 1.4 million high-speed data customers in 1999. (Exhibit D, at 6 to APCO Answer) Digital subscriptions "increased to over 5.1 million, from just 1.4 million at year end 1998." (Exhibit D, at 6, to APCO Answer) Analysts project that by 2010, there will be 59 million digital set top boxes in the field, with 31 million cablephone subscribers and 25 million high-speed modern users. (Exhibit D, at 5, to APCO Answer)

11. The Commission's own studies explain the counter-intuitive fact that even as cable companies continue to increase their rates, they continue to add subscribers. The Commission found that "[competitive status, non-urban population, and average monthly rate[s]" are all variables which have an inverse effect on the demand for cable services. (2000 Report at \*16) As these variables increase, the demand for cable services decrease. In the end, however, the Commission concluded that "demand for cable service is [only] somewhat sensitive to changes in cable rates." (2000 Report at \*18) The 2000 Report also explained that any downward pressure on the demand for cable services caused by increased rates is more than offset by the upward momentum enjoyed by cable companies from increase in

such variables as "median household income, number of homes passed, and number of satellite channels offered." (2000 Report at \*16) That is, as these variables increase, the demand for cable services increases. With further improvements and expansion, it is intuitive that cable companies are going to continue to increase rates as they continue to provide more services and better quality. At the same time, they will continue to add customers, expand revenues and reap more profits.

- 12. The Commission recognized the trend in a recent report titled 1999 Assessment of the Status of Competition in Markets for the Market Delivery of Video Programming. (MVCG, March 2000) at 1. (Exhibit H, at 1, to APCO Answer) The Commission found that "[d]espite ... increased competition, ... cable rates rose faster than inflation." (Exhibit H, at 1, to APCO Answer) The Commission also determined that notwithstanding the rate increases, "the cable industry continued to grow in terms of subscriber penetration, channel capacity, the number of programming services available, revenues, audience ratings, and expenditures on programming." (Exhibit H, at 2, to APCO Answer) Cable customers are well adjusted to and undeterred by the fact that cable rates have historically increased and will continue to do so. From the Commission reports and studies and the other public studies, it is evident that there is little to no real likelihood that the increase in expenses attributable to pole attachments will result in any lost customers to cable companies.
- 13. According to an article in *Network World Article* (4/24/00), (Exhibit J to APCO Answer), the top seven cable companies (which includes the Complainants) "invested between \$9 billion and \$11 billion [in 1999] to upgrade their networks." (Exhibit J, at 3, to APCO Answer) "That is on top of about \$6 billion they spent in 1998." (Exhibit J, at 3, to

APCO Answer) From a prudent, business standpoint, it is difficult, if not impossible, to perceive that these companies would take on multi-billion dollar expansions without foreseeing incredible expansion in revenues. Revenues generated from multi-billion dollar expansions will obviously dwarf the increase in pole attachment fees. There is no indication in these events or historically that these multi-billion dollar expansion efforts will be halted because pole expenses climb from less than 1% of the cable companies' operating expenses to as little as 4%.

14. Paul Kagan Associates, Inc., a cable industry analyst, believes most of the expenses for expansions are complete. (The Cable TV Financial Databook 2000, Paul Kagan Associates, Inc., Exhibit D to APCO Answer) The activities of Comcast confirm Kagan's observations. Comcast has reported that "83% of the subscribers are in rebuilt systems." Exhibit K (Multichannel Video Compliance Guide - 11/15/99, at 8, Exhibit K to APCO Answer) Paul Kagan Associates, Inc. stated, "Operators have a diminishing amount of build-out work ahead, and they are already realizing meaningful revenues from those services they spent so lavishly to deploy." (Exhibit D to APCO Answer, at 149) It is evident that increases in pole attachment fees are not likely to reverse expansion already completed or to slow down the incredible momentum cable companies currently enjoy.

## V. Internet Access

15. In his second declaration, Mr. Gregory states that "[c]ontrary to Gulf Power's assertions, Internet service is not available on portions of Cox Gulf Coast's cable systems that are attached to Gulf Power's utility poles." Gregory Second Declaration at ¶ 3. Complainants then make the bald assertion in their opposition to the motion to dismiss that

"no Internet service is available on portions of Cox Gulf Coast's cable systems that are attached to Gulf Power's utility poles." Opposition at 6. These statements are unsupported by any evidence. The representations are at best grossly misleading, if not patently false. Complainants have submitted no evidence to refute the evidence already submitted by Gulf as Exhibit 1 to the motion to dismiss. Attachment C to this affidavit contains even more information, brochures, and pictures of billboard advertising generated by CCGC itself that undeniably establish that CCGC is providing and commingling Internet service with its cable services to subscribers through the attachments on Gulf's poles.

- 16. Supplementing the information already provided in Exhibit 1 to the motion to dismiss, Attachment A to this affidavit contains information, brochures, and pictures of billboard advertising generated by Comcast itself that undeniably establish that Comcast is providing and commingling Internet service with its cable services to subscribers through the attachments on Gulf's poles.
- 17. Supplementing the information already provided in Exhibit 1 to the motion to dismiss, Attachment B to this affidavit contains information, brochures, and pictures of billboard advertising generated by Mediacom itself that undeniably establish that Mediacom is providing and commingling Internet service with its cable services to subscribers through the attachments on Gulf's poles.

#### VI. Document Authentication

18. I hereby verify under penalty of perjury under the laws of the United States of America that I am familiar with the documents attached as Exhibit 1 to the motion to dismiss and Attachments A-C to this affidavit; that they are true and correct copies of documents I

have obtained or compiled from Complainants or their resources, or are summaries of the attached documents from Complainants that have been compiled by me or under my direction and supervision; and that they are true and correct copies of the documents for the purpose that they were submitted.

Affiant says nothing further.

Michael R. Dunn Michael R. Dunn

STATE OF FLORIDA ) | ss. COUNTY OF ESCAMBIA )

BEFORE ME, the undersigned notary public, appeared Michael R. Dunn, who is personally known to me and who, being first duly sworn, stated and verified under oath that the facts, matters, and things set forth in the above affidavit are true and correct to the best of his knowledge, information, and belief.

SWORN AND SUBSCRIBED before me this 7th day of August, 2000.

LINDA C. WEOB

Metary Public-State of FL
Comm. Exp: May 31, 2002

Comm. No: CC 725988

Printed Name: LINDA C. Webb
NOTARY PUBLIC

STATE OF STORMS AT

STATE OF FLORIDA AT-LARGE

Commission No.: <u>CC 725969</u>

My Commission Expires: May 31, 2002

# Comcast Cablevision of Panama City, Inc Billboard in Northwest Florida



Picture taken 07-28-00
23<sup>rd</sup> Street (just west of 77<sup>th</sup> Street) in Panama City, Florida



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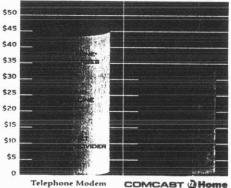
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PC: Windows 95/98/NT 4.0, Pentium Equivalent, 16MB RAM, 125MB disc space free on hard drive Apple: 7.6.1 or higher PowerPC 601, 24MB RAM, 50MB free on hard drive.

RECOMMENDED REQUIREMENTS (for an optimal experience)
PC: Windows 95/96/NT 4.0, Pentium 166 or higher, 32MB RAM, 125MB disc space free on hard drh
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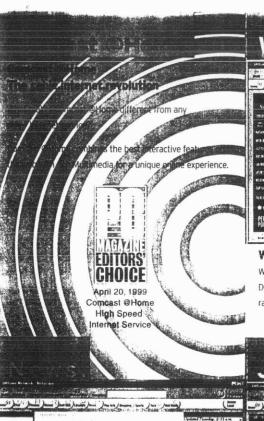


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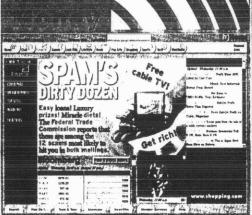
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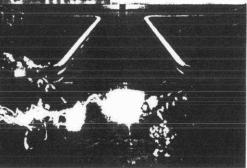
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#### **InYourTown**

In Your Town, our local <u>award winning</u> content resource for Comcast markets. Find out how to buy ads, become a content partner, or how to link to our sites.

#### **Comcast Commercial**

Comcast Commercial Online offers full-service, affordable high-speed managed broadband Internet solutions for small and medium-sized businesses as well as networked schools via Comcast Commercial Internet Service. The power of broadband cable Internet service for your business or school is just a click away!

#### OnBroadband.com

OnBroadband.com will expose you to all of the broadband applications and content that you crave. Read more about it on <u>Wired</u> or <u>ZDNet</u>.

#### Online Schoolyard

Online Schoolyard, our education site, will provide resources from Arts to Social Sciences.

Who owns the @Home Network?

Investors in the company include Comcast Corporation, Cox Communications, Rogers Cablesystems Limited, Shaw Communications, Inc. and Tele-Communications, Inc. (TCI), and venture capital firm Kleiner Perkins Caufield & Byers. Its partnerships with Comcast, Cox, Comcast, InterMedia Partners, Marcus Cable, Rogers, Shaw and TCI provide distribution access to nearly 50% of all homes passed by cable in North America; additional affiliated cable operator agreements will further increase coverage. @Home Network's mission is to provide a high-speed, fully integrated multimedia service that revolutionizes the way people interact with information and each other at home and at work.

What is the Comcast@Home Network?

Comcast@Home is a broadband network - the next generation of interactive online service brought to your personal computer via a high speed cable modem, and existing cable infrastructure.

Comcast@Home delivers "high bandwidth" Internet access with national and local content directly to our subscribers PC using an @Home customized Netscape browser. The data transmission speed of the cable modem is hundreds of times faster than a traditional phone modem. Faster speed allows subscribers to more thoroughly enjoy multimedia content such as video and audio clips and 3-D virtual reality images. Graphics and multimedia download in seconds.

#### What's included in the Comcast@Home Network service?

- Rental and complete installation of a high-speed cable modem.
- Exciting, original, multimedia-rich national and local content
- Navigate the World Wide Web easily with our customized Netscape browser.
- E-mail, newsgroups and chat.
- Constant connection. No dial-up necessary.
- Unlimited Internet access.
- Customer support 24 hours a day. 7 days a week.
- Local Content

Think globally. Surf locally. It's a small world. We're partnering with some names we know you'll recognize to bring you current news and information in an exciting, multi-media rich format.

Enjoy Arts, Entertainment, Sports and Dining. Experience in-depth local News targeted to your neighborhood. Become a vocal part of your Community. Participate in Education. Improve your Health. Utilize a "cyberoffice" in Business. Stop and shop in our Marketplace. Look to Real Estate to rent, buy or sell your home. Plan a getaway in Travel.

We're scanning thousands of local web sites to make sure you experience the best local Internet content in the shortest amount of time. Plan your life and have time to live it! No more World Wide Wait. Preview the local angle by visiting one of our local websites.

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Orange County	Newport Beach	92660	4Q98	Available
Orange County	Newport Beach	92661	4Q98	Available
Orange County	Newport Beach	92662	4Q98	Available
Orange County	Newport Beach	92663	4Q98	Available
Orange County	Placentia	92870		Available
Orange County	Santa Ana	92701	1Q99	Available
Orange County	Santa Ana	92703	1Q99	Available
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Orange County	Santa Ana	92707	1Q99	Available
Orange County	Santa Ana	92718	1Q99	Available
Orange County	Seal Beach	90740		Available
Orange County	Seal Beach	90742		Available
Orange County	Seal Beach	90743		Available
Panama City	Lynn Haven	32444	4Q99	Available
Panama City	Panama City	32401	4Q99	Available
Panama City	Panama City	32404	4Q00	Available
Panama City	Panama City	32405	4Q99	Available
Panama City	Panama City	32407	1Q00	Available Soon
Panama City	Panama City	32409	4Q99	Available
Panama City	Panama City Beach	32408	4Q00	Available Soon
Panama City	Panama City Beach	32413	1Q00	Available Soon
Panama City	Youngstown	32466	4Q99	Available
Philadelphia	Abington	19001		Available
Philadelphia	Ambler	19002	Not Available Now	Not Available Now
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The 32409 ZIP code is in the Comcast @Home service area and available for service!

Please sign up for the service using our online ordering form or

if you prefer you may request more information.

Comcast @Home comes with a 30-day money back guarantee (no questions asked), so you having nothing to lose. Why not order now?

About Us 
 I

InYourTown | Comcast@Home

enter y

check services covered in your area

Comcast@Home

Availability

**Circuit City Sites** 

**Demo Sites** 

Frequently Asked Questions

Friend Get A Friend

**Testimonials** 

# comcast@Home

The 32413 ZIP code is in the Comcast @Home service area and available for service!

Please sign up for the service using our online ordering form

if you prefer you may request more information.

Comcast @Home comes with a 30-day money back guarantee (no questions asked), so you having nothing to lose. Why not order now?

comcast,

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check services covered in your area >

Comcast@Home

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Circuit City Sites

Demo Sites

Frequently Asked Questions

Friend Get A Friend

**Testimonials** 

comcast Comcast@Home

The 32444 ZIP code is in the Comcast @Home service area and available for service!

Please sign up for the service using our online ordering form or

if you prefer you may request more information.

Comcast @Home comes with a 30-day money back guarantee (no questions asked), so you having nothing to lose. Why not order now?

# Mediacom Southeast, LLC Billboard in Gulf Breeze, Florida



Picture taken 07-26-00 4435 Gulf Breeze Parkway in Gulf Breeze, Florida

Dear Valued Customer:

We hope you have been enjoying your service from Mediacom. Our commitment to the community remains our top priority as we continually seek ways to enhance the quality and variety of your cable service. In addition, over the past year we focused on improved service with our On-Time Guarantee. Now it's time for more good news from Mediacom

> We are excited to let you know the following Spectrum Tier services are now available on your Family Cable on or about April 1st:

Sci-Fi (62) • The History Channel (64) Comedy Central (65)

Because of these changes, CourtTV will no longer be available.

Encore will now be available as an a la carte service for \$1.50 per month.

A new channel lineup card is included in this brochure for your convenience.

These changes are just the beginning of an exciting year for Mediacom customers. We have introduced new technologies such as digital cable featuring an interactive program guide and dozens of new channels. High-speed internet access is also available in your area. Try our super fast cable modems today.

While rate adjustments are never popular, an adjustment is necessary at this time. Costs associated with maintaining and upgrading the cable system are on the rise. In addition, programming costs continue to increase. This rate adjustment will take effect with your April statement. We will continue to work to insure Mediacom remains the best entertainment and informational value available.

Thank you for the opportunity to serve you. If you have any questions, please call our Customer Service Department at 1-800-239-8411.

Sincerely,

Vice President Southeast Region

MICHAEL DUNN 120 HIBISCUS AVE GULF BREEZE FL 3

Service Information Notification of Rate Adjustment Important Customer



Mediacom

#### Breeze OZ WPAN B 40 C-SPAN 03 ABC-WEAR 41 VH-I 42 MTV 05 ECBS-WKRG Country Music Television BET Bravo 08黨 PBS-WSRE 法 Travel Channel 09葉WMPV製 Food Network 10 FOX-WALA IENBC-WPMI 12% WGN Chicago ....... \$500 PER BOOK B 50 America's Health Network & Marie Ty Guide \* Notice \* San The Movie Channel 52世 C SPAN 2 多数的 53 Fox News Channel Showtime Cinemax 54 The Golf Channel HBO IN DEMAND ID 18 American Movie Classics ID 56 IN DEMAND 2 Disney - Now on Family Cable! 57 IN DEMAND 49" ID Speedvision 20 Fox Family Channel 21 FLIX 60 Action 6a-10p / Spice 10p-6a 22 CNBC 61维Encore USA Network ¥62 Sci-Fi - Now on Family Cable! 24 ESPN 2 NAME OF THE PARTY 64 The History Channel - Now on Family Cable! 25 Lifetime 65 Cornedy Central - Now on Family Cable! 26 **ESPN** 66 Cartoon Network 27 Gulf Coast Network 68 TV Land 28 The Weather Channel 69 Animal Planet 29 Headline News 70 Outdoor Channel 30 Nickelodeon 71 Romance Classics 74 EWTN 31 The Nashville Network 32 CNN 75 HBO Plus 76 Showtime 2 33 Discovery Channel 77 HGTV 34 The Learning Channel 35 Turner Network Television 36 A&F B = Broadcast Basic 37 Sunshine Network P = Premium Channels 38 BLAB ID = IN DEMAND PPV

Channel Lineups are subject to change

39 Home Shopping Network



PPV = Adult PPV

## Mediacom Rate Schedule

Customer Service

installation Charges
New Installation
Whole House Installation 3 outlets \$75.00
Reconnect
Transfer
Premium Service Upgrade \$25.00
Additional Outlet (Same Trip) \$20.00
Additional Outlet (Separate Trip) \$25.00
Calala Camilas
Cable Service
Family Cable*
Converter
Remote
Broadcast Basic
*Includes Broadcast Basic
Premium Channels
HBO\$10.45
Cinemax\$10.45
Showtime
The Movie Channel
FLIX\$2.95
Encore
PPV Movies
Premium Packages
Rainbow Package
Includes: Family Cable, HBO,
Showtime, Showtime 2 & FLIX
Rainbow Gold Package
Includes: Family Cable, HBO, HBO Plus, Showtime,
Showtime 2 Cinemax, FLIX & The Movie Channel
Digital One
그는 프리스와 그렇게 그렇게 그리는 이번 어느 아날씨와 그는 그림을 하게 하는 것은 그리를 하게 하다고 있다면 그렇다면 다른
Includes Rainbow Gold plus over 100 additional channels
Total Digital\$69.95 Includes Digital One plus 4 Channels of STARZ! and 2 Channels of Encore

Rates and Channel Lineup are subject to change without notice.

## **Billing Policies**

Services are billed one month in advance. Payments are due by the tenth day after the "bill from" date. All accounts not paid by the due date may be assessed up to a \$5.00 late payment processing fee on the next statement. The customer's continued acceptance of service will be deemed an agreement to pay in accordance with this schedule of rates and charges. A \$25 handling fee will be charged to accounts for any check returned for insufficient funds. Upon disconnection, all equipment not returned will be charged at its estimated replacement value, plus any applicable collection fees.

## Taxes and Fees

The new rate schedule in this brochure does not include franchise fees and FCC fees.

## Customer Privacy Rights The Federal Cable Communications Policy Act of 1984 contains certain provisions regarding

the collection and disbursement of personally identifiable information by cable television oper ators. In accordance with those provisions, this cable system collects and maintains personally identifiable information concerning customers. That information includes, among other things, your name, address, phone number, billing records, service maintenance and repair records, premium service subscription information, marketing information and customer

Personally identifiable information is generally used for the normal business purpose of offering and rendering cable television service and other services to you. Some persons have access to such information when necessary in connection with our business or when Mediacom otherwise deems desirable. Access may be on a day-to-day basis. Those people who have access include cable system employees; cable system sales agents; businesses which provide services to the cable system, such as our accountants, billing and collection services, program and program guide providers where applicable; program services which will periodically audit subscription information and other businesses that seek to use your name, address, etc. The cable system will not maintain such information after it is no longer necessary for carrying on our

As a customer, you may review any personal information held by us which pertains to you if you give us a reasonable period of time to locate and, if necessary, prepare the information for review. Preparation is sometimes necessary to avoid disclosure of information relating to other customers. If you wish to review your personal information, please contact us by letter or telephone to arrange for a review. The review will be at our local system business office. You may request correction of any errors in personal information which we collect and maintain pertaining to you.

Federal law prohibits Mediacom from collecting any personally identifiable information other than information necessary to carry on our business or to detect theft of service, unless you

To the extent that we are permitted to collect personally identifiable information, we are permitted to disclose such information only to the extent necessary to conduct our business. In addition, the law allows us to disclose your name and address for non-cable service related mailing lists or other purposes unless you tell us you do not wish us to disclose it. However, such disclosures of names and addresses may not be in a form that discloses the extent of type or any use you make of services we provide, nor may it disclose the nature of any transaction you make over the cable system. If you do not wish to have your name and address disclosed even in limited situations described above, or if you wish to limit the circumstances in which we will disclose it, please obtain, fill out and return a "Nondisclosure of Name and Address Form" from our local business office.

Except as indicated in the preceding paragraph, we may not disclose personally identifiable information without your consent, unless we are required to do so by court order. If we are served with a court order requiring disclosure of personally identifiable information concerning a customer, we will inform the customer before any information is released. Under some circumstances, a governmental entity may seek a court order to obtain personally identifiable information from the cable system concerning a cable customer. The customer must be given an opportunity to consent to issuance of such an order.

Any person aggrieved by an act of a cable operator in violation of these federal limitations on the collection and disclosure of personally identifiable information may bring a civil action in a United States District Court to enforce the limitations

## THE FEATURES OF YOUR INTERNET CABLE CONNECTION

It's fast!

Send and receive large files in a flash.

No waiting.

It's always on!

Instant access to the Internet and email. No dialing. No busy signal.

Affordable

One low monthly fee.

Onsite installation

We will get you up and running in no time. It doesn't get any easier

than that.

24 hr., 7 day a week technical support When you have questions, we'll be there with answers. Toll Free.

Email

3 email addresses.

Customizable homepage

Personalized so you can easily get all the news and information you want, when you want it.

Personal web site

You'll have space to build your own personal web site.



1-800-239-8411



www.ispchannel.com

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## With a 56K modem

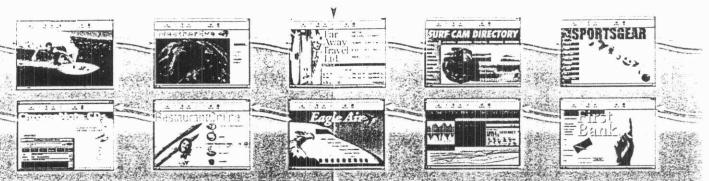


## you wait a lot.



With ISP Channel and a cable modem you can surf from site to site up to 10 times faster.

# Introducing ISP Channel. The fastest way to surf the Internet.



With ISP Channel you'll be more productive while on the Internet. You'll be able to download large graphics in a flash, enjoy

CD quality music, view streaming video, buy and sell stocks, make travel reservations and go shopping on the Internet.

**ISP Channel.** It's your high speed connection to the Internet right through your TV cable. Now there's no more waiting as you surf your favorite sites.

## ISP CHANNEL IS ALWAYS CONNECTED TO THE INTERNET

With the "always on" feature of cable there is no dialing, no waiting, no busy signals, no redialing. In fact, there is no extra phone line needed. And because you are "always on" the Internet with your TV cable, your phone service isn't interrupted while you are on-line. You'll be a lot more productive and a lot less frustrated.

## FASTER ACCESS MEANS BETTER VALUE

With ISP Channel you receive Internet access up to 10 times faster than the fastest phone modem you can buy. ISP Channel's faster access makes it the best value when compared to other providers.

#### EXPLORE A WHOLE NEW WORLD

Get the full Internet experience with ISP Channel. There is a lot to see and do on the Internet and it's only limited by

your imagination. With your cable modem you'll be able to download large graphics in a flash, enjoy CD quality audio music and radio, view streaming video, buy and sell stocks and go shopping on the Internet. ISP Channel and your cable modem will open up a whole new world...the world wide web without the world wide wait.

#### MORE THAN JUST SPEED

Along with your high speed connection, you also get a customizable homepage so your favorite web sites are right at your finger tips. And you get 3 email accounts so your family can send and receive email from friends and business associates. It's quick and it's easy. No need for stamps, envelopes or waiting for the mail carrier.

#### GETTING UP AND RUNNING IS EASY

We take care of everything for you. Providing everything from installing your modem to installing your free browser. And it doesn't stop there. ISP Channel provides 24 hour, 7 day a week technical support.



So what are you waiting for? Call today and catch the next great wave.



www.ispchannel.com





Home

**About Us** 

**Customer Service** 

Press

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Cable Television
Digital Cable
High Speed Internet Access
Dial-Up Internet Access

**Investor Relations** 

Site Map

Search



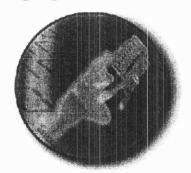
Cable Television



**High Speed Internet Access** 



Digital Cable



**Dial-Up Internet Access** 

Copyright 1999 Mediacom

Mediacom offers customers a wide variety of television choices to suit every taste. New services, such as digital cable and high speed Internet access are available to Mediacom customers in specific areas and more areas are being activated every month.



Home

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Copyright 1999 Mediacom



**High Speed Internet Access** 





Mediacom together with ISP Channel now brings you high speed Internet access over cable at speeds up to 10 times faster than a 56K phone modem! For as little as \$29.95 a month, accessing the Internet has never been faster.

Service is currently available in some of our service areas. Other areas will be receiving this exciting new service soon.

#### **Areas Served**

- · Chillicothe, IL
- Clearlake, CA
- Edenton, NC
- Eveleth, MN
- Excelsior Springs, MO
- Franklin/Sylva, NC
- · Gulf Breeze, FL
- Hendersonville, NC
- Huntsville, AL
- Hutchinson, MN
- Jacksonville, IL
- Lower Delaware
- · Marshall County, KY
- · Mobile, AL
- Ridgecrest, CA
- Sun City, CA
- Waseca, MN

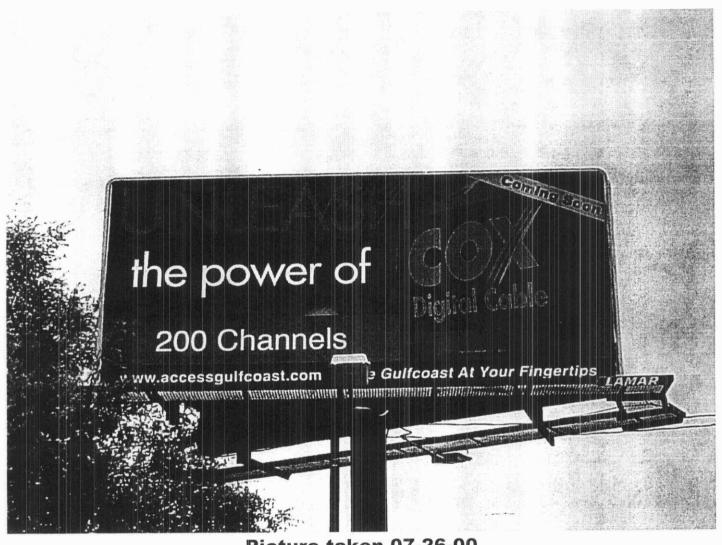
# Cox Communications Gulf Coast, LLC Billboard in Northwest Florida



Picture taken 07-26-00

Racetrack Road in Fort Walton Beach, Florida

# Cox Communications Gulf Coast, LLC Billboard in Northwest Florida



Picture taken 07-26-00 South 9<sup>th</sup> Avenue in Pensacola, Florida

# RELEASITE POWER COX Digital Cable CHigh Speed Internet Service





PRSRT STD U.S. POSTAGE PAID PERMIT #795 PENSACOLA, FL 32501

# How Fost le Foste

# FILE DOWNLOADING TIMES

23.3 Dial-Up

Cox∄Home

1.500 KB 2 MB

nearly 7 minutes over 9 minutes

7 seconds 10 seconds

10 MB

over 45 minutes

52 seconds

# WEB PAGES PER MINUTE

ISDN Line

23.3 Dial-Up

Cox @Home

2.25 pages 0.5 pages

26 pages

Number of 3,384 KB pages downloaded per minute

Services available in upgraded areas only. Some strictions may apply. Call Cox Cable for details.

# High Spe

Subsified! Imagine leaping from website to website and down-loading files in seconds instead of minutes.

Always On! With Cox@Home. you get unlimited, 24-hour Internet access. When your computer is on, so is the Internet.

No Dedicated Phone Lines! Like your cable television service, Cox@Home uses our superior digital fiber-optic network to deliver the full power of the Internet to your home computer, so you never have to pay extra for that second phone line again.

# ower of

d Internet Service 30%. D. Home.

3 0 3/331 F3211/33. Netscape or Internet Explorer browser. nail accounts, 15 MB of personal web space, chat capabilities, an @Home met Guide, online games and shopping, remote access option, and much, in more.

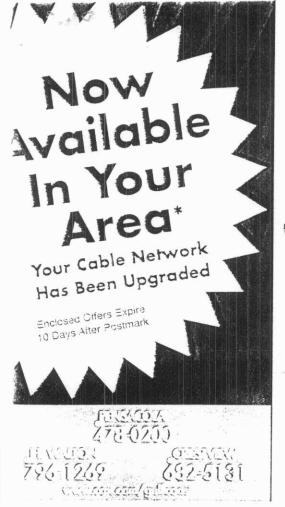
113 higher and 11 Add 9333. Get the news when you want y CNN video clips, movie trailers, sports highlights and get weather s, traffic reports, sports scores, cinema listings, financial news and more.

.all the Glock Custamer Service! Cox@Home is backed Cox's superior customer service. We're on the phones 24 hours a day, days a year to help with whatever questions you have whenever you 9 them. Give us a call!

\*\* Discount may vary dependent on equipment required.



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Over 200 Channels

Cox Digital Cable delivers over 200 channels of programming and music.



-- Interactive

On-Screen
View a full week of Guide

View a full week of listings, search for a show by theme, record with one touch, and surf without leaving your current program.



With 35 channels playing movies 24 hours a day, the video store is now in your home. Order movies with the touch of a button on your remote control.

# 23 Premium Channels

Over 100 movies a day featuring everything from comedy to action – original series, sporting events, concerts and more.

HBO

# the power of

# No Unsightly Satellite Dish



Absolutely, positively no need for an expensive satellite dish. Works with your current or future TV.

# Music Choice Included



40 channels of CD-quality, commercial-free music for every taste, style and mood.

# Digital quality Picture and Sound

Crystal clear, high-resolution images and CD-quality sound that transform your existing home entertainment system.



# RELEASIA SITUATION OF THE POWER

Digital Cable.

(C) High Speed Internet Service

Services

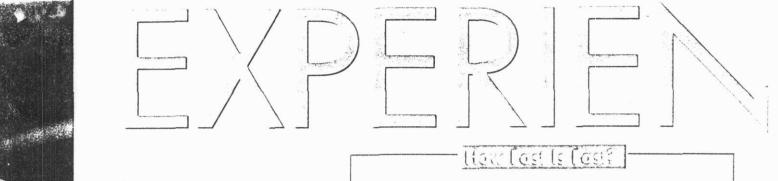
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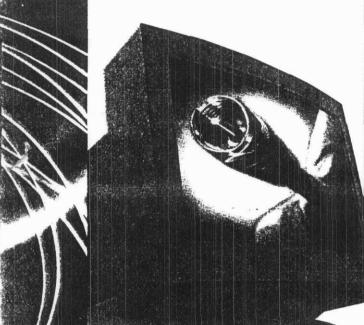
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# FILE DOWNLOADING TIMES

23.3 Dial-Up

Cox@Home

1,500 KB

nearly 7 minutes

7 seconds

2 MB

over 9 minutes

10 seconds

10 MB

over 45 minutes

52 seconds

# **WEB PAGES PER MINUTE**

ISDN Line

28.8 Dial-Up

Cox@Home

2.25 pages

0.5 pages

26 pages

Number of 3,384 KB pages downloaded per minute

# the power of

# High Speed Internet Service



superfast! Imagine leaping from website to rebsite and down-loading files in seconds stead of minutes.

IWays On! With Cox@Home, you get nlimited, 24-hour Internet access. When your emputer is on, so is the Internet.

O Dedicated Phone Lines! Like your able television service, Cox@Home uses our aperior digital fiber-optic network to deliver the II power of the Internet to your home computer, you never have to pay extra for that second none line again.

Tons of Great Features! Netscape or Internet Explorer browser, 3 email accounts, 15 MB of personal web space, chat capabilities, an @Home Internet Guide, online games and shopping, remote access option, and much, much more.

Immediate Information Access! Get the news when you want it. View CNN video clips, movie trailers, sports highlights and get weather updates, traffic reports, sports scores, cinema listings, financial news and more.

'Round the Glock Customer Service! Cox@Home is backed by Cox's superior customer service. We're on the phones 24 hours a day, 365 days a year to help with whatever questions you have whenever you have them. Give us a call!

# Interactive On-Screen

View a full week of stings, search for a w by theme, record one touch, and surf vithout leaving your current program.



Guide

# Music Choice

40 channels of CD-quality. commercial-free music for every taste, style and mood.





Cox Digital Cable delivers over 200 channels of programming and music.



# ne power of

# Digital quality Picture and Sound

Crystal clear, high-resolution images and CD-quality sound that transform your existing home entertainment system. >



# 25 Premium Channels

Over 100 movies a day featuring everything from comedy to action - original series, sporting events, concerts and more.



# No Unsightly Satellite Dish



Absolutely, positively no need for an expensive satellite dish. Works with your current or future TV.

With 35 channels playing movies 24 hours a day, the video store is now in your home. One-touch remote control and online ordering.



# Local Ty Stations



Get all of your iccal news. weather and sport conveniently with no special antenna





Access Your Account Acct # \_\_\_\_\_\_\_ Acct # \_\_\_\_\_\_

Enter Password (52) NEW CUSTOMER?

Login ( VIRTUAL TOUR

Digital Cable

# Your Gulf Coast Connection

### FOR YOUR HOME

Cox Cable

Digital Cable

Cox@Home

ORDER NOW

QUICK FIND

ABOUT COX

JOBS

FOR YOUR SCHOOL

FOR YOUR BUSINESS

# Customer Service Can We Help? Click here for User Guides, FAQs and Contact Information.

### IS IT AVAILABLE IN YOUR AREA?

Enter your zip code below to find out.

go. Or click here to go to your local Cox area.

SEARCH

go.

CONTACT US

# for your home

## HIGH SPEED DATA

## High-Speed Access Up To 100 Times Faster Than a 28.8 Modem.

Download up to 100x faster than a 28.8 modem. High-Speed Access Up To 100 Times Faster Than a 28.8 Modem. Download up to 100x faster than a 28.8 modem. Buckle up. Cox is about to take you on a high-speed journey over the Web. Travel at speeds up to a hundred times faster than ever before. And download files blazingly fast!

High-Speed Fiber-Optic Based Network For Always-On Convenience

Forget the phone lines. Forget the modem. Cox Communications uses a superior digital fiberoptic based network. So there's no dialing up or logging on you're always connected. With a simple click you're up and running with instant access to news, weather, traffic reports, sports scores, movie listings and more.

Easy to use, easy to navigate

If you know where you want to go, Cox can take you there in a flash. Cox also speeds up your search time by sifting through thousands of web sites daily and creating subject-specific guide pages that help you focus your search and provide shortcuts to your favorite sites.

Get local to find out which high-speed internet access service is available in your area.

### Cox@Home

About Cox@Home

In the News

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Speed

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Cable Modem FAQ

Cable & DSL Myths

User Agreement

Get A Friend

Partner Locations

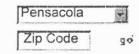
Pricing Order Now



Get one month free off your High Speed Internet simply by referring a friend. Click for more details.

## Cable Listings

Whether you are looking for Basic, Digital, Pay-Per-View, or Premium channels, Get Local, and find out what channels are available in your





NOW YOU'RE LIVING

Service Listings Visitor Services

Here are the services available at:

3545 SUMMIT BLVD PENSACOLA FL 32503-5153-45

To place a new order for the above address click on any of the following services.

SERVICE	BENEFITS
COX. Cable	The name you can depend on to bring you a wide variety of programming with premium movie channels, world news, and premiere sporting events.
CO% Digital Cable	See how easy it is to start enjoying the benefits of digital cable. Choose from as many as 400 different uncut, commercial-free movies every day. The best entertainment for everyone in the family without extra equipment.
COX. @ Home.	Experience the Net the way it was meant to be FAST! No longer will you have to wait while you download your favorite games and graphics.
COX. Pay-Per-View	Your personal home theater. Watch today's hottest movies and biggest sporting events right from the comfort of your own home.
Return	



NOW YOU'RE LIVING

Service Listings Visitor Services

Here are the services available at:

3975 HIDDEN OAKS DR PENSACOLA FL 32504-8414-75

To place a new order for the above address click on any of the following services.

SERVICE	BENEFITS
COX. Cable	The name you can depend on to bring you a wide variety of programming with premium movie channels, world news, and premiere sporting events.
CO% Digital Cable	See how easy it is to start enjoying the benefits of digital cable. Choose from as many as 400 different uncut, commercial-free movies every day. The best entertainment for everyone in the family without extra equipment.
cox. @ Home.	Experience the Net the way it was meant to be – FAST! No longer will you have to wait while you download your favorite games and graphics.
COX. Pay-Per-View	Your personal home theater. Watch today's hottest movies and biggest sporting events right from the comfort of your own home.
Return	

Service Listings Visitor Services

Here are the services available at:

7627 BROOK FOREST WAY PENSACOLA FL 32514-7804-27

To place a new order for the above address click on any of the following services.

SERVICE	BENEFITS
COX. Cable	The name you can depend on to bring you a wide variety of programming with premium movie channels, world news, and premiere sporting events.
CO%. Digital Cable	See how easy it is to start enjoying the benefits of digital cable. Choose from as many as 400 different uncut, commercial-free movies every day. The best entertainment for everyone in the family without extra equipment.
cox @ Home.	Experience the Net the way it was meant to be FAST! No longer will you have to wait while you download your favorite games and graphics.
COX. Pay-Per-View	Your personal home theater. Watch today's hottest movies and biggest sporting events right from the comfort of your own home.
Return	

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.../CheckServiceability.asp?ADDR\_LINE\_1=7627%20BROOK%20FOREST%20WAY&ADDR\_LINE\_2=PEN\$/4/0



NOW YOU'RE LIVING

Service Listings Visitor Services

Here are the services available at:

4065 ASHLAND AVE PENSACOLA FL 32534-1022-00

To place a new order for the above address click on any of the following services.

SERVICE	BENEFITS
COX. Cable	The name you can depend on to bring you a wide variety of programming with premium movie channels, world news, and premiere sporting events.
CO% Digital Cable	See how easy it is to start enjoying the benefits of digital cable. Choose from as many as 400 different uncut, commercial-free movies every day. The best entertainment for everyone in the family without extra equipment.
COX. Pay-Per-View	Your personal home theater. Watch today's hottest movies and biggest sporting events right from the comfort of your own home.
Return	



NOW YOU'RE LIVING

Service Listings Visitor Services

Here are the services available at:

NUMBER 87 40 11TH ST SHALIMAR FL 32579-2067-40

To place a new order for the above address click on any of the following services.

SERVICE	BENEFITS
COX. Cable	The name you can depend on to bring you a wide variety of programming with premium movie channels, world news, and premiere sporting events.
CO%. Digital Cable	See how easy it is to start enjoying the benefits of digital cable. Choose from as many as 400 different uncut, commercial-free movies every day. The best entertainment for everyone in the family without extra equipment.
COX @ Home.	Experience the Net the way it was meant to be FAST! No longer will you have to wait while you download your favorite games and graphics.
COX. Pay-Per-View	Your personal home theater. Watch today's hottest movies and biggest sporting events right from the comfort of your own home.
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NOW YOU'RE LIVING

Service Listings Visitor Services

Here are the services available at:

441 ROSS RD FT WALTON BEACH FL 32547-2617-4

To place a new order for the above address click on any of the following services.

SERVICE	BENEFITS
COX. Cable	The name you can depend on to bring you a wide variety of programming with premium movie channels, world news, and premiere sporting events.
COX. Digital Cable	See how easy it is to start enjoying the benefits of digital cable. Choose from as many as 400 different uncut, commercial-free movies every day. The best entertainment for everyone in the family without extra equipment.
co <u></u> WHome.	Experience the Net the way it was meant to be FAST! No longer will you have to wait while you download your favorite games and graphics.
COX. Pay-Per-View	Your personal home theater. Watch today's hottest movies and biggest sporting events right from the comfort of your own home.
Return	

 $\frac{\text{Copyright}}{\text{Please read our }} \begin{array}{ll} \text{Communications, Inc. ALL RIGHTS RESERVED.} \\ \text{Please read our } \underline{\text{Visitor Agreement}} \text{ , and our } \underline{\text{Privacy Policy}} \text{ .} \end{array}$ 



NOW YOU'RE LIVING

Service Listings Visitor Services

Here are the services available at:

310 PINE MOSS DR FT WALTON BEACH FL 32548-6308-1

To place a new order for the above address click on any of the following services.

SERVICE	BENEFITS
COX. Cable	The name you can depend on to bring you a wide variety of programming with premium movie channels, world news, and premiere sporting events.
CO% Digital Cable	See how easy it is to start enjoying the benefits of digital cable. Choose from as many as 400 different uncut, commercial-free movies every day. The best entertainment for everyone in the family without extra equipment.
cox. @ Home.	Expérience the Net the way it was meant to be FAST! No longer will you have to wait while you download your favorite games and graphics.
COX. Pay-Per-View	Your personal home theater. Watch today's hottest movies and biggest sporting events right from the comfort of your own home.
Return	



NOW YOU'RE LIVING

Service Listings Visitor Services

Here are the services available at:

102 SPRINGWOOD CIR CRESTVIEW FL 32536-9564-02

To place a new order for the above address click on any of the following services.

SERVICE	BENEFITS
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CO% @ Home.	Experience the Net the way it was meant to be FAST! No longer will you have to wait while you download your favorite games and graphics.
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cox. @ Home.	Experience the Net the way it was meant to be FAST! No longer will you have to wait while you download your favorite games and graphics.
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COX. @ Home.	Experience the Net the way it was meant to be FAST! No longer will you have to wait while you download your favorite games and graphics.
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CO% Digital Cable	See how easy it is to start enjoying the benefits of digital cable. Choose from as many as 400 different uncut, commercial-free movies every day. The best entertainment for everyone in the family without extra equipment.
cox @ Home.	Experience the Net the way it was meant to be FAST! No longer will you have to wait while you download your favorite games and graphics.
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SERVICE	BENEFITS
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CO% Digital Cable	See how easy it is to start enjoying the benefits of digital cable. Choose from as many as 400 different uncut, commercial-free movies every day. The best entertainment for everyone in the family without extra equipment.
cox @ Home.	Experience the Net the way it was meant to be FAST! No longer will you have to wait while you download your favorite games and graphics.
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