

**PUBLIC SERVICE COMMISSION OF DELAWARE**

**EXHIBIT LOG**

**APPLICANT: MEDIACOM**

**DOCKET NO. 13-431**

<b>EXHIBIT NUMBER</b>	<b>DATE PROFFERED</b>	<b>DATE ENTERED</b>	<b>SPONSOR</b>	<b>DESCRIPTION</b>
1	10/17/2013	5/3/2016	COMPANY	MEDIACOM REQUEST LETTER TO COMMENCE PROCEEDING TO RENEW ITS FRANCHISE
2	2/12/2014	5/3/2016	STAFF	PROOF OF PUBLICATION IN THE DELAWARE STATE NEWS OF MEDIACOM'S RENEWAL REQUEST
3	2/10/2014	5/3/2016	STAFF	PROOF OF PUBLICATION IN THE CAPE GAZETTE NEWSPAPER FOR MEDIACOM'S RENEWAL REQUEST
4	11/19/2014	5/3/2016	STAFF	AFFIDAVIT OF PUBLICATION FOR THE DELAWARE STATE NEWS – PUBLIC COMMENT SESSIONS
5	12/4/2014	5/3/2016	STAFF	AFFIDAVIT OF PUBLICATION FOR THE SUSSEX COUNTIAN – PUBLIC COMMENT SESSIONS
6	7/21/2015	5/3/2016	STAFF	AFFIDAVIT OF PUBLICATION FOR THE DELAWARE STATE NEWS - 3 <sup>RD</sup> PUBLIC COMMENT SESSION
7	7/16/2015	5/3/2016	STAFF	AFFIDAVIT OF PUBLICATION FOR THE SUSSEX COUNTIAN NEWSPAPER - 3 <sup>RD</sup> PUBLIC COMMENT SESSION
8	7/21/2015	5/3/2016	STAFF	AFFIDAVIT OF PUBLICATION FOR THE CAPE GAZETTE NEWSPAPER - 3 <sup>RD</sup> PUBLIC COMMENT SESSION
9	11/23/2015	5/3/2016	COMPANY	COMPANY'S PROPOSED FRANCHISE AGREEMENT

10	2/19/2016	5/3/2016	STAFF	HEARING EXAMINER'S REPORT ON PUBLIC COMMENTS
11	4/15/2016	5/3/2016	STAFF	AFFIDAVIT OF PUBLICATION FOR THE DELAWARE STATE NEWS - HEARING ON MAY 3, 2016
12	4/15/2016	5/3/2016	STAFF	AFFIDAVIT OF PUBLICATION FOR THE CAPE GAZETTE NEWSPAPER - HEARING ON MAY 3, 2016

1

Mediacom

Bob  
alisa  
connie  
kern

Bruce Gluckman  
Deputy General Counsel

RECEIVED  
2013 OCT 17 AM 11 30  
DELAWARE P.S.C.

CERTIFIED MAIL

October 14, 2013

Mr. Bob Howatt  
Executive Director  
Delaware Public Service Commission  
861 Silver Lake Boulevard  
Cannon Building, Suite 100  
Dover, DE 19904

Dear Mr. Howatt:

Our records indicate that Mediacom's cable franchise with the Delaware Public Service Commission to serve the unincorporated areas of Sussex County, DE is scheduled to expire on June 10, 2016. Mediacom wishes to continue to provide service for an additional renewal term and is, by this letter, informing you of our intention to seek renewal of the franchise.

Title VI of the Communications Act of 1934, as amended ("Communications Act"), establishes formal cable franchise renewal procedures to be invoked 30-36 months prior to expiration. Accordingly, as provided for by Section 626(a) of the Communications Act, we hereby request the City to commence a renewal proceeding set forth in Section 626 subsections (b) through (g). A copy of Section 626 of the Communications Act is attached for your use.

The Communications Act also allows for reaching a mutually beneficial agreement for franchise renewal through informal negotiation if both parties wish to undertake these discussions. Mediacom is ready at any time to discuss the terms of renewal with you on an informal basis. Mediacom believes such negotiations would be successful and cost-effective, avoiding the more involved formal procedures. Of course, if we agree to a temporary delay of the formal procedures in order to explore informal negotiations, both parties will retain their rights to proceed with formal renewal proceedings at any time upon written notice to the other party.

Mediacom looks forward to working with you on this renewal. If you have any questions, you may contact Jenna Comizio Guarino, Senior Staff Attorney, at (845) 419-6372 or [jcomizio@mediacomcc.com](mailto:jcomizio@mediacomcc.com)

Sincerely,



Bruce Gluckman

cc: Jenna Comizio Guarino

COMMUNICATIONS ACT OF 1934, AS AMENDED, Title VI Cable Communications

Sec. 626. Renewal

(a)(1) A franchising authority may, on its own initiative during the 6-month period which begins with the 36<sup>th</sup> month before the franchise expiration, commence a proceeding which affords the public in the franchise area appropriate notice and participation for the purpose of (A) identifying the future cable-related community needs and interests, and (B) reviewing the performance of the cable operator under the franchise during the then current franchise term. If the cable operator submits, during such 6-month period, a written renewal notice requesting the commencement of such a proceeding, the franchising authority shall commence such a proceeding not later than 6 months after the date such notice is submitted.

(2) The cable operator may not invoke the renewal procedures set forth in subsections (b) through (g) unless—

- (A) such a proceeding is requested by the cable operator by timely submission of such notice; or
- (B) such a proceeding is commenced by the franchising authority on its own initiative.

(b)(1) Upon completion of a proceeding under subsection (a), a cable operator seeking renewal of a franchise may, on its own initiative or at the request of a franchising authority, submit a proposal for renewal.

(2) Subject to Section 624, any such proposal shall contain such material as the franchising authority may require, including proposals for an upgrade of the cable system

(3) The franchising authority may establish a date by which such proposal shall be submitted.

(c)(1) Upon submittal by a cable operator of a proposal to the franchising authority for the renewal of a franchise, pursuant to subsection (b) the franchising authority shall provide prompt public notice of such proposal and, during the 4-month period which begins on the date of the submission of the cable operator's proposal pursuant to subsection (b), renew the franchise or, issue a preliminary assessment that the franchise should not be renewed and, at the request of the operator or on its own initiative, commence an administrative proceeding, after providing prompt public notice of such proceeding, in accordance with paragraph (2) to consider whether —

- (A) the cable operator has substantially complied with the material terms of the existing franchise and with applicable law.
- (B) the quality of the operator's service, including signal quality, response to consumer complaints, and billing practices, but without regard to the mix or quality of cable services or other services provided over the system, has been reasonable in light of community needs; the operator has the financial, legal, and technical ability to provide the services, facilities and
- (C) equipment as set forth in the operator's proposal; and
- (D) the operator's proposal is reasonable to meet the future cable-related community needs and
- (E) interests, taking into account the cost of meeting such needs and interests.

(2) In any proceeding under paragraph (1), the cable operator shall be afforded adequate notice and the cable operator and the franchise authority, or its designee, shall be afforded fair opportunity for full participation, including the right to introduce evidence (including evidence related to issues raised in the proceeding under subsection (a)), to require the production of evidence, and to question witnesses. A transcript shall be made of any such proceeding.

COMMUNICATIONS ACT OF 1934, AS AMENDED, Title VI Cable Communications

(3) At the completion of a proceeding under this subsection, the franchising authority shall issue a written decision granting or denying the proposal for renewal based upon the record of such proceeding, and transmit a copy of such decision to the cable operator. Such decision shall state the reasons therefore.

(d) Any denial of a proposal for renewal that has been submitted in compliance with subsection (b) shall be based on one or more adverse findings made with respect to the factors described in subparagraphs (A) through (D) of subsection (c)(1), pursuant to the record of the proceeding under subsection (c). A franchising authority may not base a denial of renewal on a failure to substantially comply with the material terms of the franchise under subsection (c)(1)(A) or on events considered under subsection (c)(1)(B) in any case in which a violation of the franchise or the events considered under subsection (c)(1)(B) occur after the effective date of this title unless the franchising authority has provided the operator with notice and the opportunity to cure, or in any case in which it is documented that the franchising authority has waived its right to object, or the cable operator gives written notice of a failure or inability to cure and the franchising authority fails to object within a reasonable time after receipt of such notice.

(e)(1) Any cable operator whose proposal for renewal has been denied by a final decision of a franchising authority made pursuant to this section, or has been adversely affected by a failure of the franchising authority to act in accordance with the procedural requirements of this section, may appeal such final decision or failure pursuant to the provisions of Section 635.

(2) The Court shall grant appropriate relief if the court finds that -

(A) any action of the franchising authority, other than harmless error, is not in compliance with the procedural requirements of this section; or

(F) in the event of a final decision of the franchising authority denying the renewal proposal, the operator has demonstrated that the adverse finding of the franchise authority with respect to each of the factors described in subparagraphs (A) through (D) of subsection (c)(1) on which the denial is based is not supported by a preponderance of the evidence, based on the record of the proceeding conducted under subsection (c).

(f) Any decision of a franchising authority on a proposal for renewal shall not be considered final unless all administrative review by the State has occurred or the opportunity therefore has lapsed.

(g) For purposes of this section, the term "franchise expiration" means the date of the expiration of the term of the franchise, as provided under the franchise, as it was in effect on the date of the enactment of this title.

(h) Notwithstanding the provisions of subsections (a) through (g) of this section, a cable operator may submit a proposal for the renewal of a franchise pursuant to this subsection at any time, and a franchising authority may, after affording the public adequate notice and opportunity for comment, grant or deny such proposal at any time (including after proceedings pursuant to this section have commenced). The provisions of subsection (a) through (g) of this section shall not apply to a decision to grant or deny a proposal under this subsection. The denial of a renewal pursuant to this subsection shall not affect action on a renewal proposal that is submitted in accordance with subsections (a) through (g).

(i) Notwithstanding the provisions of subsection (a) through (h), any lawful action to revoke a cable operator's franchise for cause shall not be negated by the subsequent initiation of renewal proceedings by the cable operator under this section.

# EXHIBIT No.

2

## BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF DELAWARE

### IN THE MATTER OF THE APPLICATION OF MEDIACOM DELAWARE LLC FOR THE COMMENCEMENT OF PROCEEDINGS PURSUANT TO 47 U.S.C. § 546 REGARDING THE RENEWAL OF THE CABLE TELEVISION FRANCHISE TO SERVE CERTAIN UNINCORPORATED AREAS OF SUSSEX COUNTY, DELAWARE (FILED OCTOBER 17, 2013) PSC DOCKET NO. 13-431

#### PUBLIC NOTICE OF APPLICATION OF MEDIACOM DELAWARE LLC FOR RENEWAL OF CABLE TELEVISION FRANCHISE

##### TO: ALL CUSTOMERS OF MEDIACOM DELAWARE LLC:

On October 17, 2013, Mediacom Delaware LLC ("Mediacom") filed an application (the "Application") with the Delaware Public Service Commission (the "Commission") seeking renewal of its current cable television franchise (the "Franchise") serving unincorporated areas of Sussex County, Delaware (the "Franchise Territory").

On February 6, 2014, the Commission entered an order to, among other things, open a docket for consideration of the Application and direct completion of two public comment sessions for the purpose of: a) identifying the future cable-related community needs and interests; and b) reviewing the performance of the cable operator under the Franchise during the current Franchise term.

The Commission will hold two separate public comment sessions on the Application at a date and time to be determined. Separate notice of the public comment sessions will be published in this newspaper and will be posted on the Commission's website at <http://depssc.delaware.gov/>.

Anyone planning to attend either public comment session should consult the Commission's website prior to either event for any changes or cancellation in the time, location or date.

Interested persons or entities may file written comments or objections to the Application. Any written comments must be sent to the Commission at the following address:

Public Service Commission  
861 Silver Lake Blvd., Cannon Bldg., Suite 100  
Dover, DE 19904

Attn: PSC Docket No. 13-431

Written comments may also be sent electronically to [psc@state.de.us](mailto:psc@state.de.us) and should include "PSC Docket No. 13-431" in the subject line. Such written comments or objections must be filed with the Commission **on or before September 30, 2014**. Any written comments received after September 30, 2014 will not be considered without good cause.

The Commission will hold a public evidentiary hearing (the "Evidentiary Hearing") on the Application during the Commission's regularly scheduled meeting at its Dover Office at a date and time to be determined.

If you wish to formally participate as a party in this matter with the right to present evidence at the Evidentiary Hearing, you must file with the Commission a written petition requesting leave to intervene ("Petitions For Intervention") in accordance with the requirements of 26 Del. Admin. C. §1001.2.9 of the Commission's Rules of Practice and Procedure **on or before Monday, March 17, 2014**. Petitions For Intervention received after March 17, 2014 will not be considered without good cause. Copies of all Petitions for Intervention and any related documents must be sent to:

R. Campbell Hay Hearing Examiner Delaware Public Service Commission 861 Silver Lake Boulevard Suite 101 Dover, DE 19904 RE: Docket No. 13-431 <a href="mailto:Campbell.Hay@state.de.us">Campbell.Hay@state.de.us</a>	Kathleen P. Makowski, Esq. Deputy Attorney General Delaware Public Service Commission 861 Silver Lake Boulevard Suite 101 Dover, DE 19904 RE: Docket No. 13-431 <a href="mailto:Kathleen.Makowski@state.de.us">Kathleen.Makowski@state.de.us</a>
---	---

Connie S. McDowell  
Senior Regulatory Policy Admin.  
Delaware Public Service Commission  
861 Silver Lake Boulevard  
Suite 101  
Dover, DE 19904  
RE: Docket No. 13-431  
[Connie.McDowell@state.de.us](mailto:Connie.McDowell@state.de.us)

You are invited to review the Application and supporting documents to determine whether your interests may be affected. You may review the Application and supporting material in person at the Commission's Dover office or on the Commission's website at <http://depssc.delaware.gov/water.shtml>. You may also review the Application and supporting documents at the office of the Division of the Public Advocate located at the Carvel State Office Building, 4th Floor, 820 North French Street, Wilmington, Delaware 19801. Please call (302) 577-5077 or 1-888-607-2427 to arrange a time to review the documents at that location.

If you have a disability and wish to participate or to review the materials in this matter, please contact the Commission to discuss any auxiliary aids or services you might need to help you. You may contact the Commission in person, by writing, by telephone (including text telephone) or by e-mail.

If you have questions about this matter, you may call the Commission at 1-800-282-8574 (toll-free in Delaware) or (302) 736-7500 (voice and text telephone). You may also send questions regarding this matter by e-mail addressed to [psc@state.de.us](mailto:psc@state.de.us) and include "PSC Docket No. 13-431" in the subject line.

461405 DSN 2/12/2014

*Delaware  
State News  
02/12/14*



1-(800) 4U-1170

**IN MEMORY OF**

*In Loving Memory*

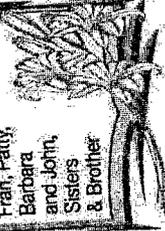


**Howard E. Jones**  
2/5/55 - 2/9/12

We still have you in our minds and hearts. May God bless you and keep you.

All of our love  
Pauline & Gerald Tarr  
Mother & Father

Fran, Pratty,  
Barbara  
and John,  
Sisters  
& Brother



**Attention: Cape Gazette Print Subscribers**

Call 645-7700 to activate your free Membership to CapeGazette.com

Call Today to Register

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Hearing Examiner  
Delaware Public Service Commission  
861 Silver Lake Boulevard  
Suite 101  
Dover, DE 19904  
RE: Docket No. 13-431  
Campbell.Hay@state.de.us

**Kathleen P. Makowski, Esq.**  
Deputy Attorney General  
Delaware Public Service Commission  
861 Silver Lake Boulevard  
Suite 101  
Dover, DE 19904  
RE: Docket No. 13-431  
Kathleen.Makowski@state.de.us

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78  
Image Scan  
A Petition to establish  
DISTRICT NO. 178  
COLLECTION

# INDEPENDENT NEWSMEDIA INC. USA

110 Galaxy Drive • Dover, DE • 19901 • 1-800-282-8586

EXHIBIT No.

4

State of Delaware:

County of Kent:

RECEIVED  
2014 NOV 21 AM 11 55  
DELAWARE P.S.C.

Before me a Notary Public, for the County and State aforesaid, Edward Dulin, known to me to be such, who being sworn according to law deposes and says that he is President of Independent Newsmedia Inc. USA, the publisher of the **Delaware State News**, a daily newspaper published at Dover, County of Kent, and State of Delaware, and that the notice, a copy of which is hereto attached, as published in the **Delaware State News** in its issue of November 19<sup>th</sup> & 20, 2014.

President  
Independent Newsmedia Inc. USA

Sworn to and subscribed before me this 20th

Day of November A.D. 2014



Janet Levy  
Notary Public

**BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF DELAWARE**

**IN THE MATTER OF THE APPLICATION OF THE MEDIACOM DELAWARE LLC FOR THE COMMENCEMENT OF PROCEEDINGS PURSUANT TO 47 U.S.C. §546 REGARDING THE RENEWAL OF THE CABLE TELEVISION FRANCHISE TO SERVE CERTAIN UNINCORPORATED AREAS OF SUSSEX COUNTY, DELAWARE (FILED OCTOBER 17, 2013) PSC DOCKET NO. 13-431**

**PUBLIC NOTICE OF PUBLIC COMMENT SESSIONS**

TO: ALL CUSTOMERS OF MEDIACOM DELAWARE LLC:

A Hearing Examiner of the Delaware Public Service Commission will conduct two (2) public comment sessions concerning the above-captioned matter (as further explained below) at the following times and locations:

**DATE & TIME**

Thursday, December 4, 2014 @ 7pm

Tuesday, December 9, 2014 @ 7pm

**LOCATION**

Millsboro American Legion Post 28  
Oak Orchard Riverdale  
31768 Legion Rd., Millsboro, DE 19966  
Bethany Beach Fire Dept., Station 70  
215 Hollywood Street, Bethany Beach, DE 19930

**Mediacom Delaware LLC's Application for Renewal of Cable Television Franchise**

On October 17, 2013, Mediacom Delaware LLC ("Mediacom" or "Company") filed an application with the Delaware Public Service Commission ("Commission") to commence proceedings, pursuant to 47 USC §546, to renew its cable television franchise currently serving certain unincorporated areas of Sussex County, Delaware.

Mediacom is the current holder of a fifteen (15) year cable television franchise issued by the Commission in July, 2000 ("Franchise") to provide cable television service in certain unincorporated areas of Sussex County ("Franchise Territory"). The Franchise is set to expire on June 10, 2016, but includes a provision granting Mediacom an option to request renewal for an additional period not to exceed fifteen (15) years.

On February 6, 2014, the Commission opened this docket for consideration of the possible renewal of the Franchise. The Commission required that two (2) evening public comment sessions be held at appropriate locations within the Franchise Territory for the purpose of (a) identifying the future cable-related community needs and interests; and (b) reviewing the performance of the cable operator under the Franchise during the current Franchise term.

The Hearing Examiner may, under the authority provided in Commission Order No. 8527, conduct evidentiary hearings, to be scheduled at a later date, concerning this Application. The Commission will make its decision on this matter on the basis of the comments received at the Public Comment Sessions and the record evidence taken at the public evidentiary hearing, if applicable. The Commission may approve or reject the proposed Franchise renewal.

Anyone planning to attend the public comment session should consult the Commission's website prior to the event for any changes or cancellations in the time, place, or date. You may also review documents on the Commission's website at <http://depssc.delaware.gov/cable.shtml>. If you would like to review the documents related to this matter at the Commission's office, please contact Alisa Bentley at [alisa.bentley@state.de.us](mailto:alisa.bentley@state.de.us) to arrange a time for your review during normal business hours. You may also review copies of documents at the office of the Division of the Public Advocate located at the Carvel State Office Building, 4th Floor, 820 North French Street, Wilmington, DE 19801. Please call (302)577-5077 to arrange for a time to review the documents at that location.

If you wish to request copies of documents in this matter, please submit a Freedom of Information Act request form. This form may be found at <http://smu.portal.delaware.gov/cgi-bin/mail.php?foia-request&subj=PSC>. There is also a link to the Freedom of Information Act request form on the Commission's website, <http://depssc.delaware.gov>. The Commission will respond to your request in Accordance with the Freedom of Information Act, 29 Del. C. ch. 100.

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If you have questions about this matter you may call the Commission at 1-800-282-8574 (toll-free in Delaware) or (302)736-7500 (voice and text telephone). You may also send questions by email addressed to [psc@state.de.us](mailto:psc@state.de.us) with PSC Docket No. 13-431 in the subject line.  
33929 DSN 11/19,20/2014

# GATEHOUSE MEDIA DELAWARE HOLDINGS, INC

Publication:  
**Sussex Countian**  
Mailing Address:  
P.O. Box 664  
Dover, DE 19903

EXHIBIT No.

5

**Public Service Commission**  
**861 Silver Lake Blvd.**  
**Dover, DE 19904**

This is to certify that the following legal advertisement:

**Public Notice of Public Comment Sessions: Mediacom Delaware LLC**

was carried in **The Sussex Countian**, a weekly newspaper, on the following dates

**November 27<sup>th</sup> & December 4<sup>th</sup>, 2014**

A copy of that advertisement is attached.



For The Sussex Countian

Sworn to and subscribed before me this 4<sup>th</sup>  
Day of December, 2014



Notary Public

Invoice:

Total Due: \$445.02

Please return a copy with your payment.

Thank you

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF MEDIACOM DELAWARE LLC FOR THE COMMENCEMENT OF PROCEEDINGS PURSUANT TO 47 U.S.C. §546 REGARDING THE RENEWAL OF THE CABLE TELEVISION PSC DOCKET NO. 13-431 FRANCHISE TO SERVE CERTAIN UNINCORPORATED AREAS OF SUSSEX COUNTY, DELAWARE (FILED OCTOBER 17, 2013)

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**YOUR TOWN. YOUR VOICE. YOUR NEWS.**

DP ST SC MB MT HCN KC

FROM PREVIOUS PAGE

The Family Court is located at 22 The Circle, Georgetown, DE 19947.

There is an Ex-Parte Order in effect: Default Order Done

If you wish to obtain the information on this filing prior

to the hearing, please respond to the Family Court location noted above.

11/26/2014

-s-Myra J. Huff

SC 12/4/2014  
5355380

**TERMINATION OF PARENT RIGHTS**

**NOTICE OF TERMINATION OF PARENTAL**

**RIGHTS ACTION**

TO: COLT TOWERS, DOB: 11/29/83 Respondent

FROM: Confidential Clerk of Family Court

THE DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND

THEIR FAMILIES, Petitioner, has brought a civil action (Petition # 14-27945) against you to terminate your parental rights of your child(ren):

Minor Male, DOB: 7/7/13

A hearing has been scheduled at the Family Court, 22 The Circle, Georgetown, Delaware, on 01/06/15 at 10:00 am.

If you do not appear at the hearing, the Court may terminate your parental rights without your appearance.

IF YOU WISH TO BE REPRESENTED BY AN ATTORNEY IN THIS MATTER BUT CANNOT AFFORD ONE, YOU MAY BE ENTITLED TO HAVE THE COURT APPOINT AN ATTORNEY TO REPRESENT YOU FOR FREE. FOR MORE INFORMATION, PLEASE CONTACT THE CONFIDENTIAL CLERK AT

FAMILY COURT, (302) 855-7469

12/1/14

-Confidential Clerk, Family Court

SC 12/4, 12/11, 12/18/14 5355340

**BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION OF MEDIACOM DELAWARE LLC FOR THE COMMENCEMENT OF PROCEEDINGS PURSUANT TO 47 U.S.C. §546 REGARDING THE RENEWAL OF THE CABLE TELEVISION PSC DOCKET NO. 13-431 FRANCHISE TO SERVE CERTAIN UNINCORPORATED AREAS OF SUSSEX COUNTY, DELAWARE (FILED OCTOBER 17, 2013)

**PUBLIC NOTICE OF PUBLIC COMMENT SESSIONS**

TO: ALL CUSTOMERS OF MEDIACOM DELAWARE LLC:

A Hearing Examiner of the Delaware Public Service Commission will conduct two (2) public comment sessions concerning the above-captioned matter (as further explained below) at the following times and locations:

DATE & TIME	LOCATION
Thursday, December 4, 2014 @ 7pm	Millsboro American Legion Post 28 Oak Orchard Riverdale 31768 Legion Rd. Millsboro, DE 19966
Tuesday, December 9, 2014 @ 7pm	Bethany Beach Fire Dept., Station 70 215 Hollywood St. Bethany Beach, DE 19930

Mediacom Delaware LLC's Application for Renewal of Cable Television Franchise

On October 17, 2013, Mediacom Delaware LLC ("Mediacom" or "Company") filed an application with the Delaware Public Service Commission ("Commission") to commence proceedings, pursuant to 47 USC §546, to renew its cable television franchise currently serving certain unincorporated areas of Sussex County, Delaware.

Mediacom is the current holder of a fifteen (15) year cable television franchise issued by the Commission in July, 2000 ("Franchise") to provide cable television service in certain unincorporated areas of Sussex County ("Franchise Territory"). The Franchise is set to expire on June 10, 2016, but includes a provision granting Mediacom an option to request renewal for an additional period not to exceed fifteen (15) years.

On February 6, 2014, the Commission

opened this docket for consideration of the possible renewal of the Franchise. The Commission required that two (2) evening public comment sessions be held at appropriate locations within the Franchise Territory for the purpose of (a) identifying the future cable-related community needs and interests; and (b) reviewing the performance of the cable operator under the Franchise during the current Franchise term.

The Hearing Examiner may, under the authority provided in Commission Order No. 8527, conduct evidentiary hearings, to be scheduled at a later date, concerning this Application. The Commission will make its decision on this matter on the basis of the comments received at the Public Comment Sessions and the record evidence taken at the public evidentiary hearing, if applicable. The Commission may approve or reject the proposed Franchise renewal.

Anyone planning to attend the public comment session should consult the

Commission's website prior to the event for any changes or cancellations in the time, place, or date. You may also review documents on the Commission's website at <http://depssc.delaware.gov/cable.shtml>. If you would like to review the documents related to this matter at the Commission's office, please contact Alisa Bentley at [alisa.bentley@state.de.us](mailto:alisa.bentley@state.de.us) to arrange a time for your review during normal business hours. You may also review copies of documents at the office of the Division of the Public Advocate located at the Carvel State Office Building, 4th Floor, 820 North French Street, Wilmington, DE 19801. Please call (302)577-5077 to arrange for a time to review the documents at that location.

If you wish to request copies of documents in this matter, please submit a Freedom of Information Act request form. This form may be found at <http://smu.portal.delaware.gov/cgi-bin/mail.php?foia-request&subj=PSC>. There is also a link to the Freedom of

Information Act request form on the Commission's website, <http://depssc.delaware.gov>. The Commission will respond to your request in accordance with the Freedom of Information Act, 29 Del. C. ch. 100.

If you have a disability and wish to participate or to review the materials in these proceedings please contact the Commission to discuss any auxiliary aids or services you might need to help you. You may contact the Commission in person, by writing, by telephone (including text telephone), by internet email, or other means.

If you have questions about this matter you may call the Commission at 1-800-282-8574 (toll-free in Delaware) or (302)736-7500 (voice and text telephone). You may also send questions by email addressed to [psc@state.de.us](mailto:psc@state.de.us) with PSC Docket No. 13-431 in the subject line.

# INDEPENDENT NEWSMEDIA INC. USA

110 Gateway Drive, Dover, DE • 19901 • 1-800-282-8586

DELAWARE P.S.C.

EXHIBIT No.

6

State of Delaware:

County of Kent:

Before me, a Notary Public, for the County and State aforesaid, Edward Dulin, known to me to be such, who being sworn according to law deposes and says that he is President of Independent Newsmedia Inc. USA, the publisher of the **Delaware State News**, a daily newspaper published at Dover, County of Kent, and State of Delaware, and that the notice, a copy of which is hereto attached, as published in the **Delaware State News** in its issue of July 31, 2015.



President  
Independent Newsmedia Inc. USA

Sworn to and subscribed before me this 21st

Day of July A.D. 2015



  
Notary Public

OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF MEDIACOM DELAWARE LLC FOR THE COMMENCEMENT OF PROCEEDINGS PURSUANT TO 47 U.S.C. §546 REGARDING THE RENEWAL OF THE CABLE TELEVISION FRANCHISE TO SEEK CERTAIN UNINCORPORATED AREAS OF SUSSEX COUNTY, DELAWARE (FILED OCTOBER 17, 2013)  
PSC DOCKET NO. 13-431

PUBLIC NOTICE OF PUBLIC COMMENT SESSIONS

TO: ALL CUSTOMERS OF MEDIACOM DELAWARE LLC:

A Hearing Examiner of the Delaware Public Service Commission will conduct one (1) public comment session concerning the above-captioned matter (as further explained below) at the following time and location:

**DATE & TIME** Monday, August 10, 2015 @ 7pm  
**LOCATION** Bethany Beach Town Hall  
214 Garfield Parkway  
Bethany Beach, DE 19930

**Mediacom Delaware LLC's Application for Renewal of Cable Television Franchise**

On October 17, 2013, Mediacom Delaware LLC ("Mediacom" or "Company") filed an application with the Delaware Public Service Commission ("Commission") to commence proceedings, pursuant to 47 USC §546, to renew its cable television franchise currently serving certain unincorporated areas of Sussex County, Delaware.

Mediacom is the current holder of a fifteen (15) year cable television franchise issued by the Commission in July, 2000 ("Franchise") to provide cable television service in certain unincorporated areas of Sussex County ("Franchise Territory"). The Franchise is set to expire on June 10, 2015, but includes a provision granting Mediacom an option to request renewal for an additional period not to exceed fifteen (15) years.

On February 6, 2014, the Commission opened this docket for consideration of the possible renewal of the Franchise. The Commission required that two (2) evening public comment sessions be held at appropriate locations within the Franchise Territory for the purpose of (a) identifying the future cable-related community needs and interests; and (b) reviewing the performance of the cable operator under the Franchise during the current Franchise term.

Because the service area contains many seasonal residents, it was decided that this third public comments session is necessary to provide ample opportunity for all customers to be heard.

The Hearing Examiner may, under the authority provided in Commission Order No. 8527, conduct evidentiary hearings, to be scheduled at a later date, concerning this Application. The Commission will make its decision on this matter on the basis of the comments received at the Public Comment Sessions and the record evidence taken at the public evidentiary hearing, if applicable. The Commission may approve or reject the proposed Franchise renewal.

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# GATEHOUSE MEDIA DELAWARE HOLDINGS, INC

Publication:  
**Sussex Countian**  
Mailing Address:  
P.O. Box 664  
Dover, DE 19903

RECEIVED  
2015 JUL 20 AM 10 12  
DELAWARE P.S.C.

**Delaware Public Service Commission**  
**861 Silver Lake Boulevard**  
**Suite 100**  
**Dover, DE 19904**

This is to certify that the following legal advertisement:

Public Notice of Public Comment Sessions

was carried in **The Sussex Countian** weekly newspaper, on the following dates

**EXHIBIT No.**  
7

**July 16<sup>th</sup>, 2015**

A copy of that advertisement is attached.

Amy S. Hanson  
For The Sussex Countian

Sworn to and subscribed before me this 16<sup>th</sup>  
Day of July, 2015

Linda F. Spry Miller

Notary Public

Invoice:

Total Due: \$233.20

Thank you.



BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION )  
OF MEDIACOM DELAWARE LLC FOR THE )  
COMMENCEMENT OF PROCEEDINGS PURSUANT )  
TO 47 U.S.C. §546 REGARDING THE ) PSC DOCKET NO. 13-431  
RENEWAL OF THE CABLE TELEVISION )  
FRANCHISE TO SERVE CERTAIN )  
UNINCORPORATED AREAS OF SUSSEX )  
COUNTY, DELAWARE )  
(FILED OCTOBER 17, 2013) )

PUBLIC NOTICE OF  
PUBLIC COMMENT SESSIONS

TO: ALL CUSTOMERS OF MEDIACOM DELAWARE LLC:

A Hearing Examiner of the Delaware Public Service Commission will conduct one (1) public comment session concerning the above-captioned matter (as further explained below) at the following time and location:

DATE & TIME	LOCATION
Monday, August 10, 2015 @ 7pm	Bethany Beach Town Hall 214 Garfield Parkway Bethany Beach, DE 19930

Mediacom Delaware LLC's Application for Renewal of Cable Television Franchise

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Mediacom is the current holder of a fifteen (15) year cable television franchise issued by the Commission in July, 2000 ("Franchise") to provide cable television service in certain unincorporated areas of Sussex County ("Franchise Territory"). The Franchise is set to expire on June 10, 2016, but includes a provision granting Mediacom an option to request renewal for an additional period not to exceed fifteen (15) years.

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# Cape Gazette

Office: 17585 Nassau Commons Blvd, , Lewes, DE 19971 • Mailing: P.O. Box 213, Lewes, DE 19958  
Telephone: 302-645-7700 • Fax: 302-645-1664

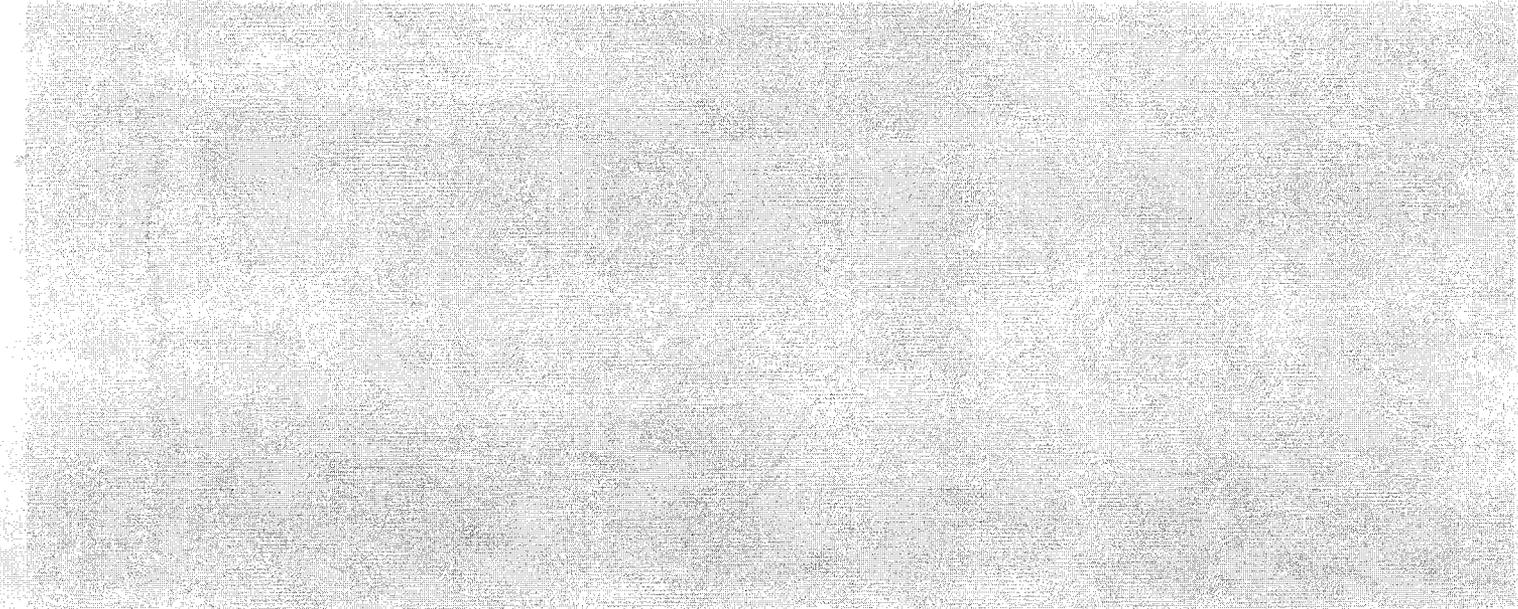
## AFFIDAVIT

EXHIBIT No.

8

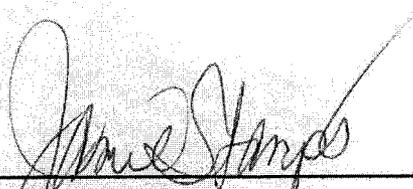
To: **DE Public Service Commission  
Donna Nickerson  
861 Silver Lake Blvd.  
Suite 100  
Dover, DE 19904**

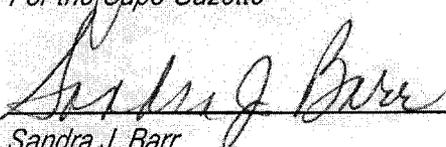
**This is to certify that the advertisement who's content is shown below (minus the formatting)**



**Was published in the Cape Gazette on the following dates:**

Tuesday, July 21, 2015

  
\_\_\_\_\_  
For the Cape Gazette

  
\_\_\_\_\_  
Sandra J. Barr

SANDRA J. BARR  
NOTARY PUBLIC DELAWARE  
COMM. EXP. AUGUST 22, 2015

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION )  
OF MEDIACOM DELAWARE LLC FOR THE )  
COMMENCEMENT OF PROCEEDINGS PURSUANT )  
TO 47 U.S.C. §546 REGARDING THE )  
RENEWAL OF THE CABLE TELEVISION 431 )  
FRANCHISE TO SERVE CERTAIN UNINCORPORATED )  
AREAS OF SUSSEX COUNTY, DELAWARE )  
(FILED OCTOBER 17, 2013) )

PSC DOCKET NO. 13-

**PUBLIC NOTICE OF PUBLIC COMMENT SESSIONS**

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7-23-15

**McDowell, Connie (DOS)**

---

**From:** Carrie Boggs <cboggs@mediacomcc.com>  
**Sent:** Monday, November 23, 2015 11:37 AM  
**To:** McDowell, Connie (DOS)  
**Subject:** Mediacom Franchise renewal

**EXHIBIT No.**  
9

Good Morning Connie,

In reference to the section we spoke about this morning:

Section 6, paragraph (a), subparagraph (iv): the wording would require us to file any proceedings regardless if they affect the DE PSC area. In effect, we would have to file with the PSC if we were to file something for any one of our 1500 other systems in 21 other states.

Here is the wording we asked to be added for Section 9 to add to the end of paragraph (a):

“and in light of the costs of implementing any suggested changes in accordance with the provisions of section 626 of the Cable Act in existence of this effective date of this Franchise”.

Thanks you so much for your time.

Have a Happy Thanksgiving!!!

**Carrie Boggs**  
Government Relations Manager  
1613 Nantahala Beach Road  
Gulf Breeze, FL 32563  
Phone 850.934.2551  
Fax 850.934.2507



RENEWED CABLE TELEVISION SYSTEM FRANCHISE

FOR MEDIACOM DELAWARE, LLC

I. INTRODUCTION

Mediacom Delaware, LLC ("Mediacom"), presently holds a franchise (the "Franchise") from the Public Service Commission ("PSC" or "Commission") to provide cable television service within a franchise area in southern Sussex County. The Franchise, originally granted in 1991 and transferred to Mediacom in 1997, will expire on June 10, 2001. See PSC Orders Nos. 3427 (June 9, 1992) (bifurcated Franchise) and 4505 (May 27, 1997) (transfer to Mediacom). Under the terms of the Franchise, it may be renewed for a term of up to fifteen (15) years. PSC Order No. 3427, ¶ III(1)(a) (June 9, 1992).

In PSC Order No. 5499 (July 11, 2000), the Commission approved extending the terms and conditions of the present Franchise Agreement for an additional term of fifteen (15) years, or until June 10, 2016. ~~This renewed Franchise implements that renewal.~~

In PSC Order No. [ ] ( ), the Commission approved extending the terms and conditions of the present Franchise for an additional term of fifteen (15) years, or until June 10, 2031. This renewed Franchise implements that renewal.

II. DEFINITIONS: - AS USED HEREIN<sup>1</sup>

<sup>1</sup>When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and vice versa. The word "shall" is always mandatory.

1. "PSC" or "COMMISSION" means the Delaware Public Service Commission.

2. "FRANCHISE" means authorization lawfully adopted or agreed to by the PSC pursuant to 26 Del. C. Chapter 1, Subchapter VI, or renewal thereof (including a renewal which has been granted subject to § 626 [47 U.S.C. § 546] of the Cable Communications Policy Act of 1984) to construct or operate a cable television system or systems, in whole or in part, within a county of the State of Delaware.

3. "FRANCHISEE" means the entity to which the franchise is granted or renewed. As used herein, the term refers to and means Mediacom Delaware, LLC, a limited liability company under the laws of Delaware.

4. "FCC" means the Federal Communications Commission, a federal regulatory agency, as constituted by the Communications Act of 1934, as amended, or any successor agency created by the United States Congress.

5. "PERSON" means any individual, firm, partnership, association, joint stock company, trust, government entity, corporation, company, or organization of any kind.

6. "BASIC CABLE SERVICE" means any service tier that includes retransmissions of local television broadcast signals.

7. "CABLE CHANNEL" or "CHANNEL" means a portion of the electromagnetic frequency spectrum which is used in a cable system and

which is capable of delivering a television channel (as television channel is defined by FCC regulation).

8. "AFFILIATE," when used in relation to any person, means another person who owns or controls, is owned or controlled by, or is under common ownership or control with such person.

9. "CABLE OPERATOR" means any person or group of persons who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system, or who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system.

10. "CABLE SERVICE" means the one-way transmission to subscribers of video programming or other programming service, and subscriber interaction, if any, which is required for the selection of such video programming or other programming service.

11. "CABLE SYSTEM" means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service, including video programming, and which is provided to multiple subscribers within a community, but such term does not include: (a) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (b) a facility that serves only subscribers in one or more multiple unit dwellings under common ownership, control, or management, unless such facility or facilities uses any public right-of-way; (c) a facility of a common

carrier which is subject, in whole or in part, to the provisions of Title II of the Communications Act of 1934, except that such facility shall be considered a cable system to the extent such facility is used in the transmission of video programming directly to subscribers; or (d) any facilities of any electric utility used solely for operating its electric system.

12. "OTHER PROGRAMMING SERVICE" means information that a cable operator makes available to all subscribers generally.

13. "PUBLIC, EDUCATIONAL, OR GOVERNMENTAL ACCESS FACILITIES" or "PEG" means channel capacity designated for public, educational, or governmental use, and facilities and equipment for the use of such channel capacity.

14. "SERVICE TIER" means a category of cable service or other services provided by a cable operator and for which a separate rate is charged by the cable operator.

15. "VIDEO PROGRAMMING" means programming provided by, or generally considered comparable to programming provided by, a television broadcast station.

16. "GROSS SUBSCRIPTION RECEIPTS" means, and shall include, basic monthly service charges for cable television service provided outside the boundaries of incorporated municipalities which, on June 28, 1974, had the power, either express or implied, to grant franchises for cable television systems, but shall not include moneys received as installation charges, charges for reconnection,

inspection, repairs, or modifications of any installation, or local, state or federal taxes relating thereto, or money received from: (a) sale of advertising time on cable channels; (b) rental or deposits on equipment or facilities; (c) the furnishing of special, premium, or pay-per-view programming not covered by the basic monthly service charge; (d) the furnishing of other duly authorized communications services either by private contract or as a carrier, including by way of example, but not limited to, leasing of channels; burglar alarm, AM or FM radio broadcasts; data transmission, information storage and retrieval; facsimile reproduction services; shopping service channels; and (e) any source other than directly from the carriage of television signals.

17. "FORCE MAJEURE" means a situation where the franchisee is prevented or delayed in the performance of any of its obligations under this franchise by reasons of Acts of God, floods, fires, hurricanes, tornadoes, earthquakes, or other unavoidable casualty, acts of public enemy, insurrection, war, riot, sabotage, vandalism, strikes, boycotts, lock-outs, labor disputes, shortage of labor, epidemic, freight embargoes, shortages or unavailability of materials or supplies, unusually severe weather conditions, or other similar event beyond the reasonable control of the franchisee. In the event such situations occur, the franchisee shall have a reasonable time, under the circumstances, to perform its obligation under the franchise

or to procure a substitute for such obligation which is satisfactory to the PSC.

18. "TARIFF" means the operational rules, regulations, and rates under which the franchisee operates, and which the franchisee must file with the Commission and, which may, in public proceedings, be changed from time to time in the same manner as public utility tariffs provided, however, that the rate portion of such tariffs shall be only informational so long as the Commission is federally preempted from regulation of the rates of cable television systems.

**III. TERMS AND CONDITIONS**

As of the effective date hereof, franchisee is hereby granted a renewed non-exclusive franchise to operate a cable system to serve the area described in attached Exhibit "A" and shown on the attached map identified as Exhibit "B" (the "Franchise Area"), said grant being expressly subject to the following terms and conditions which the grantee agrees to accept and honor:

1. Terms of the Franchise

(a) The term of this renewed franchise shall be for a period of fifteen years commencing upon the date of the franchise previously granted in PSC Order No. 3427 (~~June 9, 1992~~) expires. Thus, the effective date of this renewed franchise shall be June 10, 200116 and it shall expire on June 10, 201631. The franchisee shall have the option within the last thirty-six (36) months of this renewed franchise to request further renewal of

this franchise for an additional period not-to-exceed fifteen (15) years.

(b) Should the franchisee seek further renewal of this franchise, the PSC shall conduct a full, open, and public renewal proceeding, upon prior notice, and shall provide an opportunity for all interested persons to be heard. The decision to renew, or to decline to renew, will be in accordance with the renewal provisions in § 626 [47 U.S.C. § 546] of the Cable Act. Should this franchise be renewed by the PSC, all of the terms and provisions contained herein shall be controlling during the renewal period, except to the extent that such terms and provisions are modified by the PSC, or unless this franchise is superseded by a new franchise. Should the franchisee not seek renewal of the franchise, it shall remove all of its facilities from all public rights-of-way and facilities provided that such removal is reasonably deemed necessary for the public safety. Such removal shall be performed by the franchisee at such time and in the manner prescribed by order of the PSC.

(c) Consistent with 26 Del. C. § 612, the PSC hereby awards and grants to franchisee, for the term and upon the covenants and conditions contained herein, permission to use and occupy the public highways, streets, roads, public ways, and compatible easements within the boundaries of the franchise area

as described in Exhibits "A" and "B" hereto, for the purpose of installing, operating, and maintaining a cable system.

2. Property Damage and Public Liability Insurance

(a) The franchisee shall carry, and at all times maintain, property damage and liability insurance with a responsible insurance company qualified and duly licensed to do business in the State of Delaware. The minimum amount of such insurance for bodily injury, death, and property damage shall be One Hundred Thousand Dollars (\$100,000) for each person and Three Hundred Thousand Dollars (\$300,000) for each occurrence. The failure to carry and maintain such insurance in the requisite amounts may result in termination of the franchise, provided that the PSC provides the franchisee with written notice of default and gives the franchisee a reasonable time, in no event to exceed thirty (30) days, to cure such default.

(b) Copies of Certificates of Insurance evidencing such insurance policies shall be filed with the PSC within ninety (90) days after the effective date hereof, together with written evidence of the payment of the required premium. Proof of payment of the required premium and annual certification of the effectiveness of such insurance, both of which may be evidenced by Certificates of Insurance or sworn affidavit, shall be filed with the PSC during the term of this franchise. The amount of coverage provided by such insurance policies shall be automatically increased by the franchisee every three (3) years by a percentage at least equal to the average percentage increase

in the National Consumer Price Index over the preceding three (3) years, provided that any such increase shall not exceed fifteen percent (15%) of the coverage then in effect, and provided further that no such increase shall be necessary if the amount of coverage provided by the franchisee's insurance policies then exceeds the minimum amounts referenced in subsection 2(a) above, as such minimums would be increased by the foregoing increases in the CPI from the original date hereof.

3. System Construction and Technical Standards

(a) Construction, installation, and all maintenance of the cable system shall be performed in an orderly and workmanlike manner. All cables and wires shall be installed, where possible, parallel with electric and telephone lines. Multiple cable configurations shall be arranged in parallel and bundled with due respect for engineering considerations. Good engineering practices shall be followed at all times. The cable system shall be constructed, installed, operated, and maintained in a manner consistent with the National Electric Code and the National Electric Safety Code as such codes shall, from time to time, be amended, and all applicable laws, ordinances, construction standards, governmental requirements and FCC technical standards which, as the same may from time to time be amended, are, by this reference, hereby fully incorporated into this franchise.

(b) The franchisee shall render efficient cable service, make repairs promptly, and interrupt cable service only for good cause and for the shortest time reasonably possible. Such interruptions shall, to the extent reasonably possible, be preceded by notice and shall occur during periods of minimum system use.

(c) The franchisee shall not allow its cable system or other operations to interfere with the lawful reception of communications by persons not served by the cable system, nor shall the cable system interfere with, obstruct, or hinder in any manner, the operation of other communication systems.

(d) In all portions of the franchise area where all of the cables, wires, and other facilities of public utilities are placed underground after the date hereof, the franchisee shall place all of its wires, cables, and facilities underground to the extent reasonably possible. Where aerial facilities are available for pole attachment, they may be used by the franchisee.

(e) The franchisee shall maintain on file maps or plots showing all existing streets or subdivisions served by the cable system. Such maps or plots shall be updated at least annually. Access to such maps or plots shall be afforded to the PSC by the franchisee upon request.

4. Customer Service and Information

(a) The franchisee shall promptly resolve service and billing complaints. Such resolution shall, to the extent possible, be accomplished within five (5) days from the receipt of the complaint. The franchisee shall maintain records pertaining to complaints for a period of three (3) years from the date of the complaint and shall record thereon the action taken on the complaint.

(b) The franchisee shall maintain a business office reasonably accessible to the public in the area in which it provides cable service. The office shall be open and adequately staffed to receive all inquiries or complaints from subscribers during normal business-hours, Monday through Friday each week, public holidays excepted. Additional office hours shall be scheduled as necessary to accommodate the demands for franchisee's cable service.

(c) Not less than once a year, the franchisee shall provide to each customer, and each new subscriber shall receive at the time of installation, a written description of all cable services offered, including the rates and terms for such services. Such explanation shall include the availability of the parental lock-out device, installation procedures, refund policy, and a discussion of the privacy rights of subscribers.

(d) The franchisee shall report in writing to the PSC as to the nature of any and all written complaints which are not resolved within thirty (30) working days from the receipt of the complaint.

(e) The franchisee shall fully cooperate with the PSC, its agents, employees and representatives in reasonable testing of the cable system for compliance with applicable rules, regulations, and technical standards at the franchisee's expense.

(f) The franchisee shall not unreasonably discriminate in the provision of its cable service among or between any similarly situated subscribers or potential subscribers or PEG users.

(g) The franchisee agrees to fully comply with all applicable state, federal, and local laws and regulations relating to non-discrimination which, by this reference, are incorporated herein.

(h) Thirty (30) days prior to implementing any changes in or amendments to its informational tariffs, franchisee shall file a copy of such changes or amendments with the Commission. Nothing herein shall preclude the franchisee from implementing any such changes or amendments after the expiration of thirty (30) days referred to above, nor shall anything herein preclude the Commission, either prior to or after such thirty (30) day period, from reviewing any such changes or amendments

and taking appropriate action with respect thereto in accordance with applicable law.

(i) The cable system operated under the authority of this franchise shall operate twenty-four (24) hours a day subject to available programming. The franchisee shall issue a pro rata credit to affected subscribers for outages of twenty-four (24) consecutive hours caused by defective equipment supplied or maintained by the franchisee. No refund or credit shall be required where the outage is a result of misuse of equipment by the subscriber, defective equipment not provided by the franchisee, Force Majeure, or where the franchisee is not notified of the outage within a reasonable time thereof, or is denied or unable to gain access to the subscriber's premises.

(j) The franchisee shall maintain a separate toll-free telephone number within the franchise area to accept complaints twenty-four (24) hours a day, seven (7) days a week, and shall maintain for not less than twelve (12) months a written log of all incoming telephone complaints so received.

(k) The franchisee shall not disconnect cable service for non-payment until at least-thirty (30) days after the due date of the bill for which cable service disconnection is contemplated. The thirty (30) day period shall include ten (10) days written notice to the delinquent subscriber of the intent to

disconnect. Such notice shall also specify the steps required to avoid termination of service.

(l) The franchisee shall not abandon in whole or in part, any significant portion of its franchise service area except pursuant to Order of the PSC.

(m) ~~In order to establish a reference point and an audit track of the picture quality and RF signal levels for subscriber service, the franchisee shall use the following procedures:~~

~~(i) Service call forms shall provide for recording signal levels at the subscriber's television set;~~

~~(ii) The service technician(s) will provide the requested data for each service call;~~

~~(iii) The work orders will be reviewed regularly by the franchisee's service personnel. If signal levels fall below the levels required by FCC technical standards, which are incorporated into this franchise, as a result of defects in the franchisee's equipment, the franchisee shall take all necessary steps to restore carrier-to-noise signal quality level within a reasonable time, but in no event to exceed thirty (30) days, or~~

~~such lesser period as such pertinent federal regulations may require.~~

~~(n) The franchisee shall permit subscribers to connect video cassette recorders to the cable system. The franchisee shall permit, where technically feasible and where system security is not thereby impaired, the utilization of cable-ready or cable-compatible television receivers for cable service. The franchisee shall permit subscribers, where technically feasible and without impairing system security, to purchase compatible converters of their own for use for cable reception without charge of a security fee, although the franchisee may charge installation and repair fees. Nothing herein shall permit a subscriber to obtain cable service from the cable system without proper authorization from the franchisee and the payment of the appropriate fees for that service received.~~

##### 5. Subscriber Privacy

(a) The franchisee shall at all times be, and remain in strict compliance with, § 631 of the Cable Act [47 U.S.C. § 551], as the same may from time to time be amended, regarding the protection of subscriber privacy. ~~Any willful violation thereof shall, in addition to any penalties or remedies available to the subscriber, be deemed to be a material breach of this franchise, which may result in the termination of the franchise or the invocation of liquidated damages as hereinafter provided.~~

~~(b) The franchisee shall provide to any subscriber who so requests a parental control or lock-out device enabling the subscriber to lock-out both the audio and/or the video portion of any channel provided by the franchisee. The franchisee shall make such device available, at its option, either by lease (rental) or sale to its subscribers.~~

6. Reports by Franchisee to the PSC

(a) During the term of the franchise, the franchisee shall maintain its records in accordance with generally accepted accounting principles and, shall, on the basis of such records, prepare and file with the PSC on April 30th of each year, or by such other date as the PSC Executive Director may authorize in writing, the following reports:

(i) A summary of the prior twelve (12) months activity in the development of the cable system, including new services added, total number of subscribers, subscribers added, and subscribers disconnected;

(ii) A twelve (12) month financial statement of revenues received for cable service provided under the franchise, including specifically stated revenue to Gross Subscription Receipts.

(iii) A report, under oath, attesting to compliance with all technical standards then

required by the FCC in sufficient detail to enable the PSC to ascertain that such technical standards are being achieved and maintained. If the cable system is not, or has not, at any time within the preceding twelve (12) month period been in full compliance with such standards, the report shall so state and specify how the deficiency will be or was corrected; and

~~(iv) A report to the PSC regarding any and all proceedings within which the franchisee is a party before any state or federal court, regulatory body, or agency which may reasonably be expected to affect cable service provided pursuant to this franchise. Copies of relevant pleadings, applications, reports, etc., shall be provided by the franchisee to the PSC upon request.~~

7. Performance Bond

(a) The franchisee shall file with the PSC a performance bond or other surety device acceptable to the PSC in the amount of Ten Thousand Dollars (\$10,000), which shall be maintained for the duration of the term of this franchise as security for the performance and discharge of all obligations of the franchisee under this franchise. Said bond with surety

approved by the PSC, or letter of credit, or other irrevocable surety device running to the State of Delaware shall be conditioned upon faithful performance of all terms of this franchise and the law, and shall specify that in the event the franchisee fails to faithfully perform, or is in default under any of its obligations, then in such event and provided that franchisee has been given notice of such default and an opportunity to cure of not less than thirty (30) days, the obligor shall make good or otherwise meet the obligations of this franchise and the law up to the limit of the undertaking. The failure of the franchisee to establish and maintain the full amount of either the performance bond, or other acceptable surety device, for the term of this franchise shall constitute a material breach hereof.

8. Remedy for Breach; PSC Fees

(a) A material breach of this franchise shall be grounds for the institution of a proceeding by the PSC to consider the revocation of the franchise, provided that the PSC has given the franchisee written notice of the alleged material breach and a reasonable opportunity to cure and, thereafter, the franchisee fails to substantially cure said alleged material breach.

(b) In the event that the cable system fails to meet any applicable performance standard in the franchisee tariff or

incorporated into its franchise for a full uninterrupted thirty (30) day period after written notice (with the exception of a Force Majeure situation, the declaration of such a situation being agreed to by both the PSC and the franchisee), the franchisee agrees that all fees to affected subscribers will be reduced by at least ~~ten~~ twenty-five percent ~~percent~~ (2510%) until all performance standards are met. The PSC shall notify the franchisee of the required reduction in writing thirty (30) days prior to the date the reduction shall begin.

(c) The PSC shall not be deemed to have waived its right to demand the franchisee's compliance with any of the franchise terms solely by its failure to demand compliance on one or more occasions. No waiver by the PSC of any breach by the franchisee of any provision of this franchise shall be construed as a continuing waiver of any subsequent breach or breaches of any provision or provisions, or as a waiver of the provision itself.

(d) All fees and charges payable by the franchisee to the PSC shall be limited to, and not exceed, the amount permissible under 26 Del. C. § 610 or § 22 of the Cable Act [47 U.S.C. § 542], whichever is less.

9. Technological Advancements; Franchise Renegotiation

(a) The Franchisee and the PSC agree that the provision of Cable Service is a rapidly changing field which, in the near future, may see significant regulatory, technological, financial, marketing, and legal changes. Therefore, in addition to the rights of the Franchisee under § 625 of the Cable Act [47 U.S.C. § 545], and in order to provide for a maximum degree of flexibility in this franchise, and to help achieve a situation where the cable television needs of the franchise area are adequately accommodated, the PSC may, within one hundred eighty (180) days from each fifth year anniversary of the date of this franchise, institute public proceedings upon due notice to the franchisee and the public, for the purpose of determining the extent to which the cable system is then meeting the needs of the area it serves, consistent with the terms and conditions hereof and in light of the costs of implementing any suggested changes in accordance with the provisions of section 626 of the Cable Act in existence of this effective date of this Franchise.

(b) To the extent that such proceedings disclose possible cable system improvements, advances, or services which appear to the PSC and the franchisee to be reasonable and appropriate for possible implementation on a system-wide basis, the franchisee shall, within one hundred twenty ninety (90120) days of the franchisee's receipt of a written request from the

PSC to consider such cable system improvements, advances, or services, provide to the PSC a good faith analysis of the costs and benefits from the provision of such of those cable system improvements, advances, or services, if any, should in fact be implemented by the franchisee, with due regard to customers expressed preferences, the economic and technological feasibility of the improvements, advances, or services, the amount of investment necessary to implement such improvements, and the opportunity to earn a fair return on such investment.

(c) Notwithstanding the foregoing, the PSC shall have the right upon its own motion, during the term of this franchise or any extension hereof, to recommend suggested system changes and/or improvements, advances, and new services. Both the franchisee and PSC shall negotiate in good faith with respect to which of such system changes, improvements, advances, or services, if any, should in fact be implemented by the franchisee with due regard to customers' expressed preferences, the economic and technological feasibility of the system improvements, advances, or services, the amount of investment necessary to implement such improvements all considered under the standards for renewal in accordance with Section 626 of the Cable Act. ~~and the opportunity to earn a fair return on such investments.~~

(d) Notwithstanding § 625 of the Cable Act [47 U.S.C. § 545], the PSC may permit the franchisee, upon application to

the PSC, to amend or modify this Agreement when, and as necessary, to enable the franchisee to take advantage of developments in the field of telecommunications and transmission of data and television and radio signals which will afford the franchisee an opportunity to provide more efficient, effective, and/or economical service.

(e) In the event that any or all of the provisions of the Cable Act are amended, this franchise shall be interpreted in a manner not inconsistent with the Cable Act as amended. If any provision or provisions of the Cable Act is or are repealed, then the franchisee shall be governed by the Delaware Cable Television Act, 26 Del. C. §§ 601 et seq. to the extent applicable and not inconsistent with the existing provisions of the Cable Act. If no provision of the Delaware Cable Television Act is applicable, then the Public Service Commission may formulate appropriate rules and regulations after due notice and an opportunity to be heard by the franchisee.

(f) In the event that the FCC departs from an established rule or interpretation existing at the time of the renewal of this franchise, or the FCC adopts a new rule or interpretation during the time period covered by this renewal, the PSC shall review the franchise and, after due notice and an opportunity to be heard, make any changes necessary to bring this

franchise into compliance with any such rule or interpretation provided that such rule or interpretation is mandated by law.

10. Line Extension Policy and Trenching Cable

(a) The franchisee shall provide cable service to any new residential subscribers within the franchise area where there are at least twenty (20) existing occupied residential dwellings with electric service per proposed cable plant mile, or where there are less than twenty (20) of the above; there are at least fifteen (15) prospective customers who agree to take service for at least one year. For the purpose of any such calculation, the distance to be traversed by the cable plant from the franchisee's then nearest activated trunk line to the respective unserved area shall be included therein.

(b) In areas of lesser density, the franchisee shall offer a cost sharing arrangement with potential single unit residential subscribers as follows:

(i) On request of any potential subscriber desiring cable service, the franchisee shall prepare a feasibility study to determine the cost of the plant extension required to provide cable service to each subscriber from the closest point where activated distribution or feeder cable is located in the franchisee's cable system. The potential subscriber may be charged for any such

study in accordance with the franchisee's tariffs;

(ii) A portion of the cost of construction shall be paid by subscribers served by the line extension, which portion shall be equal to the total actual cost of construction multiplied by a fraction, the numerator of which is equal to twenty (20) minus the average number of occupied single unit residential dwellings with electric service passed per mile of line extension, and the denominator of which is twenty (20). Such amount shall be equally divided among all persons who become subscribers as a result of the line extension; and

(iii) During the three (3) year period following the commencement of cable service from such a line extension, if additional persons within the area of the line extension choose to subscribe to the franchisee's cable service, such persons shall be assessed a pro rata portion of the original total amount of the shared construction cost assessed against the original contributing customers served by the extension and pro rata refunds of such additional contributions shall be

made to the original contributors or their assignees. The pro rata refunds of such additional contributions payable to the original contributors or their assignees under this paragraph shall be paid by the franchisee to the original contributors or their assignees at least once a year, subject to the franchisee's receipt of such additional contributions.

(c) Subject to Paragraph 10(a) above, in situations where public utilities are to be placed underground, and the developer or property owner gives the franchisee sixty (60) days written notice by certified mail of the particular date or dates on which open trenching will be available for the installation of cable, conduit, pedestals and/or vaults and laterals, the franchisee will be required to bear the cost of new trenching if, after a five-day period from the availability date or dates on which notice is given, the trench has been closed without cable being installed therein.

11. Public, Educational, and Governmental Access ("PEG")

(a) The franchisee shall make available one (1) channel for PEG on a system-wide basis, provided that demonstrated need for such PEG channel exists as evidenced by the written request of trained and responsible personnel from PEG groups for the activated use of one (1) PEG channel for PEG

purposes for a period of not less than eight (8) continuous hours of original programming per calendar week or not less than four (4) such consecutive weeks, and provided further that this requirement shall not necessitate the rebuilding of the cable system or the elimination of any existing video programming or other programming service. This PEG channel may be shared for PEG programming with PEG channels in other franchises operated by the franchisee or in accordance with Section III, 11(f) herein below.

(b) In order to develop and promote PEG access programming for the cable system within the franchise area, the franchisee agrees to provide funding for production equipment in the amount of \$2,500.00, or equivalent amount in the equipment itself to be used by the franchisee within the next five (5) years for such purposes. As a part of its undertaking, the franchisee agrees to offer reasonable training for responsible personnel from PEG groups in the operation and use of such production equipment.

(c) The franchisee shall furnish at its own cost one (1) standard Basic Cable Service outlet to each public school within reasonable proximity of existing or extended cable lines for educational purposes upon request by the public school system; to fire stations within the franchise area upon request; and to a reasonable number of designated locations which may,

from time to time, be designated by the PSC for the monitoring of performance of the cable system. Nothing herein shall prevent the franchisee from voluntarily providing cable service without cost to other educational, public, or charitable institutions, and for reasonable promotional undertakings.

(d) Upon request of the PSC, the franchisee shall make available its facilities to the federal, state, county, or local governmental units for use in the case of any emergency or disaster in accordance with FCC regulations related to the Emergency Alert System.

(e) The provision of PEG services and the dedication of channels for commercial use shall be in accordance with the Cable Act as the same may, from time to time, be amended, and in accordance with the terms of any provisions of this franchise.

(f) Consistent with the provisions of § 612 of the Cable Act [47 U.S.C. § 531], the franchisee may use channel capacity designated for PEG use for the provision of other cable services, if such channel capacity is not being used for PEG purposes. The franchisee must notify the PSC in writing of its intent to use such channel capacity for other cable services; how much of the PEG designated capacity it intends to use for the provision of such other cable services; and the date on which it will begin to use the PEG designated capacity for other cable services. The franchisee may only use PEG-designated capacity

for other cable services if it has no excess channel capacity by which such cable services can be provided. Upon the request of a PEG entity for channel capacity, the franchisee must surrender such channel capacity for use by the requesting entity. The franchisee must notify the PSC in writing that a PEG entity has requested use of the designated channel capacity and must indicate which channel capacity will be allocated to that entity. The franchisee shall have a reasonable time, but in no event to exceed ninety (90) days, to close its use of the channel capacity to be allocated to the PEG entity. The franchisee shall also be required to cease its use of PEG-designated channel capacity despite the lack of any PEG entity's request for capacity, if sufficient capacity subsequently becomes available on the franchisee's cable system.

12. Reservation of Rights

Notwithstanding the foregoing, the franchisee expressly reserves all and waives none of its rights guaranteed under both federal and Delaware constitutional, statutory and common law, and regulations applicable thereto.

13. Severability

If any section, subsection, sentence, clause, phrase, or any other portion of this franchise is held invalid, unlawful, or unconstitutional by federal or state court or administrative agency of competent jurisdiction, including but not limited to the FCC, such

section, subsection, sentence, clause, phrase, or portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of the franchise.

14. Effective Date

The expiration date of this franchise is June 10, 2016~~31~~. The effective date shall be June 10, 2001~~16~~.

15. Service Territory

The service territory covered by this franchise is as described on the map and description attached hereto as Exhibits "A" and "B" respectively.

THIS FRANCHISE IS ACCEPTED AND AGREED TO BY MEDIACOM DELAWARE, LLC,

THIS \_\_\_\_\_ DAY OF [JULY, 2000]\_+

BY: \_\_\_\_\_  
Title:

EXHIBIT "A": A MAP OF THE SERVICE TERRITORY COVERED BY THE  
FRANCHISE AS DESCRIBED IN EXHIBIT "B"

EXHIBIT "B"

ALL THAT certain portion of southeastern Sussex County, Delaware, as contained within the following boundaries: beginning at Cape Henlopen State Park; thence leaving from said State Park in a southwesterly direction along Route 9 from Lewes to Laurel and along Route 24 from Laurel to that point at which Route 24 intersects the western boundary of the state; thence south along the said western boundary to the Mason-Dixon monument located at the southwestern corner of the state; thence east along the said southern boundary of the state to the point at which the southern boundary intersects the coastline of the Atlantic Ocean; thence in a northerly direction along the said coastline to the point of beginning.

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION	)	
OF MEDIACOM DELAWARE LLC FOR THE	)	
COMMENCEMENT OF PROCEEDINGS PURSUANT	)	
TO 47 U.S.C. §546 REGARDING THE	)	
RENEWAL OF THE CABLE TELEVISION	)	PSC DOCKET NO. 13-431
FRANCHISE TO SERVE CERTAIN	)	
UNINCORPORATED AREAS OF SUSSEX	)	
COUNTY, DELAWARE	)	
(FILED OCTOBER 17, 2013)	)	

HEARING EXAMINER'S REPORT ON PUBLIC COMMENTS

R. Campbell Hay, duly appointed Hearing Examiner in this Docket pursuant to 26 Del. C. §502 and 29 Del. C. ch. 101 and by Public Service Commission Order No. 8527 dated February 6, 2014<sup>1</sup>, reports to the Public Service Commission as follows:

I. BACKGROUND

On October 17, 2013, Mediacom Delaware LLC ("Mediacom" or "Company") filed an application with the Delaware Public Service Commission ("Commission") to commence proceedings, pursuant to 47 USC §546, to renew its cable television franchise currently serving certain unincorporated areas of Sussex County, Delaware.

Mediacom is the current holder of a fifteen (15) year cable television franchise ("Franchise") issued by the Commission in July, 2000 by Commission Order No. 5499 to provide cable television service in certain unincorporated areas of Sussex County ("Franchise Territory"). The Franchise is set to expire on June 10, 2016, but includes a provision granting Mediacom an option to request renewal for an additional period not to exceed fifteen (15) years.

On February 6, 2014, the Commission opened this docket for consideration of the possible renewal of the Franchise. The Commission required that two (2) evening public comment sessions be held at appropriate locations within the Franchise Territory for the purpose of (a) identifying the future cable-related community needs and interests; and (b) reviewing the performance of the cable operator under the Franchise during the current Franchise term.

<sup>1</sup> Commission Order 8527 was erroneously dated February 6, 2013. The Order and the Commission Meeting in which the Order was adopted actually occurred on February 6, 2014.

## II. JURISDICTION

Under Del. C. §201(b), "the Commission shall have exclusive original jurisdiction and regulation of every cable television system outside the boundaries of incorporated municipalities...."

Del. C. §202(i)(1) states, "[n]otwithstanding any other provision of law to the contrary, the Commission shall have no jurisdiction or regulatory authority over... IP-enabled service..., including but not limited to, the imposition of regulatory fees, certification requirements, rates, terms or other conditions of service.

"IP-enabled service" is defined in Del. C. §202(i)(3) as "a service, capability, functionality or application provided using Internet protocol, or any successor protocol, that enables an end user to send or receive a communication in Internet protocol format or any successor format, regardless of whether the communication is voice, data or video."

Mediacom is both a cable television system and an internet service provider. In accordance with the aforementioned statutes, the Commission only has jurisdiction over cable television systems. Although several public comments were received regarding internet service, only those regarding Mediacom's cable system and service may be considered by the Commission.

## III. PUBLIC COMMENTS

In addition to three (3) written comments received by the Commission, there were three (3) duly noticed<sup>2</sup> Public Comment Sessions (PCS) held for this docket.

The first PCS was held in Millsboro, DE at the Millsboro American Legion Post 28, 31768 Legion Road on December 4, 2014. Seven (7) members of the public commented on Mediacom's service and the application for franchise renewal.

The second PCS was held in Bethany Beach, DE at the Bethany Beach Fire Department, Station 70, 215 Hollywood Street on December 9, 2014. Three (3) members of the public commented.

The third PCS was held in Bethany Beach, DE at the Bethany Beach Town Hall, 214 Garfield Parkway on August 10, 2015. No members of the public attended this PCS.

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<sup>2</sup> The December comment sessions in Millsboro and Bethany Beach were noticed in The Delaware State News on November 19 & 20, 2014. The December comment sessions were noticed in The Sussex Countian on November 27 & December 4, 2014. The August comment session in Bethany Beach was noticed in The Sussex Countian on July 16, 2015. The August session was noticed in the Cape Gazette on July 21, 2015. The August session was noticed in the Delaware State News on July 21, 2015.

## **A. Written Comments**

### **a. Written Comment 1**

The first written comment was submitted by a couple whom only spend weekends in Mediacom's service area.<sup>3</sup> The comment states that technicians are not typically available on weekends. In addition, the commenter states that a service call is necessary every weekend to restore service.

### **b. Written Comment 2**

The second written comment was submitted by a customer who spends half the year in Mediacom's service area and half the year in Florida. The commenter states that he has been overcharged for "off-season" service<sup>4</sup> by Mediacom. The commenter wrote that he contacted Mediacom and was told that he was overcharged for six (6) months of service and a refund was issued; however, the following year the commenter was overcharged again. He states that it appeared that his monthly bill had the correct service listed with an incorrect price<sup>5</sup> and that he was told by a Mediacom representative that he should cancel his service each season, which includes having a technician come to collect the equipment. He states that he was further told to schedule another technician visit when he returns to Mediacom's service area to reinstall the equipment and reconnect service.

### **c. Written Comment 3**

The third written comment was submitted on behalf of the commenter's business and stems from an informal online complaint to the Commission initially regarding unreliable internet service. Charmaine Johnson, who at the time was an Investigator for the Commission responded to the complaint by explaining to the commenter the Commission has no jurisdiction over internet service providers and that the commenter should contact the Federal Communication Commission (FCC). Ms. Johnson forwarded the complaint to Mediacom.

The commenter states that he was told by the FCC that internet service provider complaints are to be handled by the state. Ms. Johnson reiterated the fact that the Commission has no jurisdiction over internet service providers.

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<sup>3</sup> As stated in Commission Order No. 5499, Mediacom's service area is certain unincorporated areas of Sussex County, DE.

<sup>4</sup> "Off-season" service means that service is billed at a lower rate for certain months when the customer is not residing at the location within Mediacom's service area.

<sup>5</sup> Specifically, the commenter states that for six (6) months his bill listed the service as "Vacation Basic" and for the other six (6) months his bill listed the service as "Broadcast Basic." Each service listed the same monthly cost of \$66.99. It appears from the comment that he was told by a Mediacom representative that the "Vacation Basic" service should have been approximately half the amount of the "Broadcast Basic" service.

In his final email, the commenter stated that he objects to renewing Mediacom's franchise because of "very poor and unreliable" service, including cable service.

## **B. Millsboro American Legion Post 28**

### **a. Comment 1**

The first comment at the Millsboro PCS was in reference to broadband service; therefore, will not be discussed.

### **b. Comment 2**

The next comment was positive regarding Mediacom service. The commenter stated that service is good and he "loves" the technicians. As to calling customer support, he stated that he has received good service.

### **c. Comment 3**

The third commenter in Millsboro stated that Mediacom's service was poor in comparison to Comcast or Verizon. He stated that for the first one and one half (1 ½) years he had Mediacom cable service he called customer service at least once a week. He further stated that he has made approximately fifty (50) calls to Mediacom, none of which were less than thirty (30) minutes long. He stated that he received conflicting information from technicians. For example, a technician brought in an electrician to wire his modem to the cable box which, as the commenter stated, a subsequent technician said was unnecessary.

The commenter also stated that he doesn't feel that Mediacom has been responsive when called. He said that calls are not returned in a timely manner and when calls are answered he has to speak to multiple representatives to resolve issues.

### **d. Comment 4**

The next commenter first discussed issues with customer support. He stated that wait times on the telephone are too long and service calls are not scheduled in a timely manner. In one instance, he stated that he was told it would be thirty (30) days before a technician could be dispatched.

The commenter also discussed the cable system quality. He said that the television picture is pixilated and sometimes "goes black." He also stated that the television sound turns off intermittently. The commenter opposes a fifteen (15) year franchise renewal.

### **e. Comment 5**

The next commenter stated that the service "goes down" at least once a day. She stated that she has had more problems with Mediacom

service than she has had with other cable companies she has subscribed to. She opposes a fifteen (15) year franchise renewal.

**f. Comment 6**

This commenter discussed the issues she has with "pixeling, tiling, and lost words." While she stated that the customer support representatives and technicians have always been nice, she does not support franchise renewal because of the technical problems with the service.

**g. Comment 7**

The next comment was in regards to internet service and will not be discussed.

**h. Comment 8**

The final commenter in Millsboro stated that it took over six (6) months to get the cable in her new home to work and that she was billed for the months she had no service. She stated that she had to make six (6) visits to the Mediacom office to return faulty equipment. The commenter also cited inconsistent information from customer support representatives.

**C. Bethany Beach Fire Department Station 70**

**a. Comment 1**

The first commenter stated that she has had problems on a "continual basis." She did not discuss the specifics of the problems; however, did mention that she has contacted Mediacom customer service several times and that a technician has been out annually to check the lines.

**b. Comment 2**

State Senator Gerald W. Hocker of the 20<sup>th</sup> Senatorial District commented on his own behalf and on behalf of his constituents. Senator Hocker stated that his personal experience as a Mediacom customer has been positive. He noted that he has several accounts, both residential and commercial and has "no complaints, no problems."

On behalf of his constituents, Senator Hocker requested that Mediacom offer a "skinny" package.<sup>6</sup> He stated that he, at one time, proposed legislation that would require Mediacom to offer such a package, but the proposal was withdrawn due to the fact that the

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<sup>6</sup> A "skinny" package or "skinny" bundle is described in Federal Communications Commission MB Docket No. 15-216 as, essentially, an offering that would allow customers to purchase video programming a la carte.

Federal Communications Commission, and not the State, had jurisdiction over such programming options.

### **c. Comment 3**

The final commenter in this session stated that she has been frustrated since she moved to the area (approximately eighteen (18) months) with the service she has received from Mediacom.

### **D. Bethany Beach Town Hall**

No members of the public attended this session.

## **IV. DISCUSSION**

Mediacom's petition for renewal is subject, at the Federal level, to 47 USC §546. Paragraph (a)(1) of this section states: "A franchising authority may, on its own initiative during the 6-month period which begins with the 36th month before the franchise expiration, commence a proceeding which affords the public in the franchise area appropriate notice and participation for the purpose of (A) identifying the future cable-related community needs and interests, and (B) reviewing the performance of the cable operator under the franchise during the then current franchise term."

Under 26 Del.C. §604(4), "[t]he duration of the franchise...shall be 15 years or such other maximum term as the Federal Communications Commission will allow with rights of renewal in the franchisee for the maximum term allowed by the Federal Communications Commission upon application to the Commission not later than 6 months prior to the expiration of the current term of the franchise and upon a public hearing for the sole purpose of reviewing the franchisee's performance and current qualifications...."

In addition, 26 Del.C. §604(6) and (8) require the franchisee not to interrupt service except for a good cause and requires that repairs be made promptly and that the franchisee promptly attempt to resolve complaints and to maintain records of such complaints for one (1) year.

The majority of comments were generally focused on three categories. First, concerns regarding picture quality and reliability; Second, concerns regarding customer service representatives knowledge and ability to help resolve issues, in addition to general responsiveness; Third, concerns regarding internet service. Because the Commission has no jurisdiction over internet service providers, only the first two categories may be considered.

There were two commenters who were happy with their service. As for other commenters, it appears that Mediacom is, generally, timely in its response to issues; however, the issues seem to be ongoing and not resolved in a timely fashion. There were also multiple comments regarding insufficient knowledge of the customer service staff and multiple incidents of being transferred to several different

representatives. In some cases, different customer service representatives provided conflicting information.

February 11, 2016

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Cathy".

Hearing Examiner

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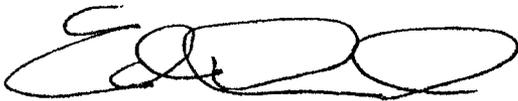
# INDEPENDENT NEWSMEDIA INC. USA

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State of Delaware:

County of Kent:

Before me, a Notary Public, for the County and State aforesaid, Edward Dulin, known to me to be such, who being sworn according to law deposes and says that he is President of Independent Newsmedia Inc. USA, the publisher of the **Delaware State News**, a daily newspaper published at Dover, County of Kent, and State of Delaware, and that the notice, a copy of which is hereto attached, as published in the **Delaware State News** in its issue of April 15, 2016.



President  
Independent Newsmedia Inc. USA

Sworn to and subscribed before me this 15th  
Day of April A.D. 2016



Janet Levy  
Notary Public

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF  
MEDIACOM DELAWARE LLC FOR THE  
COMMENCEMENT OF PROCEEDINGS PURSUANT  
TO 47 U.S.C. § 546 REGARDING THE RENEWAL  
OF THE CABLE TELEVISION FRANCHISE TO SERVE  
CERTAIN UNINCORPORATED AREAS  
OF SUSSEX COUNTY, DELAWARE  
FILE OCTOBER 17, 2013  
PSC DOCKET NO. 13-431

**PUBLIC NOTICE**

On May 3, 2016 at 1:00 pm, the Delaware Public Service Commission (the "Commission") will consider whether to grant Mediacom's application to renew its cable franchise which is set to expire on June 10, 2016 for the unincorporated areas of Sussex County, Delaware ("the Franchise Territory"). The evidentiary hearing will be held during the regularly scheduled Commission meeting at the Commission's office located at 861 Silver Lake Boulevard, Cannon Building, Suite 100, Dover, Delaware 19904. The Commission will render a decision based upon the evidence presented to it at this evidentiary hearing. This public evidentiary hearing is being held in accordance with 26 Del. C. §503 and 29 Del. C. §§10122, 10124, and 10125.

There were three duly noticed Public Comment Sessions held for this docket on December 4, 2014, December 9, 2014 and August 10, 2015. Written comments and interventions were accepted until September 30, 2014 per the Public Notice published in the Delaware State News on February 12, 2014 and the Cape Gazette on February 7, 2014.

The December comment sessions in Millsboro and Bethany Beach were noticed in the Delaware State News on November 19 & 20, 2014. The December comment sessions were noticed in The Sussex Countian on November 27 & December 4, 2014. The August comment session in Bethany Beach were noticed in The Sussex Countian on July 16, 2015, the Cape Gazette on July 21, 2015, and the Delaware State News on July 21, 2015.

Evidentiary Hearings are conducted to formally introduce evidence into the record and to make available for cross-examination the parties' witness testimony, including testimony that may be offered with respect to any settlement agreement that may be reached by the parties prior to the hearings. Members of the public are invited to attend the evidentiary hearings as observers, but only the parties are permitted to present or cross-examine witnesses. Following the conclusion of the evidentiary hearing, the Commission will make its decision concerning this matter on the basis of the record evidence presented at the public evidentiary hearing.

Anyone who plans to attend the evidentiary hearing should consult the Commission's website on the day of the hearing for cancellation of or changes in the time, place or date of the event. You may also review documents pertaining to this matter on the Commission's e-filing website at <https://delafile.delaware.gov>. If you would like to review the documents related to this matter at the Commission's office, please contact Ashley Lyon at [ashley.lyon@state.de.us](mailto:ashley.lyon@state.de.us) to arrange a time for your review during normal business hours. You may also review copies of these documents at the Wilmington office of the Division of the Public Advocate located at the Carvel State Office Building, 4th Floor, 820 North French Street, Wilmington, Delaware 19801 or the Dover office located at 29 S. State Street, Dover, DE 19901. Please call the Wilmington office at (302) 577-5077 or the Dover office at (302) 241-2555 to arrange for a time to review the documents at that location.

If you wish to request copies of documents in this matter, please submit a Freedom of Information Act Request Form. This form may be found at [http://sos.delaware.gov/foia\\_requests.shtml](http://sos.delaware.gov/foia_requests.shtml). There is also a link to the Freedom of Information Act Request Form on the Commission's e-filing website, <https://delafile.delaware.gov/Complaints/FOIA.aspx>. The Commission will respond to your request in accordance with the provisions of the Freedom of Information Act, 29 Del. C. ch. 100.

If you have a disability and wish to participate, or to review the materials, in these proceedings, please contact the Commission to discuss any auxiliary aids or services you might need to help you. You may contact the Commission in person, by writing, by telephone (including text telephone), by Internet e-mail, or other means.

If you have questions about this matter, you may call the Commission at 1-800-282-8574 (toll-free in Delaware) or (302) 736-7500 (voice and text telephone). You may also send questions by e-mail addressed to [Connie.mcdowell@state.de.us](mailto:Connie.mcdowell@state.de.us), including "PSC Docket No. 13-431" as the subject.

110358 DSN 4/15/2016

# Cape Gazette

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Telephone: 302-645-7700 • Fax: 302-645-1664

## AFFIDAVIT

EXHIBIT No. 12

To: DE Public Service Commission  
Donna Nickerson  
861 Silver Lake Blvd.  
Suite 100  
Dover, DE 19904

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Was published in the Cape Gazette on the following dates:

Friday, April 15, 2016

*Janice Stanpa*  
For the Cape Gazette

*Sandra J. Barr*  
Sandra J. Barr



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Cape Gazette  
4/15/14

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