5887 Copley Drive
San Diego, CA 92111-7906

December 5, 2016

Rick Bollinger
Cable Administrator
City of San Diego
202 C Street, 11th Floor, Mail Stop 11A
San Diego, CA 92101

SUBJECT: Cox Communications California State Video Franchise (0003) Renewal Application

Dear Mr. Bollinger:

In accordance with California's Digital Infrastructure Competition Act (DIVCA) and General Order 169, Cox Communications California, L.L.C., doing business as Cox Communications, is seeking to renew its State Video Franchise to provide communication services in the areas of the City of San Diego that are included in our State Video Franchise (0003).

Enclosed is a copy of the State Video Franchise Renewal application, pursuant to California Public Utilities Code § 5840(e)(1)(D), submitted to the California Public Utilities Commission on December 5, 2016.

If you have additional questions or require additional information, please do not hesitate to contact me at (858) 836-7345 or via email at Oscar.Urteaga@cox.com or Chanelle Hawken, Director, Government and Regulatory Affairs, at (858) 836-7309 or via email at Chanelle.Hawken@cox.com.

Sincerely,

Oscar Urteaga
Manager, Government Affairs
Cox Communications

cc: Michael Morris, Video Franchising and Broadband Deployment Group
California Public Utilities Commission

Enclosure: State Franchise Application

Mixed Sources
FSC
In harmony with the Cox Conserves eco-friendly program, we are proud to print on Forest Stewardship Council-certified paper.

**APPLICATION FOR A NEW, AMENDED OR RENEWAL**
**CALIFORNIA STATE VIDEO FRANCHISE**
**CALIFORNIA PUBLIC UTILITIES COMMISSION**

**Definitions for the purposes of this Application:**

A. "Access" means that the holder is capable of providing video service at the household address using any technology, other than direct-to-home satellite service, providing two-way broadband Internet capability and video programming, content, and functionality, regardless of whether any customer has ordered service or whether the owner or landlord or other responsible person has granted access to the household. If more than one technology is utilized, the technologies shall provide similar two-way broad band Internet accessibility and similar video programming.
B. "Affiliate" means any company 5 per cent or more of whose outstanding securities are owned, controlled, or held with power to vote, directly or indirectly either by a state video franchise holder or any of its subsidiaries, or by that state video franchise holder's controlling corporation and/or any of its subsidiaries as well as any company in which the state video franchise holder, its controlling corporation, or any of the state video franchise holder's affiliates exert substantial control over the operation of the company and/or indirectly have substantial financial interests in the company exercised through means other than ownership.
C. "Applicant" means any person or entity that files an application seeking to provide Video Service in the state pursuant to a State Video Franchise.
D. "Application" means the form prescribed by the Commission through which an Applicant may apply for a State Video Franchise, ~~or~~ amend its Video Service Area, or apply for a State Video Franchise renewal.
E. "Application Fee" means any fee that the Commission imposes to recover its actual and reasonable costs of processing an Application.[1]
F. "Area" means a set of contiguous (i) collections of census block groups or (ii) regions that are mapped using geographic information system technology.
G. "Broadband" or "Broadband Service" means any service defined as Broadband, or having advanced telecommunications capability, in the most recent Federal Communications Commission inquiry pursuant to Section 706 of the Telecommunications Act of 1996 (P.L. 104-104).[2]
H. "Census Block Group" has the same meaning as used by the U.S. Census Bureau. I. "Census Tract" has the same meaning as used by the U.S. Census Bureau.[3]
J. "Census Tract Basis" means pursuant to the reporting standards articulated in Appendix D and Appendix E, Section II of D.07-03-014.
K. "Commission" means the Public Utilities Commission.
L. "Company" means the Applicant and its Affiliates.

---

[1] CAL. PUB. UTIL. CODE § 5840(c). This fee is not levied for general revenue purposes, consistent with Public Utilities Code § 5840(c).

[2] Id. at § 5830(a). The Federal Communications Commission currently uses the term "broadband" and "advanced telecommunications capability" to describe services and facilities with an upstream (customer-to-provider) and downstream (provider-to-customer) transmission speed of more than 200 kilobits per second. FEDERAL COMMUNICATIONS COMMISSION, AVAILABILITY OF ADVANCED TELECOMMUNICATIONS CAPABILITY IN THE UNITED STATES, FOURTH REPORT TO CONGRESS, FCC 04-208, 10 (Sept. 9, 2004). This definition, however, is under review by the Commission, and it may evolve in response to rapid technological changes in the marketplace. *Id.*

[3] CAL. PUB. UTIL. CODE at § 5960(a).

M. "Consultant" means the third party source of census household projections including low income household projections.

N. "DIVCA" means Assembly Bill 2987, the Digital Infrastructure and Video Competition Act of 2006 (Ch. 700, Stats. 2006).

O. "Household" means, consistent with the U.S. Census Bureau, a house, apartment, a mobile home, a group of rooms, or a single room that is intended for occupancy as separate living quarters.[4] Separate living quarters are those in which the occupants live and eat separately from any other persons in building and which have direct access from the outside of the building or through a common hall.[5]

P. "Local Entity" means any city, county, city and county, or joint powers authority within the state within whose jurisdiction a State Video Franchise Holder may provide Video Service.[6]

Q. "Low-Income Household" means a residential Household where the average annual Household income is less than $35,000, as based on U.S. Census Bureau estimates adjusted annually to reflect rates of change and distribution through January 1, 2007.[7]

R. "State Video Franchise" means a franchise issued by the Commission pursuant to DIVCA.[8]

S. "State Video Franchise Holder" means a person or group of persons that has been issued a State Video Franchise from the Commission pursuant to Division 2.5 of DIVCA.[9]

T. "Telephone Service Area" means the area where the Commission has granted an entity a Certificate of Public Convenience and Necessity to provide telephone service.

U. "Telephone Corporation" means a telephone corporation as defined in Public Utilities Code § 234.

V. "Video Service" means video programming services, cable service, or open-video system service provided through facilities located at least in part in public rights-of-way without regard to delivery technology, including Internet protocol or other technology. This definition does not include (1) any video programming provided by a commercial mobile service provider defined in Section 322(d) of Title 47 of the United States Code, or (2) video programming provided as part of, and via, a service that enables users to access content, information, electronic mail, or other services offered over the public Internet.[10]

W. "Video Service Area" means the area proposed to be served under a State Video Franchise. X.

"Video Service Provider" means any entity providing Video Service.[11]

---

[4] *Id.* at § 5890(j)(1).

[5] *Id.*

[6] *Id.* at § 5830(k).

[7] *Id.* at § 5890(j)(2) (defining "low-income households" for the purposes of imposing build-out requirements).

[8] *Id.* at § 5830(p).

[9] *Id.* at § 5830(i).

[10] *Id.* at § 5830(s).

[11] *Id.* at § 5830(t).

**PLEASE TYPE ALL INFORMATION UNLESS INSTRUCTED OTHERWISE.**

**Type of Application**

1. Check as appropriate:

☐ New Franchise ☐ Amended Franchise (Please indicate type of amendment below)
☐ Increasing Video Service Area
☐ Decreasing Video Service Area

☑ Franchise Renewal

**Applicant Information**

2. Applicant's State Video Franchise number (if seeking an amended or renewal Franchise): 0003

3. Applicant's full legal name: Cox Communications California, L.L.C.

4. Name under which the Applicant does or will do business in California: Cox Communications

5. Legal name and contact information of Applicant's parent companies, including the ultimate parent:

Parent's Full Legal Name: CoxCom, L.L.C.
Address: 6205-B Peachtree Dunwoody Road NE, Atlanta, GA 30328
Phone: 800-241-1084

Parent's Full Legal Name: Cox Communications, Inc.
Address: 6205-B Peachtree Dunwoody Road NE, Atlanta, GA 30328
Phone: 800-241-1084

Parent's Full Legal Name: Cox Holdings
Address: 6205 Peachtree Dunwoody Road NE, Atlanta, GA 30328
Phone: 800-241-1084

6. Applicant's principal place of business:
Address: 5887 Copley Drive, Suite 300, San Diego, CA 92111
Phone: 619-266-5424

7. Contact information for the person responsible for ongoing communication with the Commission about Video Service business:

Name: Esther Northrup
Title: Senior Director, State Regulatory Affairs
Address: 5887 Copley Drive, Suite 300, San Diego CA 92111

Phone(s): Business/ Fax: 858-836-7308 Email: Esther.Northrup@cox.com Mobile 619-980-5611

8. Attach as Appendix A the names and titles of the Applicant's principal officers.

**Build-Out Information**

*Answer questions 9 through 12 only if the Applicant or one of its Affiliates is a Telephone Corporation. Other Applicants should go to Question 13.*

9. Does the Applicant alone or together with its Affiliates have more than 1,000,000 telephone customers in California?

☐ Yes ☑ No

10. Does the Video Service Area include areas outside of the Telephone Service Area of the Applicant and its Affiliates?

☐ Yes ☑ No

11. Is the Applicant primarily deploying fiber optic facilities to the customer's premise?

☐ Yes ☑ No

12. Excluding direct-to-home satellite, is Video Service currently offered by another Video Service Provider in the Video Service Area proposed in this Application?

☑ Yes ☐ No

**Existing Local Cable or Video Franchise Holder Information**

13. Does the Applicant alone or together with its Affiliates currently hold a local franchise, or has the Applicant held a local franchise in the Video Service Area in the last six months?

☑ Yes ☐ No

*If "Yes," then download and complete the electronic template available on the Communications Division's section of the CPUC's web site at* [illegible]

**Video Service Area Information**

Renewal Applicants: If the Applicant has already reported socioeconomic data as part of the yearly DIVCA data collection, this data does not need to be submitted again.

14. a. Utilizing the template (as applicable) provided on the Communications Division's section of the CPUC's web site at www.cpuc.ca.gov provide a geographic description of the Video Service Area and input the expected date for the deployment of each Area in the Video Service Area. Please select the method by which the geographic description shall be detailed:

A collection of U.S. Census Bureau Census Block Groups, or

O *If Applicant chooses "a," then download and complete the electronic template available on the Communications Division's section of the CPUC's web site at* www.cpuc.ca.gov

A geographic information system digital boundary meeting or exceeding national map accuracy standards.

O *If Applicant chooses "b," then submit the geographic information system digital boundary as a polygon shapefile (.shp), in State Plane coordinate system in digital format electronically to the Commission*

b. If a consultant was used to compile the geographic description data, please provide the following:

Consultant Company's Full Legal Name: _____

Address: _____

Phone: _____

15. Socioeconomic status information of residents within the Video Service Area

O *If applicable, the Applicant shall provide this information utilizing the templates available on the Communications Division's section of the CPUC's web site at* www.cpuc.ca.gov

a. Provide the following baseline description of residents in the Video Service Area:

i. *Number of Households*: The number of Households in each Census Tract included in the Video Service Area. Utilize the most recent U.S. Census projections of households available as of January 1 of the year the Application is submitted to determine the number of Households.

ii. *Number of Low-Income Households*: The number of Low-Income Households in each Census Tract included in the Video Service Area. Utilize the most recent U.S. Census projections of low-income households available as of January 1, 2007 to determine the number of Low-Income Households.

b. Provide or attest in the attached Affidavit that Applicant shall provide, no later than 90 calendar days after the date of the Commission's issuance of a State Video Franchise to the Applicant, the following description of residents in the Video Service Area on a Census Tract Basis:

i. *Wireline Broadband*:

1. The number of Households in each Census Tract to which the Company makes wireline Broadband available.

2. The number of Households in each Census Tract that subscribe to wireline Broadband that the Company makes available.

ii. *Non-Wireline Broadband*:

1. If the Company uses non-wireline technology to provide Broadband, specify the type(s) of technology used in each Census Tract.

2. The number of customers in each Census Tract that subscribe to non-wireline Broadband that the Company makes available.

3. Using geographic information system digital boundaries that meet or exceed national map accuracy standards, provide maps that delineate (i) Census Tract boundaries and (ii) where the Company typically makes non-wireline Broadband available.

iii. *Video service*: The number of Households in each Census Tract that are offered Access by the Company.

iv. *Low-Income* (Utilize the most recent U.S. Census projections of low-income households available as of January 1, 2007 to determine the number of Low-Income Households): The number of Low-Income Households that are offered Access by the Company.

16. Socioeconomic status information of residents within the Telephone Service Area

o *If applicable, the Applicant shall provide this information utilizing the templates available on the Communications Division's section of the CPUC's web site at* [illegible].

a. If the Applicant or any of its Affiliates is a Telephone Corporation, provide the following baseline description of residents in the Telephone Service Area:

i. *Number of Households*: The number of Households in each Census Tract included in the Telephone Service Area. Utilize the most recent U.S. Census projections of households available as of January 1 of the year the Application is submitted to determine the number of Households.

ii. *Number of Low-Income Households*: The number of Low-Income Households

in each Census Tract included in the Telephone Service Area. Utilize the most recent U.S. Census projections of low-income households available as of January 1, 2007 to determine the number of Low-Income Households.

b. If the Applicant or any of its Affiliates is a Telephone Corporation, provide or attest in the attached Affidavit that Applicant shall provide, no later than 90 calendar days after the date of the Commission's issuance of a State Video Franchise to the Applicant, the following description of residents in the Telephone Service Area:

i. *Wireline Broadband*:

1. The number of Households in each Census Tract to which the Company makes wireline Broadband available.

2. The number of Households in each Census Tract that subscribe to wireline Broadband that the Company makes available.

ii. *Non-Wireline Broadband*:

1. If the Company uses non-wireline technology to provide Broadband, specify the type(s) of technology used in each Census Tract.

2. The number of customers in each Census Tract that subscribe to non-wireline Broadband that the Company makes available.

3. Using geographic information system digital boundaries that meet or exceed national map accuracy standards provide maps that delineate (i) Census Tract
boundaries and (ii) where the Company typically makes non-wireline Broadband available.

iii. *Video service*: The number of Households in each Census Tract that are offered Access by the Company.

iv. *Low-Income* (Utilize the most recent U.S. Census projections of low-income households available as of January 1, 2007 to determine the number of Low-Income Households): The number of Low-Income Households that are offered Access by the Company.

17. If a consultant was used to compile the geographic description data, please provide the following:
Consultant Company's Full Legal Name: _____
Address: _____

Phone: _____

**Financial, Legal, and Technical Qualifications**
18. a. New Applicants must provide or attest in the attached Affidavit that Applicant shall provide a copy of a fully executed bond in the amount of $100,000 per 20,000 households in the Video Service Area, with a $100,000 minimum and a $500,000

maximum per State Video Franchise Holder, to the Executive Director prior to initiating video service and no later than 5 business days after the date of the Commission's issuance of a State Video Franchise to the Applicant. The bond must list the Commission as obligee and be issued by a corporate surety authorized to transact a surety business in California.

b. Renewal Applicants must have already provided to the Commission a copy of a fully executed bond in the required amount or else this Application will be considered incomplete.

**Local Entity Contact Information**

19. Utilizing the template provided on the Video Franchise main page of the CPUC website, the Applicant shall provide the contact name and information for a representative from each Local Entity within the Video Service Area.

**Application Fee**

20. Attach to this Application a check in the amount of $2,000 made payable to the "California Public Utilities Commission."

**Affidavit**

21. Complete and submit the affidavit attached as Appendix B to this Application.

**A COMPLETE APPLICATION MUST INCLUDE:**

**Completed Application form**
**CD(s) containing completed templates available on the Commission website**
**Appendix A: Applicant's Principal Officers**
**Appendix B: Affidavit**
**Check in the amount of $2,000**

**APPLICANT'S PRINCIPAL OFFICERS**

| NAME | TITLE |
|---|---|
| Patrick Esser | President |
| Sam Attisha | Senior Vice President & Region Manager |
| Bill Hulsey | Vice President, Information & Network Technology |
| Ingo Hentschel | Vice President, Field Operations |
| Chuck Baker | Vice President, Plant Maintenance & Construction |
| Larry Coval | Vice President, Cox Business Services, San Diego |
| Jodi Duva | Vice President, Cox Business Services, Orange County |

**AFFIDAVIT**

STATE OF California

COUNTY OF San Diego

My name is Sam Attisha. I am Senior Vice President & Region Manager (Title)

of Cox Communications California, L.L.C. (Company).

My personal knowledge of the facts stated herein has been derived from my employment with Cox Communications California, L.L.C. (Company).

I swear or affirm that I have personal knowledge of the facts stated in this Application for a California State Video Franchise to provide Video Service, I am competent to testify to them, and I have the authority to make this Application on behalf of and to bind the Company.

New, Transfer and Renewal Applicants:
I further swear or affirm that Cox Communications California, L.L.C [Name of Applicant] is not in violation of any final non-appealable order relating to either the Cable Television and Video Providers Customer Service and Information Act (California Public Utilities Code Article 3.5 (commencing with § 53054) of Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code) or the Video Customer Service Act (California Public Utilities Code Article 4.5 (commencing with § 53088) of Chapter 1 or Part 1 of Division 2 of Title 5 of the Government Code) or the Digital Infrastructure and Video Competition Act of 2006 (California Public Utilities Code §§ 5800 *et seq.*).

I further swear or affirm that a court of competent jurisdiction has / has not [circle one] found Cox Communications California, L.L.C. [Name of Applicant] in violation of that order.

I further swear or affirm that a court of competent jurisdiction has / has not [circle one] given Cox Communications California, L.L.C. [Name of Applicant] formal notice containing allegations that it is in violation of a final non-appealable court order.

If a court of competent jurisdiction finds that the Applicant is in violation of a non-appealable court order, it must provide, with this Application, a further court order or ruling demonstrating that the violation has been cured, if one exists. If no such order exists, the Applicant must attest to the following:
I further swear or affirm that Cox Communications California, L.L.C [Name of Applicant] has cured the violation of a non-appealable court order.

All Applicants:
I further swear or affirm that Cox Communications California, L.L.C.
[Name of Applicant] shall fulfill the following requirements:

1. Applicant has filed or will timely file with the Federal Communications Commission all forms required by the Federal Communications Commission before offering Video Service in this state.

2. Applicant agrees to comply with all lawful city, county. or city and county regulations regarding the time, place, and manner of using the public rights-of-way, including but not limited to, payment of applicable encroachment, permit, and inspection fees.

3. Applicant will concurrently deliver a copy of this Application to any Local Entity in the Video Service Area.

4. Applicant possesses the financial, legal, and technical qualifications necessary to construct and operate the proposed system and promptly repair any damage to the public rights-of-way caused by Applicant.

5. If it has not done so in the Application, or has not submitted socioeconomic data during this year, Applicant shall provide the Commission, no later than 90 calendar days after the date of the Commission's issuance of a State Video Franchise to the Applicant, a complete description of residents' socioeconomic status information, as required by and detailed in Questions 14 and 15 of the Application.

6. If it has not done so in the Application, Applicant shall provide a copy of a fully executed bond In the amount of $500,000 to the Executive Director prior to initiating video service and no later than 5 business days after the date of Commission issuance of a State Video Franchise to the Applicant,. The bond shall list the Commission as obligee and be issued by a corporate surety authorized to transact a surety business in California.

I further swear or affirm that Cox Communications California, L.L.C. [Name of Company] agrees to comply with all federal and state statutes, rules, and regulations, including, but not limited to, the following:

1. As provided in Public Utilities Code § 5890, Applicant will not discriminate in the provision of Video Service.

2. Applicant will abide by all applicable consumer protection laws and rules as provided in Public Utilities Code § 5900.

3. Applicant will remit the fee required by California Public Utilities Code § 5860(a) to the Local Entity.

4. Applicant will provide public, educational, and governmental access channels and the required funding as required by Public Utilities Code § 5870.

5. Applicant and any and all of its Affiliates' operations in California now and in the future shall be included for the purposes of applying Public Utilities Code §§ 5840, 5890, 5960, and 5940. Applicant specifically attests to the following:

a. Reporting Requirements: Either (i) Applicant or (ii) the parent company of Applicant shall produce Commission-mandated reports for and on behalf of Applicant and any and all of its Affiliates that operate in California. Only one report required pursuant to Public Utilities Code §5960 shall be filed annually, such report to include all pertinent data for the Company.

b. Antidiscrimination:

i. If Applicant and its Affiliates together have more than 1,000,000 telephone customers in California, Applicant shall satisfy the build-out requirements set forth in Public Utilities Code § 5890(b) & (e).

ii. If Applicant and its Affiliates together have less than 1,000,000 telephone customers in California, Applicant shall satisfy any build-out requirements established pursuant in Public Utilities Code § 5890(c).

c. Cross-subsidization: If Applicant or its Affiliates provide stand-alone, residential, primary-line basic telephone service, Applicant shall refrain from using any increase of the rate of this service to finance the cost of deploying a network to provide video service.

d. "Affiliate," as referenced herein, means any company 5 per cent or more of whose outstanding securities are owned, controlled, or held with power to vote, directly or indirectly either by a state video franchise holder or any of its subsidiaries, or by that state video franchise holder's controlling corporation and/or any of its subsidiaries as well as any company in which the state video franchise holder, its controlling corporation, or any of the state video franchise holder's affiliates exert substantial control over the operation of the company and/or indirectly have substantial financial interests in the company exercised through means other than ownership.

6. Applicant shall fulfill all other requirements imposed by the Digital Infrastructure and Video Competition Act.

7. Cox Communications California, L.L.C. [Name of Applicant] is a single identifiable entity that is qualified to do business in California and has verifiable assets. This entity shall accept service of process, either directly or through an agent, and submit to the jurisdiction of California courts.

I swear or affirm that all of the statements and representations made in this Application are true and correct.

Signature and title Sam K. Attisha, SVP

Typed or printed name and title Sam K. Attisha, Senior Vice President

**AFFIDAVIT**

State of California

County of SAN DIEGO

Subscribed and sworn to (or affirmed) before me on this 5TH day of DEC. 20 16,

by, SAM KYRIAKOS ATTISHA personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Seal MARK PANGANIBAN
Commission No. 2064551
NOTARY PUBLIC - CALIFORNIA
SAN DIEGO COUNTY
Commission Expires April 15, 2018

Signature Sam K. Attisha

**(END OF ATTACHMENT B)**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

On DEC. 5, 2016, before me, MARK PANGANIBAN, Notary Public,
Name, Title Officer, e.g. Jane Doe, Notary

personally appeared SAM KYRIAKOS ATTISHA
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

MARK PANGANIBAN
Commission No. 2064551
NOTARY PUBLIC - CALIFORNIA
SAN DIEGO COUNTY
Commission Expires April 15, 2018

Witness my hand and official seal

Signature of Notary Public

(space above for Notary Seal)

CAPACITY CLAIMED BY SIGNER

__INDIVIDUAL(S)

__CORPORATE_____

__OFFICER(S)_____

__PARTNER(S)

__LIMITED

__GENERAL

__ATTORNEY IN FACT

__TRUSTEE(S)

__GUARDIAN/CONSERVATOR

__OTHER:_____

SIGNER IS REPRESENTING Name of Person(s) or Entity(ies)

STATE OF CALIFORNIA
PUBLIC UTILITIES COMMISSION
505 Van Ness Avenue San Francisco, CA 94102
www.cpuc.ca.gov

May 11, 2011

Mr. Joe Gabaldon
Senior Manager, Government & Community Relations
Cox Communications
350 10th Avenue, Suite 600
San Diego, CA 92101

Dear Mr. Gabaldon:

The Commission has determined that your eleventh application for an amended state video franchise, submitted by Cox Communications on April 14, 2011, is complete. Accordingly the Commission hereby issues the enclosed amended state video franchise, effective on the date indicated.

Should you have any questions, please contact Michael Morris, at 415.703.2112.

Sincerely,

Paul Clanon
Executive Director

STATE OF CALIFORNIA
PUBLIC UTILITIES COMMISSION
505 Van Ness Avenue San Francisco, CA 94102
www.cpuc.ca.gov

# CALIFORNIA VIDEO FRANCHISE CERTIFICATE[1]
## FRANCHISE NUMBER: 0003

1) Franchise Holder:

Name: CoxCom, Inc., d/b/a Cox Communications

Address: 5159 Federal Boulevard
San Diego, CA 92105

2) Application Date: April 11, 2007

3) Application Number: 0704001

4) Franchise Effective Date: April 27, 2007

5) Franchise Expiration Date: April 27, 2017

6) Affected Local Entities:[2] Attached

Issued at San Francisco this 27th Day of April, 2007.

Paul Larson FOR
Steve Larson, Executive Director

[1] This Certificate constitutes a grant of authority to provide video service in the service area footprint requested in the Application referenced herein, including but not limited to authority to use the public rights-of-way in exchange for the franchise fee adopted in CAL. PUB. UTIL. CODE §. 5840(q), subject to the laws of this state. This grant of authority is subject to lawful operation of the cable service or video service by the applicant or its successor in interest.

[2] The state video franchise granted herein may include all or part of the affected local entities' territory. For more information on the video service area covered by this franchise, contact the California Public Utilities Commission.

STATE OF CALIFORNIA
PUBLIC UTILITIES COMMISSION
505 Van Ness Avenue San Francisco, CA 94102
www.cpuc.ca.gov

# CALIFORNIA VIDEO FRANCHISE CERTIFICATE
# FRANCHISE NUMBER: 0003

**Affected Local Entities for Franchise No. 0003, issued to CoxCom, Inc., d/b/a Cox Communications on April 27, 2007:**

City of San Diego

STATE OF CALIFORNIA
PUBLIC UTILITIES COMMISSION
505 Van Ness Avenue San Francisco, CA 94102
www.cpuc.ca.gov

# CALIFORNIA VIDEO FRANCHISE CERTIFICATE
# FRANCHISE NUMBER: 0003

**Affected Local Entities for Franchise No. 0003, as amended by the grant on January 2, 2008 of Cox Communications' application for an amended franchise footprint, No. V0712002:**

City of Los Angeles
County of Los Angeles
City of San Marcos

STATE OF CALIFORNIA
PUBLIC UTILITIES COMMISSION
505 Van Ness Avenue San Francisco, CA 94102
www.cpuc.ca.gov

# CALIFORNIA VIDEO FRANCHISE CERTIFICATE
# FRANCHISE NUMBER: 0003

**Affected Local Entities for Franchise No. 0003, as amended by the grant on May 2, 2008 of Cox Communications' second application for an amended franchise footprint, No. V0804004, to be effective May 4, 2008:**

City of La Mesa

STATE OF CALIFORNIA
PUBLIC UTILITIES COMMISSION
505 Van Ness Avenue San Francisco, CA 94102
www.cpuc.ca.gov

# CALIFORNIA VIDEO FRANCHISE CERTIFICATE
# FRANCHISE NUMBER: 0003

**Affected Local Entities for Franchise No. 0003, as amended by the grant on May 2, 2008 of Cox Communications' second application for an amended franchise footprint, No. V0804004, to be effective July 1, 2008:**

County of San Diego

STATE OF CALIFORNIA
PUBLIC UTILITIES COMMISSION
505 Van Ness Avenue San Francisco, CA 94102
www.cpuc.ca.gov

# CALIFORNIA VIDEO FRANCHISE CERTIFICATE
# FRANCHISE NUMBER: 0003

**Affected Local Entities for Franchise No. 0003, as amended by the grant on May 29, 2009 of Cox Communications' third application for an amended franchise footprint, No. V0905001:**

City of National City
County of San Diego

STATE OF CALIFORNIA
PUBLIC UTILITIES COMMISSION
505 Van Ness Avenue San Francisco, CA 94102
www.cpuc.ca.gov

# CALIFORNIA VIDEO FRANCHISE CERTIFICATE
# FRANCHISE NUMBER: 0003

**Affected Local Entities for Franchise No. 0003, as amended by the grant on June 23, 2009 of Cox Communications' fourth application for an amended franchise footprint, No. V0906001, to be effective July 1, 2009:**

City of San Diego

STATE OF CALIFORNIA
PUBLIC UTILITIES COMMISSION
505 Van Ness Avenue San Francisco, CA 94102
www.cpuc.ca.gov

# CALIFORNIA VIDEO FRANCHISE CERTIFICATE
# FRANCHISE NUMBER: 0003

**Affected Local Entities for Franchise No. 0003, as amended by the grant on January 7, 2010 of CoxCom, Inc. d/b/a Cox Communications' fifth application for an amended franchise footprint, No. V0912001, to be effective January 9, 2010:**

City of Orange
City of Rolling Hills Estates

STATE OF CALIFORNIA
PUBLIC UTILITIES COMMISSION
505 Van Ness Avenue San Francisco, CA 94102
www.cpuc.ca.gov

# CALIFORNIA VIDEO FRANCHISE CERTIFICATE
# FRANCHISE NUMBER: 0003

**Affected Local Entities for Franchise No. 0003, as amended by the grant on October 5, 2010 of CoxCom, Inc. d/b/a Cox Communications' sixth application for an amended franchise footprint, No. V1009001, to be effective October 11, 2010:**

Chula Vista
El Cajon
Encinitas
Escondido
Imperial Beach
Lemon Grove
Oceanside
Poway
Santee
Solana Beach
Vista

STATE OF CALIFORNIA
PUBLIC UTILITIES COMMISSION
505 Van Ness Avenue San Francisco, CA 94102
www.cpuc.ca.gov

# CALIFORNIA VIDEO FRANCHISE CERTIFICATE
# FRANCHISE NUMBER: 0003

**Affected Local Entities for Franchise No. 0003, as amended by the grant on November 1, 2010 of CoxCom, Inc. d/b/a Cox Communications' seventh application for an amended franchise footprint, No. V1010004:**

Palos Verdes Estates

STATE OF CALIFORNIA
PUBLIC UTILITIES COMMISSION
505 Van Ness Avenue San Francisco, CA 94102
www.cpuc.ca.gov

# CALIFORNIA VIDEO FRANCHISE CERTIFICATE
# FRANCHISE NUMBER: 0003

**Affected Local Entities for Franchise No. 0003, as amended by the grant on November 1, 2010 of CoxCom, Inc. d/b/a Cox Communications' eighth application for an amended franchise footprint, No. V1010005, to be effective November 20, 2010:**

Santa Barbara

STATE OF CALIFORNIA
PUBLIC UTILITIES COMMISSION
505 Van Ness Avenue San Francisco, CA 94102
www.cpuc.ca.gov

# CALIFORNIA VIDEO FRANCHISE CERTIFICATE
# FRANCHISE NUMBER: 0003

**Affected Local Entities for Franchise No. 0003, as amended by the grant on February 17, 2011 of CoxCom, Inc. d/b/a Cox Communications' ninth application for an amended franchise footprint, No. V1101002:**

Tustin

STATE OF CALIFORNIA
PUBLIC UTILITIES COMMISSION
505 Van Ness Avenue San Francisco, CA 94102
www.cpuc.ca.gov

# CALIFORNIA VIDEO FRANCHISE CERTIFICATE
# FRANCHISE NUMBER: 0003

**Affected Local Entities for Franchise No. 0003, as amended by the grant on March 25, 2011 of CoxCom, Inc. d/b/a Cox Communications' tenth application for an amended franchise footprint, No. V1103001, to be effective April 1, 2011:**

Newport Beach

STATE OF CALIFORNIA
PUBLIC UTILITIES COMMISSION
505 Van Ness Avenue San Francisco, CA 94102
www.cpuc.ca.gov

# CALIFORNIA VIDEO FRANCHISE CERTIFICATE
# FRANCHISE NUMBER: 0003

**Affected Local Entities for Franchise No. 0003, as amended by the grant on May 11, 2011 of CoxCom, Inc. d/b/a Cox Communications' eleventh application for an amended franchise footprint, No. V1104003, to be effective May 15, 2011:**

San Diego

(O-2007-118) 2/19

ORDINANCE NUMBER O-19719 (NEW SERIES)

DATE OF FINAL PASSAGE FEB 26 2008

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 7, ARTICLE 3, OF THE SAN DIEGO MUNICIPAL CODE BY CREATING A NEW DIVISION 2 TITLED "VIDEO SERVICE PROVIDER FEES AND CUSTOMER SERVICE REGULATIONS FOR STATE FRANCHISED VIDEO SERVICE PROVIDERS."

WHEREAS, effective January 1, 2007, pursuant to the Digital Infrastructure and Video Competition Act of 2006 ("Act"), the California Public Utilities Commission has the authority to grant state franchises for the provision of video service including cable television service and open-video systems; and

WHEREAS, pursuant to the Act, the City of San Diego shall have the right to receive a state franchise fee as compensation for the use of the public rights-of-way for the provision of video services; and

WHEREAS, pursuant to the Act, local entities may, by ordinance, establish a fee for the support of public, educational, and government access ("PEG") channel facilities; and

WHEREAS, the Act provides that the City may examine the business records of a state video franchise holder to the extent reasonably necessary to ensure accurate payment of compensation; and

WHEREAS, the Act provides that the City is to enforce all customer service and protection standards applicable under law with respect to complaints received from residents within the City's jurisdiction; and

(e) *"PEG Support Fee"* means the fee paid to the City pursuant to Section 73.0202(b).

(f) *"State Franchisee"* means the holder of a California state franchise for the provision of video services as provided for under Section 5800 et seq. of the California Public Utilities Code.

**§ 73.0202 State Video Franchise Fees**

(a) Each *State Franchisee* that operates within the jurisdictional boundaries of the City of San Diego shall pay to the City, in accordance with the schedule described in Section 73.0202(c), below, a fee equal to five percent (5%) of its *Gross Revenues* ("*Franchise Fee*").

(b) Each *State Franchisee* that operates within the jurisdictional boundaries of the City will pay to the City, in accordance with the schedule described in Section 73.0202(c), below, a fee equal to one percent (1%) of the *State Franchisee's Gross Revenues* ("*PEG Support Fee*"). The City shall use the *PEG Support Fee* in a manner consistent with state and federal law.

(c) The *Franchise Fee* and *PEG Support Fee* shall be paid to the City on a quarterly basis within 45 days after the end of each quarter for that calendar year. Each payment shall be accompanied by a detailed summary explaining the basis for the calculation of the *Franchise Fee* and *PEG Support Fee*. Payments shall be sent to the Office of the City Treasurer.

(d) A late payment charge equal to the highest prime lending rate during the period of delinquency plus one percent (1%) will be applied to any

technologies while meeting or exceeding the goals of the standards in relation to customer protection.

(c) The City will provide any state franchised video provider written notice of any material breaches of applicable customer service standards and allow the *State Franchisee* thirty (30) days from receipt of the notice to remedy the specified material breach. The City may assess the following monetary penalties for any material breach of customer service and consumer protection standards not remedied within the thirty (30) day time period:

(1) Up to Five hundred dollars ($500) for each day of each material breach, not to exceed a total of one thousand five hundred dollars ($1,500) for each occurrence of a material breach.

(2) If a subsequent material breach of the same nature occurs within 12 months following previous notice and any assessment of penalties or fines, a fine of up to one thousand dollars ($1,000) shall be imposed for each day of the material breach stays in effect, not to exceed three thousand dollars ($3,000) for each occurrence of the material breach.

(3) If a third or further material breach of the same nature occurs within the same 12 months following previous notice and any assessment of penalties or fines, a fine of up to two thousand five hundred dollars ($2,500) shall be imposed for each day of each

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By _____
Steven Lastomirsky
Deputy City Attorney

SL:sc
05/04/07
10/10/07 REV.
Or.Dept.: CIO
O-2007-118

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of FEB 1 9 2008 .

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: 2-26-08
(date)

_____
JERRY SANDERS, Mayor

Vetoed: _____
(date)

_____
JERRY SANDERS, Mayor

The City of
SAN DIEGO

October 6, 2021

CRICKET COMMUNICATIONS INC/SCRIPPS RANCH RESERVOIR
RYAN WATERS
4031 SORRENTO VALLEY BLVD
SAN DIEGO , CA 92121

Reference: City of San Diego Lease Agreement – Required Evidence of Insurance
Leasehold Location: 12225 SPRING CANYON RD

Dear Lessee:

The most recent insurance certificate we have on file for your Commercial General Liability / All Risk Property coverage has expired. We have not received a certificate or binder evidencing renewal of coverage.

Your lease agreement with the City of San Diego requires that you provide proof of a current insurance policy which meets the terms of your lease.

Without delay, please mail or fax to the office shown below a certificate indicating that your insurance coverage is current along with a copy of the separate Additional Insured policy endorsement, both of which should name "The City of San Diego, its elected officials, officers, employees, representatives, and agents" as additional insureds. Please reference Lease ID **I701WR-007-A00** on the certificate.

City of San Diego
Real Estate Assets Department
1200 Third Avenue, Suite 1700
San Diego, CA 92101
Fax: (619) 236-6706

Please refer to the lease for the minimum coverage limits and other details of the insurance requirement. Should you have any questions, I can be reached at 619-236-6729.

Sincerely,

Carla Gresham
Property Agent

File: Lease – R07095 CRICKET COMMUNICATIONS/SCRIPPS RCH RSRVR