

APPENDIX A

- 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 Com., Inc** 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.

*William K. Geppert*  
Signature and title

William K. Geppert, Vice President & Region Manager  
Typed or printed name and title

SUBSCRIBED AND SWORN to before me on the \_\_\_\_ day of \_\_\_\_, 20\_\_.

Notary Public In and For the State of California.

My Commission expires: Apr. 9, 2010

State of California, County of San Diego  
Subscribed and sworn to (or affirmed) before me  
on this 20<sup>th</sup> day of December, 2008,  
by William Geppert  
personally known to me or proved to me on the  
basis of satisfactory evidence to be the person(s)  
who appeared before me.  
Signature: [Signature]

