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Consumer Protection Section

October 23, 2019

Lynn R. Charytan
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By e-mail, U.S. mail, and facsimile

RE: Regional Sports Network Fee and Other Charges

Dear Ms. Charytan:

The Colorado Office of the Attorney General (“OAG”) has received complaints regarding fees that Comcast Xfinity (“Xfinity”) imposes on its subscribers in addition to the monthly base price for cable television service and internet. Of particular concern, the OAG understands Xfinity (1) previously sold packages that included Altitude Sports and charged a Regional Sports Network Fee of \$8.00 and (2) no longer carries Altitude Sports yet continues to charge a Regional Sports Network Fee.

Xfinity’s conduct surrounding the charge of a Regional Sports Network Fee may constitute a deceptive trade practice under the Colorado Consumer Protection Act (“CCPA”). C.R.S. § 6-1-105(1) et seq. Violations of the CCPA may result in the imposition of civil penalties up to \$20,000 per violation. C.R.S. § 6-1-112(1)(a). “[A] violation of any provision shall constitute a separate violation with respect to *each consumer or transaction* involved.” *Id.* (emphasis added).

In addition to investigating the assessment of a Regional Sports Network Fee, the OAG has opened an investigation of other fees and charges that providers impose on subscribers of television and internet services that have the potential to confuse and mislead consumers. The imposition of such fees and charges may violate C.R.S. § 6-1-105(1)(e), (l), (u), and (kkk), among others.

As the OAG investigates these complaints, please provide answers to the following questions on or before **Thursday, November 7, 2019**:

- (1) Has Xfinity charged and required subscribers to pay a Regional Sports Network Fee;
- (2) What time period did Xfinity offer Altitude Sports as part of a package(s), and did Xfinity charge a Regional Sports Network Fee for the entire period in which it offered Altitude Sports;
- (3) What other channels, if any, were included as part of a Regional Sports Network Fee during the period in which Xfinity offered Altitude Sports;
- (4) Does Xfinity still charge a Regional Sports Network Fee to those subscribers despite not offering Altitude Sports;
- (5) Does Xfinity currently include other channels, in addition to Altitude Sports, as part of its Regional Sports Network Fee;
- (6) Confirm whether Xfinity has adjusted or plans to adjust the Regional Sports Network Fee to account for the discontinuation of Altitude Sports; and
- (7) If the Regional Sports Network Fee has been or will be adjusted, the dates for which the adjustment is effective and how Xfinity determined the amount of the adjustment.

If you have any questions or want to discuss further, please feel free to contact me.

Sincerely,



FOR THE ATTORNEY GENERAL
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CC: Steve Kaufmann, Deputy Attorney General for Consumer Protection

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