



COMCAST IP SERVICES  
1800 BISHOPS GATE BLVD.  
MT. LAUREL, NJ 08054  
856-317-7214 OFFICE  
856-317-7319 FAX

FACSIMILE TRANSMITTAL SHEET

TO: Attention: Richard S. Toikka	FROM: Sharma Austin/Policy Abuse Legal Analyst
COMPANY: Metropolitan Legal Services	DATE: May 11, 2005
FAX NUMBER: <b>FAX: (301) 230-0910</b>	TOTAL NO. OF PAGES INCLUDING COVER: 6
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: Subpoena dated May 3, 2005	YOUR REFERENCE NUMBER:

CONFIDENTIALITY NOTE

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NOTES/COMMENTS:

Dear Mr. Toikka:

Attached, please find a response regarding the Subpoena received by our office on May 3, 2005. If you have any questions or concerns, please do not hesitate to contact me.

Thanks,

-Sharma Austin  
Policy Abuse Legal Analyst

{CLICK HERE AND TYPE RETURN ADDRESS}



Comcast IP Services  
1800 Bishops Gate Blvd  
Mt. Laurel, NJ 08054  
Office: 856.317.7272  
Fax: 856.317.7319  
www.comcast.com

May 11, 2005

VIA FACSIMILE  
Metropolitan Legal Services  
Attention: Richard S. Toikka  
11016 Wickshire Way  
Rockville, Maryland 20852  
FAX: (301) 230 0910

Re: Omega World Travel, Inc. et al v. Mummagraphics, Inc.  
United States District Court E. Dist. Va.  
Case #: 1:05CV122  
Comcast Case #: 605835

Dear Mr. Toikka:

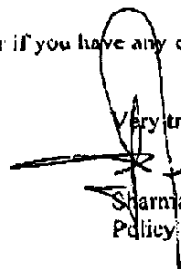
The Subpoena dated May 3, 2005 with respect to the above-referenced matter has been forwarded to me for a reply. The Subpoena requests Comcast to produce subscriber records pertaining to the following IP Address: 67.173.24.187 on December 2, 2004 during approximately 4:00 - 6:00 PM EST Ft. Lauderdale time.

The information requested under the Subpoena is governed by Section 631 of the Cable Communications Policy Act of 1984, 47 U.S.C. § 551. Under that statute, a cable operator is prohibited from disclosing personally-identifiable information pertaining to a subscriber without the subscriber's express consent, except in limited circumstances as set forth in the statute. Under Section 551, a cable operator may not disclose such material pursuant to a subpoena except to a government entity in accordance with the provisions of subsection (c)(2)(D), which does not appear to apply to the current matter. In order for Comcast to disclose personally identifiable information to a private individual or entity, such as the one identified in your request, subsection (c)(2)(B) requires "a court order authorizing such disclosure, if the subscriber is notified of such order by the person to whom the order is directed." Accordingly, Comcast will not be able to release the requested information in the absence of a court order that complies with Section 551. For your information, I have enclosed a copy of Section 551.

In connection with processing the Subpoena, I have checked Comcast's records and determined that Comcast does not have any responsive information to the Subpoena. Therefore, Comcast would be unable to provide responsive information to a court order seeking any of the information requested in the Subpoena.

If I can be of further assistance, or if you have any questions regarding this matter, please feel free to call me at (856) 317-7214.

Very truly yours,



Sharna Austin  
Policy Abuse Legal Analyst

Enclosure

47 USC § 551 (2002)

§ 551. Protection of subscriber privacy

(a) Notice to subscriber regarding personally identifiable information; definitions.

(1) At the time of entering into an agreement to provide any cable service or other service to a subscriber and at least once a year thereafter, a cable operator shall provide notice in the form of a separate, written statement to such subscriber which clearly and conspicuously informs the subscriber of--

(A) the nature of personally identifiable information collected or to be collected with respect to the subscriber and the nature of the use of such information;

(B) the nature, frequency, and purpose of any disclosure which may be made of such information, including an identification of the types of persons to whom the disclosure may be made;

(C) the period during which such information will be maintained by the cable operator;

(D) the times and place at which the subscriber may have access to such information in accordance with subsection (d); and

(E) the limitations provided by this section with respect to the collection and disclosure of information by a cable operator and the right of the subscriber under subsections (f) and (h) to enforce such limitations.

In the case of subscribers who have entered into such an agreement before the effective date of this section, such notice shall be provided within 180 days of such date and at least once a year thereafter.

(2) For purposes of this section, other than subsection (h)--

(A) the term "personally identifiable information" does not include any record of aggregate data which does not identify particular persons;

(B) the term "other service" includes any wire or radio communications service provided using any of the facilities of a cable operator that are used in the provision of cable service; and

(C) the term "cable operator" includes, in addition to persons within the definition of cable operator in section 602 [47 USC § 522], any person who (i) is owned or controlled by, or under common ownership or control with, a cable operator, and (ii) provides any wire or radio communications service.

(b) Collection of personally identifiable information using cable system.

(1) Except as provided in paragraph (2), a cable operator shall not use the cable system to collect personally identifiable information concerning any subscriber without the prior written or electronic consent of the subscriber concerned.

(2) A cable operator may use the cable system to collect such information in order to--

(A) obtain information necessary to render a cable service or other service provided by the cable operator to the subscriber; or

(B) detect unauthorized reception of cable communications.

(c) Disclosure of personally identifiable information.

(1) Except as provided in paragraph (2), a cable operator shall not disclose personally identifiable information concerning any subscriber without the prior written or electronic consent of the subscriber concerned and shall take such actions as are necessary to prevent unauthorized access to such information by a person other than the subscriber or cable operator.

(2) A cable operator may disclose such information if the disclosure is--

(A) necessary to render, or conduct a legitimate business activity related to, a cable service or other service provided by the cable operator to the subscriber;

(B) subject to subsection (h), made pursuant to a court order authorizing such disclosure, if the subscriber is notified of such order by the person to whom the order is directed;

(C) a disclosure of the names and addresses of subscribers to any cable service or other service, if--

(i) the cable operator has provided the subscriber the opportunity to prohibit or limit such disclosure, and

(ii) the disclosure does not reveal, directly or indirectly, the--  
 (I) extent of any viewing or other use by the subscriber of a cable service or other service provided by the cable operator, or  
 (II) the nature of any transaction made by the subscriber over the cable system of the cable operator;  
 or  
 (D) to a government entity as authorized under chapters 119, 121, or 206 of title 18, United States Code [18 USC § § 2510 et seq., 2701 et seq., or 3121 et seq.], except that such disclosure shall not include records revealing cable subscriber selection of video programming from a cable operator.

**(d) Subscriber access to information.** A cable subscriber shall be provided access to all personally identifiable information regarding that subscriber which is collected and maintained by a cable operator. Such information shall be made available to the subscriber at reasonable times and at a convenient place designated by such cable operator. A cable subscriber shall be provided reasonable opportunity to correct any error in such information.

**(e) Destruction of information.** A cable operator shall destroy personally identifiable information if the information is no longer necessary for the purpose for which it was collected and there are no pending requests or orders for access to such information under subsection (d) or pursuant to a court order.

**(f) Civil action in United States district court; damages; attorney's fees and costs; nonexclusive nature of remedy.**

(1) Any person aggrieved by any act of a cable operator in violation of this section may bring a civil action in a United States district court.

(2) The court may award--

- (A) actual damages but not less than liquidated damages computed at the rate of \$ 100 a day for each day of violation or \$ 1,000, whichever is higher;
- (B) punitive damages; and
- (C) reasonable attorneys' fees and other litigation costs reasonably incurred.

(3) The remedy provided by this section shall be in addition to any other lawful remedy available to a cable subscriber.

**(g) Regulation by States or franchising authorities.** Nothing in this title [47 USC § § 521 et seq.] shall be construed to prohibit any State or any franchising authority from enacting or enforcing laws consistent with this section for the protection of subscriber privacy.

**(h) Disclosure of information to governmental entity pursuant to court order.** Except as provided in subsection (c)(2)(D), a governmental entity may obtain personally identifiable information concerning a cable subscriber pursuant to a court order only if, in the court proceeding relevant to such court order--

- (1) such entity offers clear and convincing evidence that the subject of the information is reasonably suspected of engaging in criminal activity and that the information sought would be material evidence in the case; and
- (2) the subject of the information is afforded the opportunity to appear and contest such entity's claim.



**Comcast IP Services, LLC**  
 1800 Bishops Gate Blvd  
 Mt. Laurel, NJ 08054

Phone: (856) 324-2172  
 Fax: (856) 317-7359  
 FIN # 23-2951866

# INVOICE

Invoice Number	Date	Page
3408	May 04, 2005	1 of 1

**Bill To:**

Metropolitan Legal Services  
 Attention: Accounts Payable  
 11016 Wickshire Way  
 Rockville, MD 20852

**Requested By:**

Metropolitan Legal Services  
 Attention: Accounts Payable  
 11016 Wickshire Way  
 Rockville, MD 20852

Customer ID	PO Number	File Number	Terms
PLP20852	1:05CV122	605835	Net 30 days
Quantity	Description	Unit Price	Extended
1.00	Legal Request - Information not available Requested by: Richard S. Toikka	25.00	25.00
<b>Remittance Address:</b> Comcast IP Services Attn: Accounts Receivable 1800 Bishops Gate Blvd Mt Laurel, NJ 08054		<b>If paying by ACH:</b> CIPS Receipts Wachovia Bank ABA Number: 031 000503 Account Number: 2000013329954 Please reference your Customer ID Number	
		<b>Subtotal</b>	25.00
		<b>Freight</b>	0.00
		<b>Sales Tax</b>	0.00
		<b>TOTAL</b>	<b>25.00</b>

*Created by Eagle Business Management Systems*

**Thank You!**



# NOTICE

## Attention: Law Enforcement Agencies and Others Making Legal Requests

At Comcast, we are committed to providing you with prompt and accurate research and responses to legal requests involving the Comcast High-Speed Internet service. To accomplish this, in accordance with section 2706, Title 18 United States Code (Chapter 121), and other applicable state and federal laws and regulations, we have implemented reimbursement fees to accompany our research, as listed below:

Request Type	Associated Cost
<ul style="list-style-type: none"> <li>• Criminal / Civil Subpoenas (including "John Doe" subpoenas), Search Warrants, Court Orders, Copyright Subpoenas</li> <li>• National Security Letter (NSL)</li> </ul>	<ul style="list-style-type: none"> <li>• \$50 per IP address, email address, or name and mailing address</li> </ul>
<ul style="list-style-type: none"> <li>• Request resulting in negative response</li> </ul>	<ul style="list-style-type: none"> <li>• \$25 per IP address, email address, or name and mailing address</li> </ul>
<ul style="list-style-type: none"> <li>• Preservation Requests</li> </ul>	<ul style="list-style-type: none"> <li>• \$100 initial start-up fee per IP address, email address, or name and mailing address.</li> <li>• \$20 monthly recurring charge after the first month</li> </ul>
<ul style="list-style-type: none"> <li>• Snapshot Requests</li> </ul>	<ul style="list-style-type: none"> <li>• \$100 per email address</li> </ul>
<ul style="list-style-type: none"> <li>• FISA Requests, Trap &amp; Trace Request, Pen Register</li> </ul>	<ul style="list-style-type: none"> <li>• \$1,000 initial start-up fee per IP address</li> <li>• \$750 monthly recurring charge</li> </ul>

We appreciate your prompt attention to these guidelines, and look forward to providing continued support in the future. Comcast reserves the right to change these reimbursement fees and our policies at any time.

Regards,  
Comcast Network Abuse & Policy Observance

Revised: August, 2004