

1 **BEFORE THE STATE OF**
2 **NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION**

3 **DT 08-013**

4 **COMCAST PHONE OF NEW HAMPSHIRE, LLC**
5 **Request for Authority to Provide Local Telecommunications Services**

6 **DIRECT TESTIMONY OF DAVID J. KOWOLENKO**
7 **ON BEHALF OF COMCAST PHONE OF NEW HAMPSHIRE, LLC**

8 **Q: Please state your name and business address.**

9 A: My name is David Kowolenko and my business address is 25 Industrial Drive
10 Chelmsford, MA 01824.

11 **Q: By whom are you employed, and in what capacity?**

12 A: I am employed by Comcast NorthCentral Division as Division Vice President of
13 Voice Services and also serve as Vice President-Voice Services for Comcast Phone of
14 New Hampshire, LLC (“Comcast Phone”). I am responsible for developing and
15 deploying Comcast Phone’s broadband voice service, Comcast Digital Voice, to
16 customers in the North Central Division, including New Hampshire, Massachusetts, and
17 Vermont. Comcast Phone is an indirect wholly-owned subsidiary of Comcast
18 Corporation.

19 **Q: Please summarize your background and experience.**

20 A: I have held the position of Division Vice President at Comcast NorthCentral
21 Division since February 2006. Prior to that, I was responsible for Comcast’s Eastern
22 Division Telephony Operations, where I oversaw the initial deployment of Comcast
23 Digital Voice. I also had regional responsibilities for Comcast’s New England Region
24 Telephone and High Speed Data operations.

1 Prior to my position at Comcast, I served as a senior executive at AT&T
2 Broadband in Denver, where I developed and executed a comprehensive conversion plan
3 to smoothly transition AT&T Broadband telephony customers to Comcast. Prior to
4 AT&T, I worked at Continental Cablevision/MediaOne of New England, where I
5 spearheaded the design, implementation, and installation of its broadband telephone
6 network. A copy of my complete resume is attached as Exhibit A.

7 **Q: What are your duties at Comcast NorthCentral Division?**

8 A: I manage Comcast's Digital Voice operations in the NorthCentral Division. I
9 have direct responsibilities for voice products, services and operations. My duties
10 include operations, engineering, budget, and design of voice services.

11 **Q: Have you previously filed testimony or appeared as an expert witness before**
12 **a regulatory or legislative body?**

13 A: I have been in front of the regulatory bodies in New Hampshire, Massachusetts,
14 Connecticut, and the Federal Communications Commission, either as a live witness or
15 through pre-filed testimony.

16 **Q: What is the purpose of your testimony in this proceeding?**

17 A: The purpose of my testimony is to describe the managerial, financial, and
18 technical ability of Comcast Phone to provide competitive local exchange carrier
19 ("CLEC") services in the New Hampshire territories of Kearsarge Telephone Company,
20 Merrimack County Telephone Company, and Wilton Telephone Company, which are all
21 subsidiaries of TDS Telecom. Throughout my testimony, I will refer to these companies
22 as the TDS Companies.

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1 **Q: Has Comcast Phone previously operated as a CLEC in New Hampshire?**

2 A: Yes. In 1998, MediaOne Telecommunications, the predecessor of Comcast
3 Phone, petitioned for and was granted authority to provide local telecommunications
4 services “in its intended service area, Bell Atlantic’s current service area.” This is the
5 service area later served by Verizon and now the service territory of FairPoint
6 Communications. *Order No. 23,088, MediaOne Telecommunications of New Hampshire*
7 *Inc. Petition for Authority to Provide Local Telecommunications Services*, DE 98-208,
8 Order Nisi Granting Authorization (Dec. 15, 1998). A copy of this order is attached as
9 Exhibit B. Comcast Phone has successfully operated in that service territory for the past
10 ten years. It now provides many thousands of New Hampshire consumers a choice in
11 feature-rich facilities-based voice service in these areas of New Hampshire.

12 **Q: What services does Comcast offer as a CLEC in FairPoint Communications**
13 **territory?**

14 A: Comcast Phone currently offers Business Local Service, a resold single line
15 business service, and is preparing to offer Schools and Libraries Network Service, a high-
16 speed T1 voice and data service to primary and secondary schools, municipal libraries,
17 and other “e-rate” eligible institutions. By virtue of its status as a CLEC, Comcast Phone
18 also provides another Comcast subsidiary, Comcast IP Phone II, LLC (“Comcast IP”)
19 with Local Interconnection Service, two-way interconnection with the public switched
20 telephone network (“PSTN”) for the exchange of voice traffic, access to and
21 administration of numbering resources, local numbering portability, operator services,
22 911 emergency calling services, and directory listing and directory assistance services
23 introduced enabling Comcast IP to serve New Hampshire residential customers with

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1 Comcast Digital Voice service, an interconnected voice over Internet protocol (“VoIP”)
2 service.¹ Comcast formerly also offered circuit-switched residential service in the
3 FairPoint Communications territory for many years, but discontinued that service earlier
4 this year after transitioning customers to other services or other service providers.

5 **Q: Are these the same services described in Comcast Phone’s CLEC-10**
6 **application in this proceeding?**

7 A: Yes. On May 29, 2008, by agreement with the parties in this proceeding,
8 Comcast Phone filed with the Commission a supplement to its CLEC-10 application,
9 which provided additional description of the access, exchange access, and interexchange
10 telecommunications services Comcast Phone proposes to offer in the territories of the
11 TDS Companies. The services described in the supplement to the application are the
12 same as those described above.

13 **Q: Does Comcast Corporation offer services as a CLEC in other states?**

14 A: Yes, through subsidiaries parallel to Comcast Phone, Comcast is certified as a
15 CLEC in Maine, Vermont, Massachusetts, New York, and more than thirty other states.
16 These services are generally the same as those Comcast Phone offers in FairPoint service
17 area in New Hampshire and proposes to offer the TDS service areas.

18 **Q: What managerial and technical ability does Comcast Phone possess to offer**
19 **the proposed CLEC services in the TDS Companies territory?**

20 A: As I noted earlier, Comcast Phone has many years of experience providing CLEC
21 services in New Hampshire since the 1998 certification of its predecessor company,

22 ¹ This Local Interconnection Services offering is not being relied upon in this proceeding as a basis for
23 seeking certification because it is a wholesale service. It is made available as a wholesale service in New
24 Hampshire through Comcast’s Service Guide posted on its website. *See*
[https://www.comcast.com/medialibrary/1/1/about/phonetermsofservice/pdf/interconnection/local_interconn
ection_service.pdf](https://www.comcast.com/medialibrary/1/1/about/phonetermsofservice/pdf/interconnection/local_interconnection_service.pdf).

1 Media One Telecommunications, as a CLEC in the territory of FairPoint
2 Communications. Comcast Phone does not intend to establish a separate subsidiary to
3 operate CLEC services in the TDS Companies territory, but will utilize the same
4 organization, the same experienced management, and the same experienced technical
5 staff that now operate the Comcast Phone services in the FairPoint Communications
6 territory to extend CLEC services to the TDS Companies territory. Foreseeably, with the
7 expanded territory it may be necessary to employ additional operational personnel, but
8 any such personnel will be trained and supervised by Comcast Phone's current
9 management and technical staff, and have the benefit of their extensive knowledge and
10 experience.

11 **Q: What financial capabilities does Comcast Phone have to offer CLEC services**
12 **in the TDS Companies territory?**

13 A: Comcast Corporation is a publicly-held Fortune 100 company with
14 revenues of over \$30 billion and net income of over \$2.5 billion in 2007. Attached as
15 Exhibit C is a copy of the Comcast Corporation Annual Report Form 10-K for 2007 and,
16 as Exhibit D, a copy of its most recent quarterly report Form 10-Q. As it is throughout its
17 current service territory in New Hampshire, Comcast is committed and is prepared to
18 allocate the necessary resources to provide high-quality CLEC services to New
19 Hampshire customers in the TDS Companies territory. Comcast has invested more than
20 \$110 million in improvement and expansion of the company's fiber network in New
21 Hampshire; the additional investment required to provide telecommunications services in
22 the TDS territories is incremental in relation to this underlying investment in New
23 Hampshire.

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1 **Q: How will the TDS Companies be able to recover any expenses they may incur**
2 **as a result of certification of Comcast Phone as a CLEC in their territory?**

3 A: The Telecommunications Act of 1996 provides means by which incumbent local
4 exchange carriers like the TDS Companies may obtain terms and conditions for the
5 recovery of costs of interconnection with CLECs like Comcast Phone. Comcast Phone
6 did not request access to unbundled network elements or cost-based interconnection
7 under Section 251 of the Telecommunications Act of 1996, and TDS may charge tariffed
8 wholesale rates for interconnection facilities, if direct interconnection is required at any
9 time. On April 21, 2008, Comcast Phone requested that the TDS Companies enter into
10 negotiations for an interconnection agreement using as a template an interconnection
11 agreement in Vermont in which Comcast Phone of Vermont was able to agree with the
12 TDS Telecom territory in that state on reasonable terms and conditions for
13 interconnection associated with Comcast Phone of Vermont's provision of service in the
14 TDS service area. The TDS Companies undertook to mark up the Vermont agreement
15 with New-Hampshire-specific edits but, in a June 18, 2008 letter, the TDS companies
16 then claimed that "recent activities in various state regulatory dockets have raised some
17 questions within the TDS Telecom organization regarding the interconnection between
18 our companies," and proceeded to ask a series of interrogatory-like questions about
19 Comcast Phone's services and business plans. Finally, on August 28, 2008 Comcast
20 Phone received from the TDS Companies New Hampshire-specific edits to the Vermont
21 version of the parties' interconnection agreement. Meanwhile, the Vermont agreement
22 already had been submitted to the Vermont Public Service Board for approval and the

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1 regulator had approved it. A copy of the Vermont Public Service Board order of August
2 20, 2008 is attached as Exhibit E.

3 **Q: Has Comcast successfully negotiated other interconnection agreements with**
4 **other TDS companies?**

5 A: Yes. In addition to the Vermont agreement reached in 2008, Comcast opted into
6 an interconnection agreement with TDS companies in Tennessee in 2006. Negotiations
7 with TDS for interconnection agreements in the states of Georgia, Michigan, and
8 Washington have recently begun to progress after some earlier failure to respond by TDS.

9 **Q: Does Comcast already provide some services in the TDS Companies territory**
10 **in New Hampshire?**

11 A: Yes. Comcast's cable operations have a long history of providing video services
12 and broadband Internet services to numerous customers in the TDS Companies territory.

13 **Q: Do the TDS Companies compete in these video services?**

14 A: Yes. The TDS Companies provide Dish Network Satellite TV in many of the rate
15 centers where Comcast Phone intends to provide service. Allowing Comcast Phone to
16 compete with the TDS Companies in providing voice service will provide customers in
17 the TDS Companies territory the benefits of broadened competition by allowing both the
18 TDS Companies and Comcast Phone to offer a full array of voice, video, and data service
19 to retail customers and provide residents in the TDS service areas with a full array of
20 competitive choices.

21 **Q: Does this conclude your testimony?**

22 A: Yes, it does.

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