

**BEFORE THE
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION**

Petition of Comcast Phone of New Hampshire, LLC)	
d/b/a Comcast Digital Phone for Arbitration of)	
Rates, Terms and Conditions of Interconnection with)	DOCKET NO. DT 08-162
Kearsarge Telephone Company d/b/a TDS Telecom,)	
Merrimack County Telephone Company d/b/a TDS)	COMCAST RESPONSES TO FIRST
Telecom and Wilton Telephone Company, Inc. d/b/a)	TDS DATA REQUESTS
TDS Telecom Pursuant to the Communications Act)	
of 1934, as Amended.)	
)	

Comcast Phone of New Hampshire, LLC (“Comcast Phone”) provides the following objections and responses to the Supplemental Data Requests from Merrimack County Telephone Company, Wilton Telephone Company, Inc., and Kearsarge Telephone Company (collectively “TDS”). Comcast Phone incorporates by references all of the general and specific objections set forth in its responses to TDS’s First Set of Data Requests. In particular, but notwithstanding its other objections, Comcast Phone objects to each of the Supplemental Requests on the ground that they are vague and ambiguous, irrelevant to the issues in dispute, and not likely to lead to the discovery of relevant, admissible evidence. Each of the answers provided below is provided subject to those objections.

TDS Supp.-1 Please describe the corporate relationships (i.e., owner, affiliate, subsidiary, partner, manager, member, etc.), including all intermediate relationships, between Comcast Phone and (i) Comcast IP Phone II, LLC (“Comcast IP”) and ~~(ii) each of the other companies listed in the answer to TDS Supp.-1.~~¹ For each entity, also identify all d/b/a’s, assumed names, trade marks, service marks and brands, and describe the existing and planned or contemplated roles of the entity in the providing of telephone, communications, telecommunications, voice or data services in New Hampshire.

Response: Both Comcast Phone (d/b/a “Comcast Digital Phone”) and Comcast IP (d/b/a “Comcast Digital Voice”) are 100% indirectly owned subsidiaries of Comcast Corporation.

No information is provided as to either entity’s “existing and planned or contemplated roles” for future business in New Hampshire as such information is strictly confidential and has no bearing on Comcast Phone’s status as a telecommunications carrier entitled to interconnection with TDS pursuant to Section 251 of the Communications Act, nor is such information likely to lead to the discovery of other relevant admissible evidence.

Prepared by: Beth Choroser

Date: February 27, 2009

¹ Deletion made pursuant to discussions with TDS counsel.

TDS Supp.-2: With respect to Comcast Phone, please list the third parties utilized for:

- i. Interconnection to the public switched telecommunications network (“PSTN”); and
- ii. Providing network facilities; and
- iii. Provision of numbering resources.

Response: (i) Comcast Phone provides interconnection to the public switched telephone network pursuant to interconnection agreements entered into with other telecommunications carriers. In New Hampshire, Comcast Phone has such an interconnection agreement with Fairpoint Communications.

(ii) To the extent that Comcast Phone does not provide “network facilities” itself it purchases them from third-parties. Comcast Phone declines to provide the identities of those third-parties as such information is strictly confidential and has no bearing on Comcast Phone’s status as a telecommunications carrier entitled to interconnection with TDS pursuant to Section 251 of the Communications Act, nor is such information likely to lead to the discovery of other relevant admissible evidence.

(iii) Comcast Phone obtains numbering resources from NANPA pursuant to its status as a telecommunications carrier.

Prepared by: Beth Choroser

Date: February 27, 2009

TDS Supp.-3: Based upon Comcast Phone's response to data request number TDS 1-9, please advise of the following:

- i. Please identify the Comcast Company or Companies seeking, planning or contemplating to provide the retail local exchange service.
- ii. Please describe the retail local exchange service(s) that will be provided within the service territory.
- iii. For each such retail local exchange service(s), please state whether it will be provided via resale or facilities based?
- iv. Will the retail local exchange service(s) be included in tariffs or rate schedules filed with the Commission?

Response: Comcast Phone plans to offer retail "local exchange carrier" services, as defined by 47 USC § 153(26), pursuant to terms set forth in its publicly filed tariffs or service guides, which are posted on the Comcast website. *See <http://www.comcast.com/MediaLibrary/1/1/About/PhoneTermsOfService/PDF/DigitalPhone/StateTariffs/NewHampshire/NH%20Rate%20Schedule%201.pdf>*. Both the services described as "Schools and Libraries Network Service" and "Business Local Service" provide local exchange services to retail customers. The Business Local Service may include some use of resold facilities depending on network availability.

Comcast Phone also offers a wholesale local exchange services pursuant to its "Local Interconnection Service" offering, the terms and conditions of which are available at:
http://www.comcast.com/MediaLibrary/1/1/About/PhoneTermsOfService/PDF/interconnection/Local_Interconnection_Service.pdf.

Prepared by: Beth Choroser
Date: February 27, 2009

TDS Supp.-4: With respect to Comcast Phone's response to data request number TDS 1-15, please list the Comcast Companies which paid to the Commission such "regulatory fee required of all certificated telecommunications carriers" during calendar year 2008.

Response: Comcast Phone paid all required regulatory fees to the Commission in calendar year 2008.

Prepared by: Beth Choroser
Date: February 27, 2009

TDS Supp.-5: Does either Comcast Phone or Comcast IP (or both) pay to the Commission an annual assessment, pursuant to New Hampshire RSA Chapter 363-A, based upon revenues generated through the provision of the service known as Comcast Digital Voice (*see* <http://www.comcast.com/comcastdigitalvoice>)?

Response: No. Comcast Phone pays assessments based on revenues received from its customers, which includes revenues received from Comcast IP.

Prepared by: Beth Choroser
Date: February 27, 2009

TDS Supp.-6: Please answer in full data request number TDS 1-18 as applicable to Comcast Phone and Comcast IP. For convenience, data request number TDS 1-18 is copied herein below.

For the Comcast Company or Companies identified in TDS 1-17, has the Comcast Company or Companies paid any access bill rendered concerning access service furnished or claimed to be furnished in the State of New Hampshire? If not, has the Comcast Company or Companies ever disputed payment of an ILEC access bill on the grounds that the service in question utilizes VoIP for any other reason? If yes, please provide a description of the dispute and resolution for each Comcast Company. For purposes of this question, "Comcast Company" includes any affiliate of Comcast or a business partner of an affiliate of Comcast that was, is or may be involved directly or indirectly in the provision of voice or data services to customers outside the state of New Hampshire.

Response: Yes. Comcast Phone has paid access bills rendered to it by third-parties for access services furnished to it in the State of New Hampshire. Comcast Phone has never disputed payment of an access bill on the grounds that the service in question "utilizes VoIP."

Prepared by: Beth Choroser
Date: February 27, 2009

TDS Supp.-7: Does Comcast Phone assert or believe that Comcast IP should be regulated differently than traditional telecommunications companies or competitive local exchange carriers? If yes, please explain why.

Response: Whether Comcast Phone “believe[s] that Comcast IP should be regulated differently than traditional telecommunications companies or competitive local exchange carriers” has no bearing on Comcast Phone’s status as a telecommunications carrier entitled to interconnection with TDS pursuant to Section 251 of the Communications Act, nor is such information likely to lead to the discovery of other relevant admissible evidence.

Prepared by: Counsel
Date: February 27, 2009

TDS Supp.-8: In Comcast Phone's opinion or legal position, which of the following services should not be considered to meet the definition of "telecommunications service" in 47 U.S.C. § 153(46)?

- i. Providing voice service to end users where the traffic originates on an IP basis through a soft switch and there is protocol conversion to TDM for transmission on the PSTN.
- ii. Providing voice services to end users where the traffic originates as TDM based switched traffic and is converted for delivery from the PSTN to an IP-based soft switch for termination of traffic.
- iii. Providing voice services to end users where the traffic originates in an IP format through a soft switch and is converted for transport on the PSTN and then is converted back to an IP basis for termination on an IP network through use of a soft switch.
- iv. For provision of voice service to end users where the traffic originates through a TDM based switch on the PSTN and is converted to IP for a portion of the transport and then is converted back to TDM traffic for delivery on the PSTN.

Response: Comcast Phone's "opinion or legal position" as to whether the above described call flow scenarios should be considered to meet the definition of "telecommunications service" under 47 U.S.C. § 153(46) has no bearing on Comcast Phone's status as a telecommunications carrier entitled to interconnection with TDS pursuant to Section 251 of the Communications Act, nor is such information likely to lead to the discovery of other relevant admissible evidence.

Prepared by: Counsel
Date: February 27, 2009

TDS Supp.-9: Does any Comcast Company provide services to Comcast Phone?

- a. If yes, please list services provided.
- b. Which services provided under contract?
- c. Which services provided under tariff?
- d. Is the provision of service between the entities documented? If yes, please provide a copy of the documentation.

Response: Comcast Phone objects to this question on the grounds that it is vague and ambiguous, and irrelevant to the question of whether Comcast Phone is a telecommunications carrier entitled to interconnection with TDS pursuant to Section 251 of the Communications Act, nor is such information likely to lead to the discovery of other relevant admissible evidence.

Prepared by: Counsel
Date: February 27, 2009

TDS Supp.-10: Please identify the number of Comcast Phone's end user customer(s) (excluding the name(s)), such as a school or library, that is receiving the "Schools and Libraries Network Service" in any service area in the state of New Hampshire.

Response: There are no current customers in New Hampshire for this service offering.

Prepared by: Beth Choroser

Date: February 27, 2009

TDS Supp.-11: Please identify the number of all interconnected Voice over Internet Protocol providers, other than Comcast IP, to which Comcast Phone now provides “Local Interconnection Service” anywhere within the United States of America. Please note the response to data request TDS 1-11(iii) does not answer this question.

Response: Comcast Phone of New Hampshire, LLC (“Comcast Phone”) operates in New Hampshire only. Currently, Comcast Phone’s only interconnected VoIP service provider customer is Comcast IP Phone II, LLC (“Comcast IP”).

Prepared by: Beth Choroser
Date: February 27, 2009

Dated this 27th day of February, 2009

As to objections,

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