

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

DT 09-

Petition under RSA 365:5 by the Rural Carriers of the New Hampshire Telephone Association for the Commission to Conduct an Independent Inquiry into the Regulatory Status of IP Enabled Voice Telecommunications Service

The rural carriers of the New Hampshire Telephone Association, a New Hampshire voluntary corporation comprised of most of New Hampshire's incumbent local exchange carriers, excluding FairPoint affiliates (the "RLECs"), hereby petition this Commission under RSA 365:5 to commence an independent inquiry into the appropriate regulatory status of IP enabled voice telecommunications service in New Hampshire. In support of its Petition, the RLECs state as follows:

1. The RLECs include: Bretton Woods Telephone Company, Inc.; Dixville Telephone Company; Dunbarton Telephone Company, Inc.; Granite State Telephone, Inc.; Hollis Telephone Company, Inc.; Kearsarge Telephone Company; Merrimack County Telephone Company; and Wilton Telephone Company, Inc.

2. While the RLECs face wireless and computer based nomadic voice over internet protocol ("VoIP") competition in New Hampshire, the regulatory treatment of those services is well established.

3. New entrants, including in particular affiliates of Comcast Corporation (collectively, "Comcast"), are offering a fixed voice service in New Hampshire which they claim constitutes an "IP enabled service".

4. Comcast claims that its service, which it calls “Digital Voice” service, is an interstate information service that is free from any regulation by this Commission.

5. Accordingly, Comcast has commenced offering its Digital Voice service in New Hampshire, including service that originates and terminates in New Hampshire, without seeking any authorization from this Commission to commence business as a public utility.

6. In order to provide interconnection with the public switched telephone network and ported telephone numbers, Comcast has caused one of its affiliates to seek authorization to engage in business as a public utility for the stated purpose of providing very limited services, including resale of local business service, service to e-rate schools and libraries and wholesale service to its affiliate that provides Digital Voice service.¹

7. The effect of the structure established by Comcast is to provide unregulated retail voice service while purporting to provide telecommunications services in order to obtain interconnection and services as a competitive local exchange carrier - a result not contemplated by the Telecommunications Act of 1996.

8. The regulatory structure established by Comcast - with a sham CLEC and an unregulated retail telephone service - confronts the NHTA companies with a juggernaut of full regulation for their services and a fully unregulated competitor for identical services. This structure is arbitrary, discriminatory and utterly without statutory or policy justification.

9. In a letter from the Chief of the Wireline Competition Bureau and the General Counsel of the Federal Communications Commission (“FCC”) to Comcast dated January 18, 2009 attached hereto as Exhibit 1, the authors stated:

¹ Comcast states that this service is available to other VoIP providers; however, to the NHTA’s knowledge there are no non-affiliate customers for this service, and there likely will never be any. Nothing in any of Comcast’s public business plans suggests any intention to resell ILEC voice service. There are no current customers for the schools and libraries service. In short, the services referenced by Comcast for CLEC certification appear to the RLECs to be simply a pretext to facilitate Comcast’s avoidance of New Hampshire utility regulation.

“To the extent that Comcast maintains that its VoIP offering is a telephone service offering transmission facilities for VoIP calls distinct from Comcast’s broadband offering, then it would appear that the fee Comcast assesses its customers for VoIP service pays in part for the privileged transmission of information of the customer’s choosing across Comcast’s network. As we have stated before, the ‘heart of ‘telecommunications’ [under the Act] is transmission.’ *Pulver.com Order* 19 FCC Rcd 3307, 3312, para. 9 (2004) (holding that the Internet-based service at issue was not ‘telecommunications’ because the provider ‘neither offers nor provides transmission to its members’); *see* 47 U.S.C. § 153(43) (defining ‘telecommunications’ as ‘the transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received’). And offering ‘telecommunications for a fee directly to the public’ is the statutory definition of a telecommunications service. 47 U.S.C. § 153(46); *cf. Cable Modem Order*, 17 FCC Rcd 4798, 4823, para 40 (2002) (classifying cable modem service as an information service only because the ‘telecommunications component is not ... separable from the data-processing capabilities of the service’ and because no cable modem service provider made a ‘stand-alone offering of transmission for a fee directly to the public’). Given that Comcast apparently is maintaining that its VoIP service is a ‘separate facilities-based’ telephone service that is distinct from its broadband service and differs from the service offered by ‘VoIP providers that rely on delivering calls over the public Internet,’ *Frequently Asked Questions*, it would appear that Comcast’s VoIP service is a telecommunications service subject to regulation under Title II of the Communications Act of 1934, as amended.”

10. The Comcast response dated January 30, 2009 attached hereto as Exhibit 2, while gratuitously scolding the FCC’s General Counsel and Chief of the Wireline Competition Bureau, did not deny the basic factual assertions that the Comcast voice transmission service is entirely separate from its broadband internet service.

11. At a minimum, for example, in the case of a call placed by a Comcast Digital Voice customer in New Hampshire to another Comcast Digital Voice customer in New Hampshire, there is no use of the public internet, and there is no net change in protocol. Such a call is an intrastate telecommunications call. The RLECs believe that the result is similar for a call that involves an RLEC customer on one end and a Comcast Digital Voice customer on the other end.

12. Comcast's Digital Voice service constitutes "owning ... plant or equipment ... for the conveyance of telephone ... messages" under RSA 362:2. To the extent that the service includes communications between points in New Hampshire, the provision of this service requires a franchise from this Commission under RSA 374:22 and RSA 374:22-g. Where the Digital Voice service uses the facilities of the RLECs to complete calls in New Hampshire outside the RLEC local calling areas, Digital Voice service constitutes toll service requiring the payment of intraLATA access charges.

13. Accordingly, the RLECs respectfully request that the Commission conduct an inquiry to determine the appropriate regulatory treatment of IP enabled voice service in New Hampshire.

14. Since as a practical matter alternative regulation is unavailable to almost all of the RLECs, the RLECs must survive in a rate of return regulatory structure vastly more burdensome to them to provide the same services that Comcast provides on an unregulated basis.

15. If the Commission determines that the Comcast Digital Voice service is telephone service requiring a New Hampshire franchise, Comcast should be required to obtain franchise authorization and, upon receipt, comply with New Hampshire's utility statutes and the rules and orders of this Commission.

16. If the Comcast Digital Voice service is not to be deemed a telephone service, fairness dictates that the Commission determine the distinguishing features that separate the fully regulated from the fully unregulated treatment of these virtually identical services so that the RLECs can explore reconfiguration of their networks and business plans to migrate their own services and compete.

WHEREFORE, the RLECs respectfully request pursuant to RSA 365:5 that the Commission conduct an independent inquiry of the regulatory treatment of IP enabled voice services in New Hampshire.

Respectfully submitted,

BRETTON WOODS TELEPHONE COMPANY,
INC.
DIXVILLE TELEPHONE COMPANY
DUNBARTON TELEPHONE COMPANY, INC.
GRANITE STATE TELEPHONE, INC.
HOLLIS TELEPHONE COMPANY, INC.
KEARSARGE TELEPHONE COMPANY
MERRIMACK COUNTY TELEPHONE
COMPANY
WILTON TELEPHONE COMPANY, INC.

By Their Attorneys,

DEVINE, MILLIMET & BRANCH,
PROFESSIONAL ASSOCIATION

Dated: March 6, 2009

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Federal Communications Commission
Washington, D.C. 20554

January 18, 2009

VIA FACSIMILE
AND FIRST CLASS MAIL

Kathryn A. Zachem
Vice President, Regulatory Affairs
Comcast Corporation
2001 Pennsylvania Ave. NW, Suite 500
Washington, DC 20006
FAX: (202) 466-7718

Re: In the Matters of Formal Complaint of Free Press and Public Knowledge Against Comcast Corporation for Secretly Degrading Peer-to-Peer Applications; Broadband Industry Practices: Petition of Free Press et al. for Declaratory Ruling that Degrading an Internet Application Violates the FCC's Internet Policy Statement and Does Not Meet an Exception for "Reasonable Network Management," File No. EB-08-IH-1518, WC Docket No. 07-52.

Dear Ms. Zachem:

The Commission has received your submission of September 19, 2008, detailing Comcast's broadband network management practices, Comcast's planned deployment of protocol-agnostic network management practices, and Comcast's plan for complying with the *Comcast Network Management Practices Order*, and your submission of January 5, 2009, certifying Comcast's fulfillment of the compliance plan.

We seek clarification with respect to an apparent discrepancy between Comcast's filing and its actual or advertised practices. Specifically, in Appendix B of your September 19 submission, Comcast notes that if a consumer uses 70% of his provisioned bandwidth for 15 minutes or more when his neighborhood Cable Modem Termination System (CMTS) node has been near capacity for a period of 15 minutes or more, that consumer loses priority when routing packets through congested portions of the network. See Letter from Kathryn A. Zachem, Vice President of Regulatory Affairs, Comcast Corporation, to Marlene H. Dortch, Secretary, FCC, App. B at 8-10 (filed Sept. 25, 2008). If such a consumer then places a Voice over Internet Protocol (VoIP) call along a route experiencing actual congestion, Comcast states that consumer may find that his "VoIP call sounds choppy." *Id.* at 13. Critically, the Appendix draws no distinction between Comcast's VoIP offering and those offered by its competitors.

Comcast's website, however, suggests that such a distinction does in fact exist. The website claims that "Comcast Digital Voice is a separate facilities-based IP phone

service that is not affected by this [new network management] technique.” Comcast Help & Support, Frequently Asked Questions about Network Management, at <http://help.comcast.net/content/faq/Frequently-Asked-Questions-about-Network-Management> (last visited Jan. 12, 2009) (“*Frequently Asked Questions*”). It goes on to state, by contrast, that customers of other “VoIP providers that rely on delivering calls over the public Internet . . . may experience a degradation of their call quality at times of network congestion.” *Id.*

We request that Comcast explain why it omitted from its filings with the Commission the distinct effects that Comcast’s new network management technique has on Comcast’s VoIP offering versus those of its competitors. We also ask that you provide a detailed justification for Comcast’s disparate treatment of its own VoIP service as compared to that offered by other VoIP providers on its network. In particular, please explain how Comcast Digital Voice is “facilities-based,” how Comcast Digital Voice uses Comcast’s broadband facilities, and, in particular, whether (and if so, how) Comcast Digital Voice affects network congestion in a different manner than other VoIP services.

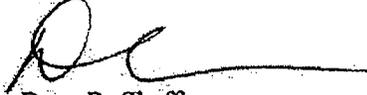
To the extent that Comcast maintains that its VoIP offering is a telephone service offering transmission facilities for VoIP calls distinct from Comcast’s broadband offering, then it would appear that the fee Comcast assesses its customers for VoIP service pays in part for the privileged transmission of information of the customer’s choosing across Comcast’s network. As we have stated before, the “heart of ‘telecommunications’ [under the Act] is transmission.” *Pulver.com Order*, 19 FCC Rcd 3307, 3312, para. 9 (2004) (holding that the Internet-based service at issue was not “telecommunications” because the provider “neither offers nor provides transmission to its members”); see 47 U.S.C. § 153(43) (defining “telecommunications” as “the transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received”). And offering “telecommunications for a fee directly to the public” is the statutory definition of a telecommunications service. 47 U.S.C. § 153(46); cf. *Cable Modem Order*, 17 FCC Rcd 4798, 4823, para. 40 (2002) (classifying cable modem service as an information service only because the “telecommunications component is not . . . separable from the data-processing capabilities of the service” and because no cable modem service provider made a “stand-alone offering of transmission for a fee directly to the public”). Given that Comcast apparently is maintaining that its VoIP service is a “separate facilities-based” telephone service that is distinct from its broadband service and differs from the service offered by “VoIP providers that rely on delivering calls over the public Internet,” *Frequently Asked Questions*, it would appear that Comcast’s VoIP service is a telecommunications service subject to regulation under Title II of the Communications Act of 1934, as amended.

We thus request that Comcast explain any reason the Commission should not treat Comcast’s VoIP offering as a telecommunications service under Title II — a service subject, among other things, to the same intercarrier compensation obligations applicable to other facilities-based telecommunications carriers. See *IP-in-the-Middle Order*, 19 FCC Rcd 7457, 7466–67, para. 15 (2004) (holding that access charges apply to AT&T’s IP-in-the-middle telephony, given that “[e]nd users place calls using the same method” as

they would otherwise, that the service provides no "enhanced functionality," and that the service "imposes the same burdens on the local exchange as do circuit-switched interexchange calls"). We understand that Comcast's VoIP service is not yet complying with such intercarrier compensation obligations.

Please submit your response by the close of business on Friday, January 30, 2009.

Sincerely,



Dana R. Shaffer
Chief
Wireline Competition Bureau



Matthew Berry
General Counsel
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January 30, 2009

VIA ELECTRONIC MAIL AND ECFS

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Mr. Matthew Berry
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Re: **In the Matter of Formal Complaint of Free Press and Public Knowledge
Against Comcast Corporation for Secretly Degrading Peer-to-Peer
Applications, File No. EB-08-IH-1518**

**In the Matter of Broadband Industry Practices; Petition of Free Press et al.
for Declaratory Ruling That Degrading an Internet Application Violates the
FCC's Internet Policy Statement and Does Not Meet an Exception for
"Reasonable Network Management," WC Docket No. 07-52**

Dear Ms. Shaffer and Mr. Berry:

We are in receipt of your letter of Sunday, January 18, 2009. In this response, we try to clear up any misunderstanding you may have about our September 19, 2008 filing on our congestion management practices.

As you know, we fully complied with the Commission's August 20, 2008 Order¹ by submitting the mandated filings on September 19, 2008,² and transitioning from our old congestion management practices by December 31, 2008.³ As our letter of January 5, 2009 made clear, our new congestion management techniques have been instituted throughout Comcast's High-Speed Internet ("HSI") network.⁴ We are pleased that the response to our

¹ *In re Formal Complaint of Free Press & Pub. Knowledge Against Comcast Corp. for Secretly Degrading Peer-to-Peer Applications; Broadband Industry Practices; Petition of Free Press et al. for Declaratory Ruling That Degrading an Internet Application Violates the FCC's Internet Policy Statement & Does Not Meet an Exception for "Reasonable Network Management,"* Mem. Op. and Order, 23 FCC Rcd. 13028 (2008) ("August 20 Order").

² See Ex Parte Letter from Kathryn A. Zachem, Comcast Corp., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 07-52, File No. EB-08-IH-1518 (Sept. 19, 2008) ("September 19 Disclosures").

³ See Ex Parte Letter from Kathryn A. Zachem, Comcast Corp., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 07-52, File No. EB-08-IH-1518 (Jan. 5, 2009).

⁴ *Id.*

September 19 Disclosures has been overwhelmingly positive, and that the transition to our new protocol-agnostic congestion management practices was completed successfully and on time. Throughout this transition, during which we also upgraded over 20% of our network to wideband DOCSIS 3.0 technology, our highest priority has been to continue to offer the best possible high-speed Internet service for our customers, and we have done so. American consumers continue to choose Comcast HSI in ever-greater numbers.

Your letter asks about an “apparent discrepancy” between the September 19 Disclosures and one of the answers to the Frequently Asked Questions (“FAQs”) published on the Comcast.net website.⁵ There is, in fact, no discrepancy. The network management techniques at issue in this proceeding affected solely traffic that is delivered to and from our subscribers as part of our HSI service. Our response to the Enforcement Bureau’s informal inquiry on January 25, 2008, and every filing we have made in the “Network Management” proceeding from February 12, 2008 to January 5, 2009, reflects this common understanding. The August 20 Order, which focused exclusively on Comcast in its role as “a provider of *broadband Internet access over cable lines*,” also reflected this understanding.⁶

The language from the September 19 Disclosures that you have quoted in your letter clearly disclosed the experience that certain subscribers potentially could have when using their Voice-over-Internet-Protocol (“VoIP”) applications with Comcast’s HSI service. This might occur during the limited times when the HSI network in a given area is experiencing congestion, and would in all likelihood affect only a subscriber who has temporarily triggered congestion management thresholds due to his or her own bandwidth consumption.

In contrast, the language you have quoted from our FAQs webpage refers to our Comcast Digital Voice (“CDV”) service. CDV is a service separate from Comcast’s HSI service; it does not run over Comcast’s HSI service. Because it is a separate service, it was not implicated in any way by Free Press’s original “Complaint” or Petition for Declaratory Ruling, by the Commission’s August 20 Order, or by Comcast’s September 19 Disclosures. CDV, like Vonage or Skype, is an *IP-enabled* voice service (i.e., it uses Voice-over-Internet-Protocol to deliver the service). However, unlike Vonage, Skype, or several other VoIP services, CDV is *not* an application that is used “over-the-top” of a high-speed Internet access service purchased by a consumer. Significantly, CDV customers do not need to subscribe to Comcast HSI service, and Comcast does not route those CDV customers’ traffic over the public Internet. Rather, as the Commission is aware, our CDV service is based on PacketCable™ specifications that “mandate[] the use of a managed IP network, in that services are not delivered over the Internet.”⁷ Many companies offer IP-enabled services over their networks, including voice and video services that are distinct from their high-speed Internet access service.

⁵ See Letter from Dana R. Shaffer & Matthew Berry, FCC, to Kathryn A. Zachem, Comcast Corp., WC Docket No. 07-52, File No. EB-08-IH-1518, at 1 (Jan. 18, 2009) (“*January 18 Letter*”).

⁶ *August 20 Order* ¶ 1 (emphasis added).

⁷ See *IP Enabled Services*, Notice of Proposed Rulemaking, 19 FCC Rcd. 4863 ¶ 11 & n.42 (2004) (“*IP Enabled Services NPRM*”). PacketCable™ is a suite of Technical Reports and Specifications that have been

With the express encouragement of Congress and the Commission, Comcast and other cable companies have invested tens of billions of dollars of private risk capital over the past decade to develop and deploy the broadband networks that make a full range of IP-enabled services possible. CDV, competing directly against the dominant local Bell telephone companies, has been a great consumer success.⁸ And by rolling out Comcast HSI service over a decade ago, we proved the skeptics wrong by demonstrating that there is strong demand for cable modem broadband Internet service. We built a platform for innovation that empowers huge numbers of Internet-based applications and services, from VoIP to video to cloud computing and beyond.⁹ The economic and societal return on this investment in innovation has accrued not just to Comcast, but to tens of millions of American consumers, businesses, and entrepreneurs. We are now proceeding rapidly with the deployment of DOCSIS 3.0, making world-class Internet speeds available to millions of households and ushering in a new era of innovation.

To succeed in a competitive marketplace, our HSI service must provide a hospitable environment for the full range of Internet-based applications and services, including over-the-top VoIP and video. We devote enormous resources to that end. To the extent our HSI service becomes congested at times of very high demand, our new congestion management practices *treat all Internet-based applications and services the same*, whether they are affiliated with Comcast (e.g., Fancast) or not (e.g., Hulu, YouTube).

As we painstakingly developed our new congestion management techniques, we consulted with many Internet engineering experts, Internet applications providers, and Internet advisory bodies. We were particularly mindful of latency-sensitive applications. For example, last July, Comcast and Vonage agreed to collaborate to ensure that, on an ongoing basis, congestion management techniques are chosen that effectively balance the need to avoid network congestion with the need to ensure that over-the-top VoIP applications work well for consumers.¹⁰

accepted as standards by several North American and International standards organizations, including the Society of Cable Telecommunications Engineers, the American National Standards Institute, and the International Telecommunications Union. See, e.g., Press Release, CableLabs, *ITU Standardizes on PacketCable™ 1.5 Suite* (Jan. 26, 2006), available at http://www.cablelabs.com/news/pr/2006/06_pr_itu_pc15_012606.html.

⁸ An economic report by MiCRA calculated that the consumer benefits directly from cable voice competition would amount to over \$17.2 billion over the course of 5 years from 2008 to 2012, and over \$111 billion in consumer benefits over the same period after factoring in the likely ILEC competitive response. See Dr. Michael D. Pelcovits & Daniel E. Haar, MiCRA, *Consumer Benefits from Cable-Telco Competition*, at iii-iv (Nov. 2007) available at http://www.micradc.com/news/publications/pdfs/Updated_MiCRA_Report_FINAL.pdf.

⁹ The term "Internet-based applications and services" refers to applications and services that send or receive traffic over the public Internet.

¹⁰ See Ex Parte Letter from Kathryn A. Zachem, Comcast Corp., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 07-52, at 2 (July 10, 2008) (noting that "Comcast and Vonage announced a collaborative effort to ensure that any network management technique Comcast chooses to deploy effectively balances the need to avoid network congestion with the need to ensure that VoIP services like Vonage work well for consumers").

Finally, your letter poses several questions that are completely outside the scope of the Network Management proceeding, and your discussion of these matters contains numerous factual and legal flaws. For example, any analogy of CDV service to the AT&T service at issue in the *IP-In-The-Middle* proceeding is inapt.¹¹ In contrast to the service the Commission examined in that proceeding, CDV is an “interconnected VoIP service” as that term is defined in the Commission’s rules,¹² and, as we have explained in other proceedings where these questions are relevant, CDV is properly classified as an information service.¹³ Your suggestion that services that use “telecommunications” are necessarily “telecommunications services” because “the ‘heart of “telecommunications” . . . is transmission”” is directly contrary to multiple Commission rulings (and one Supreme Court decision), all of which emphatically refute that notion.¹⁴ For example, the Commission said in the *Cable Modem Ruling* that, “[a]lthough the transmission of information . . . may constitute ‘telecommunications,’ that transmission is not necessarily a separate ‘telecommunications service,’”¹⁵ and no Bureau or Office has delegated authority to countermand a Commission decision.

In other words, simply because an information service such as CDV uses transmission does not make it a “telecommunications service.” Instead, the Commission must engage in an analysis of the services provided to determine the applicable regulatory classification.¹⁶ In that regard, as you know, there are several industry-wide rulemaking proceedings awaiting Commission action that are relevant here. For example, many of the issues raised by your questions have been fully briefed in the *IP-Enabled Services* proceeding, in which the Commission issued a Notice of Proposed Rulemaking (“NPRM”) and has heard from numerous parties about the vast panoply of services that can be provided using the Internet Protocol.¹⁷

¹¹ See *January 18 Letter* at 2. As we explained in our comments in the *IP-Enabled Services* docket, “one can readily identify numerous distinctions” between CDV and the AT&T services at issue in that proceeding. See Comments of Comcast Corp., WC Docket No. 04-36, at 13-14 (May 28, 2004) (highlighting at least seven differences between VoIP services such as Comcast’s CDV and the AT&T services at issue in that proceeding).

¹² See 47 C.F.R. § 9.3.

¹³ See, e.g., Comments of Comcast Corp., WC Docket No. 05-337, at 17-21 (Nov. 26, 2008).

¹⁴ See, e.g., *Nat’l Cable & Telecomms. Ass’n v. Brand X Internet Servs.*, 545 U.S. 967 (2005), *aff’g In re Inquiry Concerning High-Speed Access to the Internet over Cable and Other Facilities, Internet over Cable Declaratory Ruling, Appropriate Regulatory Treatment for Broadband Access to the Internet over Cable Facilities, Declaratory Ruling & Notice of Proposed Rulemaking*, 17 FCC Rcd. 4798 (2002) (“*Cable Modem Ruling*”).

¹⁵ *Cable Modem Ruling* ¶ 40 (internal citations omitted). Notably, your suggestion that CDV is not an information service is directly contrary to one of the proposals put forward by the Commission less than three months ago to reform the Universal Service Fund and the intercarrier compensation regime. See *High-Cost Universal Service Support; Universal Service Contribution Methodology; Developing a Unified Intercarrier Compensation Regime; et al.* Order on Remand and Report & Order and Further Notice of Proposed Rulemaking, FCC-08-262, app. C ¶ 204 (2008) (“*USF/ICC Reform NPRM*”) (proposing to classify as an information service “those services that originate calls on IP networks and terminate them on circuit-switched networks, or conversely that originate calls on circuit switched networks and terminate them on IP networks”).

¹⁶ *Cable Modem Ruling* ¶ 35 (“None of the [relevant] statutory definitions rests on the particular types of facilities used. Rather, each rests on the function that is made available.”).

¹⁷ See *IP Enabled Services NPRM* ¶ 1 (“In this [NPRM], we examine issues relating to services and applications making use of Internet Protocol (IP), including but not limited to voice over IP (VoIP) services....”).

Ms. Dana Shaffer & Mr. Matthew Berry
January 30, 2009
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Moreover, there is a separate proceeding on intercarrier compensation that has been fully briefed and which is awaiting Commission action.¹⁸ Those would be the appropriate proceedings, on issues of general applicability to providers of IP-enabled services, in which to address your closing questions, and it would be inappropriate and in excess of delegated authority for any Bureau or Office to decide the answers to those questions before the full Commission has done so.

We hope this letter clarifies the “apparent discrepancy” you perceived, as well as the related questions in your letter.

Sincerely,

/s/ Kathryn A. Zachem
Kathryn A. Zachem
Vice President,
Regulatory and State Legislative Affairs
Comcast Corporation

cc: Acting Chairman Michael J. Copps
Commissioner Jonathan S. Adelstein
Commissioner Robert M. McDowell
Rick Chessen
Scott Bergmann
Nick Alexander

Kris Monteith
Scott Deutchman

¹⁸ See *USF/ICC Reform NPRM* ¶¶ 38-41.