

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

3  
4 **August 13, 2020 - 10:09 a.m.**

5                                   *[Remote Hearing conducted via Webex]*

6  
7                   **RE: DT 20-111**  
8                   **COMCAST OF MAINE/NEW HAMPSHIRE, INC.:**  
9                   **Petition for Resolution of Dispute**  
10                   **and Declaratory Ruling.**  
11                   **(Prehearing conference)**

12                   **PRESENT:**       Cmsr. Kathryn M. Bailey, Presiding  
13                                   Cmsr. Michael S. Giaimo  
14  
15                                   Doreen Borden, Clerk  
16                                   Stephen Edelblut, PUC Remote Hearing Host

17                   **APPEARANCES:**    **Reptg. Comcast of Maine/New**  
18                                   **Hampshire, Inc.:**  
19                                   Susan S. Geiger, Esq. (*Orr & Reno*)  
20                                   Jay F. Ireland, Esq. (*Davis Wright...*)  
21                                   Sharon L. Webber, Esq. (*Comcast Corp.*)  
22  
23                                   **Reptg. Consolidated Communications of**  
24                                   **Northern New England Company, LLC:**  
                                 Patrick C. McHugh, Esq.  
                                 Sarah A. Davis, Esq.  
                                 **Reptg. PUC Staff:**  
                                 David K. Wiesner, Esq.  
                                 Eric J. Wind, Esq.  
                                 Kath Mullholand, Dir./Regulatory  
  Innovation & Strategy

                  Court Reporter:     Steven E. Patnaude, LCR No. 52

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**P R O C E E D I N G**

CMSR. BAILEY: All right. Good morning, everyone.

We're here this morning in Docket Number DT 20-111, which is Comcast's Petition for Resolution of Dispute and Declaratory Ruling regarding certain Consolidated Communications of NNE pole attachment policies and practices.

Before we begin, I need to make a few findings, because we're doing this hearing remotely.

As Presiding Officer of this matter before the Public Utilities Commission, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order Number 12 issued pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this hearing, which was authorized pursuant to the Governor's Emergency Order. In accordance with the Emergency Order, however, I am

1           confirming that we are using Webex for this  
2           electronic hearing. Participating members of the  
3           Commission have the ability to communicate  
4           contemporaneously during this hearing through  
5           this platform, and the public has access to  
6           contemporaneously listen and, if necessary,  
7           participate.

8                         We previously gave notice to the public  
9           of the necessary information for accessing the  
10          prehearing conference in the Order of Notice. If  
11          anybody has a problem during the hearing, please  
12          call 271-2431. In the event the public is unable  
13          to access the hearing, the hearing will be  
14          adjourned and rescheduled.

15                        If you need to be recognized by me  
16          during the hearing, please put your hand up. If  
17          you're having a problem or there are any  
18          technical issues, if you put your hand up, we'll  
19          pause and try to resolve it.

20                        We will start the hearing with roll  
21          call attendance of the Commissioners present, and  
22          then we'll take appearances.

23                        My name is Kathryn Bailey. I'm a  
24          Commissioner at the Public Utilities Commission.

1 And no one is with me.

2 Commissioner Giaimo.

3 CMSR. GIAIMO: Good morning. Michael  
4 Giaimo, Commissioner with the New Hampshire  
5 Public Utilities Commission. I, too, am by  
6 myself.

7 CMSR. BAILEY: I note for the record we  
8 received an affidavit of publication from Comcast  
9 on August 5th. I don't see any requests for  
10 intervention. Is that right?

11 *[No verbal response.]*

12 CMSR. BAILEY: Okay. Seeing none.  
13 Let's take appearances, starting with Comcast  
14 please.

15 MS. GEIGER: Good morning,  
16 Commissioners Bailey and Giaimo. I'm Susan  
17 Geiger, from the law firm of Orr & Reno. And I'm  
18 appearing today on behalf of Comcast. And there  
19 is no one present with me here in my office.

20 CMSR. BAILEY: Thank you.  
21 Consolidated.

22 MR. McHUGH: Good morning,  
23 Commissioners. This is Attorney Patrick McHugh,  
24 appearing on behalf of Consolidated

1           Communications. There is nobody present in my  
2           office. And, in addition, with me, on behalf of  
3           Comcast [Consolidated?] as co-counsel, Attorney  
4           Sarah Davis as well.

5                       Thank you.

6                       CMSR. BAILEY: Good morning.

7           Mr. Wiesner.

8                       MR. WIESNER: Good morning,  
9           Commissioners. David Wiesner, representing  
10          Commission Staff. I'm in my office alone. With  
11          me, virtually, are Kath Mullholand, Director of  
12          the Regulatory Innovation and Strategy Division,  
13          with responsibility for telecommunications  
14          matters, and also Attorney Eric Wind of the Legal  
15          Division.

16                      CMSR. BAILEY: Okay. Are there any  
17          preliminary matters that we need to address  
18          before we take initial positions?

19                      Attorney Geiger.

20                      MS. GEIGER: Yes. Thank you,  
21          Commissioner Bailey. I neglected to mention  
22          that, virtually, I have with me representatives  
23          of Comcast who have been registered for this  
24          prehearing conference. And they include Stacey

1 Parker, Attorney Jay Ireland, Attorney Sharon  
2 Webber, and subject matter expert Terrence  
3 O'Brien.

4 And I believe -- I believe that's it,  
5 in terms of participants. I think Jim White may  
6 be trying to access as an attendee.

7 Thank you.

8 CMSR. BAILEY: Okay. Thank you.  
9 Anything else?

10 *[No verbal response.]*

11 CMSR. BAILEY: All right. Let's take  
12 initial positions. Ms. Geiger.

13 MS. GEIGER: Thank you. Comcast's  
14 position in this case is that Consolidated  
15 wrongfully denied Comcast access to two of its  
16 poles, two of its Consolidated poles in Belmont,  
17 New Hampshire. Comcast is seeking declaratory  
18 relief to prevent Consolidated from acting in a  
19 similar fashion in the future.

20 The material undisputable facts in this  
21 case appear in Comcast's Petition, which has been  
22 signed under oath by Mr. Terrence O'Brien. And  
23 those facts are as follows: In August of 2019,  
24 Comcast submitted an application to Consolidated

1 for pole attachment licenses for a line of  
2 several poles in the Town of Belmont, New  
3 Hampshire, including three consecutive poles  
4 relevant to this dispute.

5 During a joint survey of the three  
6 poles, Comcast was informed by Consolidated that  
7 there was inadequate space on the intervening or  
8 the second of the three poles, which could not  
9 accommodate Comcast's proposed attachments.

10 Also, the intervening pole could not be replaced  
11 with a taller pole to accommodate the attachments  
12 due to overhead high-tension electrical  
13 facilities that cross over the pole line.

14 So, to resolve that situation, Comcast  
15 proposed to install a riser on the first of the  
16 three poles to bring Comcast's aerial plant down  
17 to an underground conduit that Comcast would  
18 install in the public right-of-way, as authorized  
19 by RSA 231:161, and a permit, which the Town of  
20 Belmont has issued to Comcast for that purpose.

21 The conduit would then bypass the  
22 inaccessible intervening pole and go directly to  
23 the third pole where another Comcast riser would  
24 be installed to bring the Comcast plant back up



1 the pole from the conduit to connect aerially for  
2 the continuation of the pole line. This is a  
3 standard industry practice that Comcast has used  
4 regularly to resolve similar issues in the past,  
5 including in New Hampshire and across the  
6 country.

7 Consolidated rejected this solution.  
8 Without providing specific facts about the poles  
9 in question, Consolidated refused to allow  
10 Comcast to install its own risers on the two  
11 critical Consolidated poles, even though there  
12 are no risers -- no other risers on either pole,  
13 and the poles could accommodate Comcast risers.  
14 Instead, Consolidated's denial letter merely  
15 states that Consolidated denied the riser  
16 licenses on each riser pole, based on capacity  
17 and engineering standards. The denial letter  
18 provides no information explaining why the  
19 proposed risers would exceed available pole  
20 capacity, nor does it specify the particular  
21 engineering standards that Consolidated alleges  
22 would not be met.

23 As an additional basis for its denial,  
24 Consolidated invoked two of its policies. And,

1           although Consolidated's denial letter summarizes  
2           its policies, Consolidated has never advised  
3           Comcast verbally, or in writing, of such policies  
4           before this particular issue in Belmont arose.

5                       The first policy is that Consolidated  
6           says it must own the protective riser covers  
7           installed at Consolidated's -- excuse me, at  
8           Comcast's expense on the poles, and then lease  
9           back the space in the riser covers to Comcast for  
10          Comcast's own riser cable.

11                      The second policy is that Consolidated  
12          says it must own and control the conduit between  
13          the riser poles. Comcast must either pay  
14          Consolidated to install the conduit, or Comcast  
15          can install the conduit itself and then convey  
16          ownership of it to Consolidated. In either case,  
17          Consolidated requires that Comcast lease the  
18          conduit space from Consolidated, even though  
19          Comcast has the statutory right and has obtained  
20          a permit from the Town of Belmont to install its  
21          own conduit in the public right-of-way in the  
22          Belmont pole location.

23                      Now, Comcast asserts that there are  
24          three main reasons why Consolidated's denial in

1           this case was wrongful. The first is a notice  
2           issue. Consolidated's written notice, the denial  
3           letter, which denied Comcast's application for  
4           riser access to the two poles in Belmont, did not  
5           comport with the specificity requirements of the  
6           Commission's pole attachment denial rules.

7                        Secondly, we believe, as a factual  
8           matter, the facts in this case do not support  
9           Consolidated's position that there is a lack of  
10          pole capacity for Comcast riser installations or  
11          that they would violate engineering standards.

12                       And, lastly, Consolidated's internal  
13          policy reasons for denying Comcast's pole access  
14          and conduit space are unlawful, unreasonable, and  
15          anti-competitive. They are blanket bans that  
16          cannot be invoked to prohibit Comcast from  
17          obtaining access and owning risers on  
18          Consolidated's poles, and from installing and  
19          owning conduit between two riser poles in  
20          Belmont.

21                       As to the first issue, to explain  
22          further, as communication to Comcast,  
23          Consolidated's denial of Comcast's riser access  
24          request is based on Consolidated's policy, it

1 doesn't meet the specificity requirements of  
2 Commission Rule 1303.04(c). The denial was not  
3 specific to the poles at issue. It failed to  
4 provide any evidence or information about the  
5 affected poles, and failed to explain what, if  
6 any, evidence and information demonstrates  
7 insufficient pole capacity or problems with  
8 safety, reliability, or generally applicable  
9 engineering standards.

10 As the Federal Communications  
11 Commission has recently held, in a decision  
12 issued July 29th of this year, a copy of which we  
13 provided to the Commission on August 7th, 2020, a  
14 denial of pole access must be specific to a  
15 particular request. We believe the FCC's ruling  
16 is instructive here, because the FCC's rule on  
17 pole attachment denials is nearly identical to  
18 New Hampshire's rule. The FCC has held that  
19 denials must state the specific concerns  
20 regarding the particular attachments and the  
21 particular poles at issue. Consolidated's  
22 failure to do so here constitutes unlawful denial  
23 of Comcast's pole attachment requests.

24 The second issue here is that there's

1 no factual justification for Consolidated's  
2 denial. The facts show that there are no risers  
3 on these poles, so there is capacity available to  
4 accommodate Comcast's facilities. Also, there  
5 are no existing safety, reliability or  
6 engineering reasons why Comcast can't attach its  
7 riser cables and coverings to the two Belmont  
8 poles. As a matter of fact, these poles can  
9 accommodate Comcast risers, and Consolidated has  
10 no lawful basis for denying the licenses.

11 As for the third major reason why this  
12 denial was unlawful, the policies that  
13 Consolidated has invoked in this matter cannot  
14 properly justify pole access. Consolidated's  
15 denial letter indicates that it must own risers  
16 on its poles and lease them to attachers.  
17 Consolidated's prohibition on privately owned  
18 risers is grounded in hypothetical concerns about  
19 future capacity. The denial letter says that  
20 "licensing risers that allow privately owned  
21 structure, i.e. conduit, from one Consolidated  
22 asset to another greatly accelerates premature  
23 exhaustion on the underground and pole space."  
24 Comcast submits that this policy is an unlawful

1 reservation of space, is anti-competitive, and  
2 constitutes an unjust and unreasonable term or  
3 condition.

4 As the FCC has recently held, a blanket  
5 ban on any portion of a pole is inconsistent with  
6 the requirement that a denial of access be  
7 specific to a particular request. Simply put,  
8 categorical access bans, such as the one that  
9 Consolidated has imposed on riser and conduits  
10 here, are prohibited. The FCC has stated that  
11 pole attachment denials must be based on actual,  
12 not hypothetical or theoretical, capacity,  
13 safety, reliability or engineering grounds.

14 In addition, Consolidated's policy of  
15 insisting that it must own the conduit between  
16 its poles in the public rights-of-way is  
17 unlawful, unreasonable, and anti-competitive.

18 Under RSA 231:160, Belmont, not  
19 Consolidated, has the authority to control the  
20 right-of-way at issue here. And the Town of  
21 Belmont has granted Comcast a permit to lay  
22 conduit in that public right-of-way.

23 Consolidated has also improperly  
24 interfered with Comcast's conduit installation

1 rights by denying Comcast riser access. More  
2 specifically, by denying riser access to Comcast,  
3 Consolidated has negated Comcast's need for the  
4 conduit space between the two riser poles.

5 And, lastly, Consolidated's insistence  
6 that Comcast pay to install the conduit, and then  
7 convey it to Consolidated, and lease conduit  
8 space back from Consolidated is unjust,  
9 unreasonable, and anti-competitive.

10 Comcast respectfully requests that the  
11 Commission issue a declaratory ruling prohibiting  
12 Consolidated from taking future action of the  
13 type complained of in this docket. Contrary to  
14 Consolidated's assertions in Paragraph 18 of its  
15 responsive pleading, Comcast is not requesting  
16 some type of universal, unrestricted access to  
17 Consolidated's poles. Nor is Comcast seeking to  
18 relitigate the pole attachment docket, DRM  
19 17-139.

20 The relief that Comcast is seeking here  
21 is very simple. If Comcast obtains authority  
22 from a town or the state to install conduit in a  
23 public right-of-way, and, if installing Comcast  
24 risers on the Consolidated poles on either end of

1           that conduit will not prevent actual capacity,  
2           safety, reliability or engineering concerns that  
3           are specific to those particular poles, then  
4           Consolidated must allow Comcast to install and  
5           own its own risers and conduit.

6                       Comcast also wishes to note that,  
7           although we found a workaround solution with  
8           FirstLight to the problem here, that solution  
9           doesn't render moot the dispute with Consolidated  
10          about licenses for the two Belmont poles.

11          Comcast and FirstLight have yet to finalize an  
12          agreement on the terms and conditions for Comcast  
13          pole attachments. In the event, however remote,  
14          that Comcast and FirstLight are not able to  
15          negotiate a pole attachment agreement, Comcast  
16          may need to revert to its original plans for  
17          riser access to the Consolidated poles.

18                       However, to avoid delaying the issue of  
19          a declaratory ruling in this case, Comcast would  
20          ask the Commission to move ahead expeditiously  
21          with the declaratory ruling issue, but to hold in  
22          abeyance the portion of the Petition that seeks  
23          riser licenses for the two poles that are the  
24          subject of this dispute.



1           And, lastly, as a procedural matter,  
2 Comcast respectfully requests that the docket be  
3 resolved as soon as possible, and would remind  
4 the Commission that the jurisdiction over the  
5 instant complaint requires that the matter be  
6 resolved within 180 days of the filing of the  
7 petition. As the Commission is likely aware,  
8 that deadline derives from a combination of state  
9 and federal law. RSA 374:34-a, II, states that  
10 the Commission's regulatory authority over pole  
11 attachments is "limited to the state regulatory  
12 authority referenced in 42 U.S. Code  
13 Section 224(c)." Under Section 240 -- excuse  
14 me -- Section 224(c)(3), "a state shall not be  
15 considered to regulate the terms and conditions  
16 for attachments (A) unless the State has issued  
17 and made effective rules and regulations  
18 implementing the State's regulatory authority  
19 over pole attachments;" which we know that New  
20 Hampshire has done, "and (b) with respect to any  
21 individual matter", such as this one, "unless the  
22 State takes final action on a complaint regarding  
23 such matter within 180 days after the complaint  
24 is filed with the State", and "within the

1 applicable period prescribed for such final  
2 action in the rules and regulations of the State,  
3 if the prescribed period does not extend beyond  
4 360 days after the filing of the complaint." And  
5 here, because the Commission has not adopted  
6 rules setting a -- setting a deadline for pole  
7 attachment complaint resolutions, the 180 day  
8 deadline applies.

9 Thank you for the opportunity to  
10 provide these preliminary comments on behalf of  
11 Comcast. I'd be happy to take any questions.

12 CMSR. BAILEY: Thank you. I don't  
13 think I have any questions at this time.

14 Commissioner Giaimo, do you?

15 CMSR. GIAIMO: I do have one.

16 Is there any history on the FirstLight  
17 pole? Was it developed as a result of too much  
18 capacity on the poles at issue? And what's the  
19 reason in why it was built in the first place?

20 MS. GEIGER: I don't have firsthand  
21 information about that. I can make an offer of  
22 proof, subject to check with Mr. O'Brien, who is  
23 participating on this conference.

24 My understanding is that FirstLight

1 encountered a similar problem with the  
2 high-voltage transmission lines. And its  
3 workaround solution was to install the poles that  
4 Comcast has now accessed.

5 But I would reserve, for the final say  
6 on that, a comment from Mr. O'Brien, if he cares  
7 to provide one.

8 MR. O'BRIEN: So, good morning. My  
9 name is Terry O'Brien. And that's my  
10 understanding as well. That FirstLight  
11 installed those two poles because they had a  
12 similar issue.

13 CMSR. GIAIMO: Perfect. That was my --  
14 that's the question I was asking. Thank you.

15 MR. O'BRIEN: You're welcome.

16 CMSR. BAILEY: Okay. Thank you very  
17 much.

18 Mr. McHugh.

19 MR. McHUGH: Good morning. I'm going  
20 to turn the response over to Attorney Davis, but  
21 just a preliminary matter.

22 We do agree that the poles are in  
23 Belmont, Commissioner Bailey. In the first  
24 paragraph or the first page, and I think at the

1 very top of the second page of our response,  
2 inadvertently included "Brentwood" as the town in  
3 New Hampshire.

4 So, while we might not agree with a lot  
5 of what Attorney Geiger said, we do agree the  
6 poles are in Belmont, New Hampshire.

7 So, Attorney Davis will respond  
8 substantively on behalf of Consolidated. Thank  
9 you.

10 CMSR. BAILEY: Thank you for the  
11 clarification.

12 Attorney Davis.

13 MS. DAVIS: Thank you, Commissioner  
14 Bailey.

15 Consolidated's position in this case is  
16 pretty simple. In general, the facts, as they  
17 have been stated, and you can see in our  
18 response, are agreed to with respect to the town,  
19 which Mr. McHugh just clarified, and with respect  
20 to what occurred, the denial of access due to the  
21 high tension lines, and the subsequent request  
22 for riser access on two poles, to basically move  
23 around the pole that presented the issue.  
24 Consolidated agrees with all of those facts.

1                   Where Consolidated disagrees is what  
2                   exactly the denial was. And, in Consolidated's  
3                   opinion, it did not deny riser access to Comcast.  
4                   It required Comcast to pay make-ready, to provide  
5                   for conduit and risers to provide it access,  
6                   which is standard, make-ready is standard in all  
7                   situations where there is an accommodation issue,  
8                   where there's not enough plan as the plant  
9                   currently stands.

10                   And, so, Consolidated, as a pole owner,  
11                   has a right to prescribe terms and conditions of  
12                   attachment to the extent that they are  
13                   reasonable. And, in this situation,  
14                   Consolidated's term and condition that it be  
15                   Consolidated-owned conduit and riser is  
16                   reasonable for a couple of reasons.

17                   One is an access issue. When  
18                   Consolidated -- while Consolidated has a  
19                   requirement to provide access to its poles on a  
20                   nondiscriminatory basis, if Comcast were to own  
21                   these risers, the next attacher who sought access  
22                   to the poles would not be able to have access.  
23                   Oppositely, if Consolidated were to own the  
24                   conduit and risers, it would present the next

1           attacher the ability to access the pole. Every  
2           time you place a riser on a pole, you're putting  
3           a through-bolt in, and you're compromising the  
4           integrity, in addition to creating congestion on  
5           the pole. Additional -- everything more you put  
6           on a pole creates additional issues.

7                         And, so, Consolidated was not reserving  
8           space for Consolidated through this request, but  
9           rather creating a path where it could accommodate  
10          more attachments, and do so without creating  
11          unnecessary additional fixtures on the pole. And  
12          that's what Consolidated communicated to Comcast.

13                        Our denial was a form denial,  
14          admittedly. But, really, we didn't see it as a  
15          denial. We saw it as a requirement of a  
16          different way in which Comcast could seek access.  
17          And, frankly, the costs are the same either way.  
18          The only additional cost to Comcast is the rental  
19          of the conduit, which is a *de minimis* amount of  
20          money. Consolidated's conduit rental per foot is  
21          in the dollar range. So, it's a *de minimis*  
22          thing. It is not -- certainly not for  
23          Consolidated to make money off of. It is really  
24          just its way to manage its plant.

1           And Comcast would have you believe that  
2           through New Hampshire statutes that point to  
3           accessing a right-of-way, which appropriately,  
4           obviously, it came in through a town, it does not  
5           recognize Consolidated as an owner of an asset,  
6           and allow it the decision to manage that asset in  
7           a way that is safe for its employees, that allows  
8           access for all parties who seek it, and minimizes  
9           through bolts or other attachments to the pole  
10          that will compromise that integrity.

11           CMSR. BAILEY: Can you explain to me  
12          how various communications companies, if there  
13          are multiple communications companies, how, if  
14          Consolidated owned the riser cable, it would  
15          prevent fewer through bolts than if multiple  
16          attachers owns their own riser cable, but use the  
17          same conduit?

18           MS. DAVIS: Yes. Because, as I  
19          understand it, the riser cable can accommodate  
20          more than one cable through the use of  
21          innerducts. And, so, Consolidated would be able  
22          to not require additional conduit in the ground,  
23          because it could, through the use of multiple  
24          innerducts, you know, when we put in conduit, we

1 build additional capacity, allows for access for  
2 other providers through both the conduit and of  
3 the risers, so that everyone doesn't have to have  
4 a separate riser.

5 CMSR. BAILEY: And could Comcast share  
6 its facilities in a similar manner, like  
7 FirstLight is sharing the poles across the  
8 street?

9 MS. DAVIS: If it were their  
10 facilities, they could share. But there's no  
11 requirement for them to share. The Commission  
12 has no jurisdiction over them to make them share.  
13 And, frankly, Comcast's response on that issue  
14 was that they don't want other people in their  
15 risers and conduit.

16 CMSR. BAILEY: Okay. Thank you.

17 Commissioner Giaimo, do you have any  
18 other questions?

19 CMSR. GIAIMO: No. Thank you.

20 CMSR. BAILEY: All right. Thanks.

21 Mr. Wiesner?

22 MR. WIESNER: Thank you, Commissioner  
23 Bailey.

24 On behalf of Staff, we look forward to



1 working with the parties to develop a better  
2 understanding of the factual issues and the legal  
3 issues that are implicated in this docket. And  
4 we will start that process during the technical  
5 session that follows this prehearing conference.

6 I think we want to nail down, in  
7 particular, the status of the situation in  
8 Belmont, and whether there are open issues and  
9 disputed facts with respect to that particular  
10 situation.

11 Putting that aside, this may be a  
12 context where a factual stipulation can be  
13 entered into by the parties of undisputed  
14 relevant facts, and then the issues can focus on  
15 legal matters, which might be addressed through a  
16 briefing schedule, perhaps followed by a hearing  
17 before the Commission, if necessary, and then an  
18 order on declaratory ruling.

19 To Attorney Geiger's point regarding  
20 the six-month clock, I am optimistic that this  
21 can be concluded within that timeframe. And I  
22 think it's our interest in seeing it concluded  
23 expeditiously as well. These issues don't just  
24 affect Comcast. I suspect they affect other

1           attaching entities in this state as well.

2                       So, we look forward to starting that  
3 process this morning. And we'll report back to  
4 the Commission on a procedural path forward, once  
5 it's been developed.

6                       CMSR. BAILEY: Okay. Thank you.

7                       Is there anything else we need to do,  
8 before we adjourn today?

9                       *[No verbal response.]*

10                      CMSR. BAILEY: Okay. Seeing none.

11                      Then, I thank you for your comments. And we will  
12 leave you to your technical session. The hearing  
13 is adjourned.

14                               ***(Whereupon the prehearing conference***  
15                               ***was adjourned at 10:39 a.m., and a***  
16                               ***technical session was held thereafter.)***

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