

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

2012 TERM

Case No: 2011-0762

**Appeal of Comcast Phone of New Hampshire, LLC and
Comcast IP Phone, II, LLC**

MOTION FOR PERMISSION TO FILE A REPLY

NOW COME Comcast Phone of New Hampshire, LLC and Comcast IP Phone, II, LLC (collectively “Comcast” or “Appellants”), by and through their undersigned attorneys, and, pursuant to Supreme Court Rule 21 (3-A), respectfully move this honorable Court for permission to file a Reply to the Objection to Motion to Vacate Orders Under Review as Moot filed by incumbent carriers (excluding affiliates of FairPoint Communications, Inc.) of the New Hampshire Telephone Association (the “RLECs”), and to the Objection to Comcast Motion to Vacate Commission Orders Under Review as Moot filed by the State of New Hampshire, Public Utilities Commission (“the Commission”). In support of this Motion, the Appellants state as follows:

1. Comcast’s Motion to Vacate involves the Commission’s orders regarding the regulatory treatment of Voice over Internet Protocol (“VoIP”) and the impact of newly-enacted Senate Bill 48, Chapter 177 of the New Hampshire Laws of 2012 (“Senate Bill 48”) on these orders. In their Objections, the RLECs and the Commission make assertions regarding the effect of vacating the Commission’s orders, and raise arguments regarding the impact of Senate Bill 48 on regulation of VoIP services. These assertions and arguments require a brief response from Comcast in order to provide the Court with a complete and accurate record of Comcast’s position. In its Reply, Comcast will, *inter*

alia, respond to the RLECs' and the Commission's misunderstanding of Comcast's position concerning the regulatory impact of Senate Bill 48, and will address the RLECs' characterization of the impact of Senate Bill 48 on the Commission's orders under review. Because this Court's ruling on Comcast's Motion to Vacate Orders Under Review as Moot will determine whether the Court will reach the merits of Comcast's appeal, a Reply regarding the issues raised in the RLECs' and Commission's Objections should be allowed as it will aid the Court in making this determination.

2. In view of the foregoing, Comcast respectfully submits that it should be given an opportunity to file a Reply to the RLECs' and the Commission's Objections.

3. If the Court grants the within Motion, Comcast intends to file its Reply no later than 5 business days from the date of receiving the Court's order.

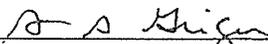
WHEREFORE, Comcast respectfully requests that this honorable Court:

A. Issue an order allowing Comcast to file a Reply to the RLECs' and the Commission's Objections to Motion to Vacate Orders Under Review as Moot within 5 business days of receipt of said order; and

B. Grant such further relief as it deems appropriate.

Respectfully submitted,

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And Its Affiliates
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Certificate of Service

I hereby certify that a copy of the foregoing Motion has on this 17th day of September, 2012 been sent by first class mail, postage prepaid, to the parties.

Susan S. Geiger
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