

In the Matter of the Application of Comcast IP Phone of Missouri, LLC for Certificate of Service Authority to Provide Local Exchange and Interexchange Telecommunications Services Throughout the State of Missouri and to Classify the Company as Competitive)))))))))	Case No. _____
---	---	----------------

Comes now Comcast IP Phone of Missouri, LLC, d/b/a Comcast Digital Voice (“Comcast Phone-MO” or “Applicant”), by its undersigned counsel, and hereby applies pursuant to Chs. 392.361, 392.410, 392.420, 392.430, 392.440 and 392.470, RSMo, ordering paragraph 1 of the Commission’s Report and Order in Case No. TC-2007-0111 (hereafter the “November 1st Report and Order”),¹ and 4 CSR 240-2.060, for a certificate of service authority to provide local exchange and interexchange telecommunications services throughout the State of Missouri, and for designation as a competitive telecommunications carrier. In support of its Application, Comcast Phone-MO states as follows:

1. Comcast Phone-MO is a limited liability company duly organized and existing under and by virtue of the laws of Missouri. Its headquarters and principal place of business are located at One Comcast Center, 1701 John F. Kennedy Boulevard, Philadelphia, PA 19103-

Staff of the Pub. Serv. Comm'n of the State of Missouri v. Comcast IP Phone, LLC, *Report and Order* (issue date Nov. 1, 2007); *Order Denying Application for Rehearing, but Modifying the Time for Compliance with Report and Order* (issue date Nov. 16, 2007).

2834, and its telephone number is 215/286-8687. A copy of the Applicant's Certificate of Formation is attached hereto as ***Exhibit A***. A copy of its Certificate of Good Standing is attached hereto as ***Exhibit B***. A copy of its registration of the fictitious name "Comcast Digital Voice" is attached as ***Exhibit C***.

2. Comcast Phone-MO is an indirect, wholly-owned subsidiary of Comcast Corporation, also headquartered at One Comcast Center, 1701 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103-2834. Comcast Corporation (NASDAQ: CMCSA, CMCSK) is principally involved in the development, management, and operation of broadband cable networks and programming content. Comcast Corporation is the largest cable company in the United States, serving more than 24 million cable subscribers. Operating subsidiaries of Comcast Corporation are duly authorized to provide facilities-based local exchange and/or interexchange telecommunications services to residential and business customers in various portions of 48 states. An organizational chart, including Comcast Phone-MO and its direct and indirect corporate parents, is attached hereto as ***Exhibit D***.

3. All inquiries, correspondence, communications, pleadings, notices, orders, and decisions relating to the case should be addressed to:

Mark P. Johnson
Roger W. Steiner
Sonnenschein Nath & Rosenthal
4520 Main Street, Suite 1100
Kansas City, MO 64111
816/460-2400
816/531-7545 (facsimile)
mjohnson@sonnenschein.com
rsteiner@sonnenschein.com

In addition, please provide copies to:

Andrew D. Fisher
Senior Counsel

Comcast IP Phone of Missouri, LLC
One Comcast Center, 50th Floor
Philadelphia, PA 19103
215/286-3039
267/675-5039 (facsimile)
andrew_fisher@comcast.com

4. Comcast Phone-MO seeks Commission certification to provide the telecommunications services described below on a facilities- and resold-basis throughout all Missouri exchanges.

5. Pursuant to this Application, Comcast Phone-MO seeks authorization to offer and provide local exchange and interexchange telecommunications services, pursuant to Chs. 392.430, 392.440, and 392.470, RSMo. Consistent with its proposed two-way voice service (*infra* para. 8) and the waivers sought herein (*infra* paras. 10 and 11), Comcast Phone-MO will satisfy the minimum standards established by the Commission and will give equitable access to all Missourians, regardless of where they live or their income, to affordable telecommunications services. 4 CSR 240-3.510(1)(D)(2), (5). At the present time, Comcast Phone-MO does not intend to offer basic local telecommunications services.

6. Comcast Phone-MO possesses the technical, financial, and managerial resources and abilities necessary to provide the proposed services. Description of the backgrounds of Comcast Phone-MO management who will be involved in its business operations are attached hereto and incorporated herein by reference as ***Exhibit E***. These individuals have significant experience in the critical functions of communications network operations, product development, sales and marketing, business management, and finance. Comcast Phone-MO also possesses the

necessary financial resources to support provision of the proposed services. As indicated above, Comcast Phone-MO is an indirect, wholly-owned subsidiary of Comcast Corporation, upon whose financial capability it will rely to fund its operations in Missouri and to provide the services described in this Application. Copies of the most recent Annual Report and Form 10-K of Comcast Corporation filed with the Securities and Exchange Commission are attached hereto as *Exhibits F* and *G*, respectively.

7. The Commission may grant Comcast Phone-Mo a certificate of service authority to provide local exchange and interexchange telecommunications service if the Commission finds such authority to be in the public interest. Ch. 392.440, RSMo. Competition in the intrastate interexchange and local exchange telecommunications markets is in the public interest.

8. Comcast Phone-MO intends to provide two-way voice service within a local calling scope comprised of the following services: (a) multiparty, single line, including installation, touchtone dialing, and any applicable mileage or zone charges; (b) access to local emergency services including, but not limited to, 911 service established by local authorities; (c) access to basic local operator services; (d) access to basic local directory assistance; (e) standard intercept service; and (f) one standard white pages directory listing. *See* Ch. 386.020(4)(a), (c), (f), (h), RSMo.³

9. Comcast Phone-MO seeks classification of itself and its services as competitive. Pursuant to Ch. 392.361.3, RSMo, the Commission may designate a company as competitive if it finds that all of the services the company provides are subject to sufficient competition to justify

³ Applicant does not intend to provide assistance programs for installation of, or access to, basic local telecommunications services for qualifying economically disadvantaged or disabled customers or both, including, but not limited to, lifeline services and link-up Missouri services for low-income customers or dual-party relay service for the hearing impaired and speech impaired. Ch. 386.020(4)(b). Applicant also does not intend to provide equal access to interexchange carriers. Ch. 386.020(4)(g).

a lesser degree of regulation, and that such lesser regulation is consistent with the protection of ratepayers and promotes the public interest. As the services which Comcast Phone-MO proposes to provide are local exchange services in the service areas of SBC, Embarq, CenturyTel, and Spectra, in which those companies and many others provide the same or similar services, there is sufficient competition to justify designation of those services as competitive. As all of the services which Comcast Phone-MO proposes to provide should be designated as competitive, Comcast Phone-MO should be designated as a competitive telecommunications company.

10. Consistent with the Commission’s treatment of other certificated competitive local exchange telecommunications companies, Comcast Phone-MO requests that the following statutes and regulations be waived for Comcast Phone-MO with respect to its local exchange and interexchange service offerings, pursuant to Ch. 392.361.5 and 392.420, RSMo:

<u>Statutes</u>	<u>Missouri Public Service Commission Rules</u>
392.210.2	4 CSR 240-10.020
392.240.1	4 CSR 240-30.040
392.270	4 CSR 240-3.550(5)(C)
392.280	
392.290	
392.300.2	
392.310	
392.320	
392.330	
392.340	

11. In addition, and pursuant to Section 392.361.5 and the Commission’s November 1st Report and Order, Comcast Phone-MO requests waivers of the following rules, and provides a rationale for waiver of each of the listed rules:

- 4 CSR 240-3.510(1)(D)(3) – Applicant’s “last mile” is cable plant; the cable plant does not follow exchange boundaries of the ILEC;

- *4 CSR 240-30.020* – this rule has no application to Applicant; Applicant’s cable system has aerial plant; this rule addresses underground telecommunications systems;
- *4 CSR 240-32.060(11), (12)* – these engineering rules have no application to Applicant; they are designed for twisted pair copper infrastructure, not Applicant’s digital cable network;
- *4 CSR 240-32.060(15)(A), (B)* – these rules have no application to Applicant; the requirements concerning buried cable at certain depths do not apply to a cable system as the buried cable, unlike buried telephone facilities, does not contain voltage;
- *4 CSR 240-32.060(16)* – this rule has no application to Applicant; NIDs (network interface devices) installed on the outside of a premises are not part of a cable system;
- *4 CSR 240-32.080(2)* – Applicant cannot measure required service levels at the exchange level; required measurements would be determined on a community/market level;
- *4 CSR 240-33.040(8)(A), (G), (H), 33.070(6)(E), (H)* – Applicant’s national billing system lacks functionality to itemize access lines and the date and duration of toll calls via paper invoice (toll calls are itemized via a web-based bill); to provide and track payments on deferred payment agreements; and to provide the statement of the exception for medical emergency;
- *4 CSR 240-33.070(4), (6)(E)* – Applicant currently does not limit discontinuance to normal business hours; and
- *4 CSR 240-33.090* – Applicant does not offer deferred payment agreements.

Comcast Phone-MO is still reviewing the Commission’s regulations, and as this Application is reviewed by Staff, Comcast Phone-MO reserves its right to seek additional waivers, as appropriate.

12. Comcast Phone-MO submits that the public interest will be served by Commission approval of this Application because Comcast Phone-MO’s proposed services will create and enhance competition and expand customer service options consistent with the

legislative goals set forth in the federal Telecommunications Act of 1996 and Chapter 392 RSMo. Approval of this Application also will expand the availability of innovative, high quality, and reliable telecommunications services within the State of Missouri.

13. Consistent with 4 CSR 240-2.060(1)(K), Comcast Phone-MO does not have any pending action or final unsatisfied judgment or decisions against it from any state or federal agency or court which involves customer service or rates, which action, judgment, or decision has occurred within 3 years of the date of application.

14. Consistent with 4 CSR 240-2.060(1)(L), Comcast Phone-MO does not have any overdue annual reports or assessment fees.

15. Notwithstanding the provisions of Ch. 392.500, RSMo, as a condition of certification and competitive classification, Comcast Phone-MO agrees that, unless otherwise ordered by the Commission, if it files an access tariff, its originating and terminating switched exchange access rates will be no greater than the lowest Commission-approved corresponding access rates in effect for each ILEC within whose service area(s) Comcast Phone-MO seeks authority to provide service. Additionally, pursuant to the Commission's Report and Order in Case No. TO-99-596, Comcast Phone-MO agrees that if the ILEC in whose service area Comcast Phone-MO is operating decreases its originating and/or terminating access service rates, and if Comcast Phone-MO has filed an access tariff, it shall file an appropriate tariff amendment to reduce its originating and/or terminating access rates within thirty (30) days of the ILEC's reduction of its originating and/or terminating access rates in order to maintain the cap on switched exchange access rates.

WHEREFORE, applicant Comcast Phone-MO respectfully requests that the Commission grant it a certificate of service authority to provide local exchange and interexchange

telecommunications services as herein requested, classify Comcast Phone-MO as a competitive telecommunications company, grant a waiver of the aforesaid statutes and regulations set forth in paragraphs 10 and 11 of this Application, and for such other relief as the Commissions deems appropriate.

Dated December 31, 2007

Respectfully submitted,

/s/ Mark P. Johnson

Mark P. Johnson Mo. Bar 30740

Roger W. Steiner Mo. Bar 39586

Sonnenschein Nath & Rosenthal

4520 Main Street, Suite 1100

Kansas City, MO 64111

816/460-2400

816/531-7545 (facsimile)

mjohnson@sonnenschein.com

rsteiner@sonnenschein.com

ATTORNEYS FOR APPLICANT
COMCAST IP PHONE OF MISSOURI, LLC

VERIFICATION


STATE OF MISSOURI)
)
COUNTY OF JACKSON) ss.

Comes now Mark P. Johnson, being of lawful age and duly sworn, who swears and affirms as follows:

1. My name is Mark P. Johnson, and I am an attorney for Comcast IP Phone of Missouri, LLC, the Applicant herein. I have been authorized by the Applicant to verify this Application on its behalf.

2. I have read the foregoing Application, and its contents are true and correct to the best of my knowledge and belief.

Further affiant sayeth not.


Mark P. Johnson

Subscribed and sworn to before me this 31st day of December, 2007.


Notary Public

My commission expires: July 26, 2009

21344311\W-4

<p style="text-align: center;">MARY E. HAWKINS Notary Public - Notary Seal STATE OF MISSOURI Commissioned for Jackson County My Commission Expires: July 26, 2009 Commission Number 05402876</p>
