

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Staff of the Public Service Commission of the State)	
of Missouri,)	
)	
Complainant,)	
v.)	Case No. TC-2007-0111
)	
Comcast IP Phone, LLC,)	
)	
Respondent.)	

**STAFF’S RESPONSE IN OPPOSITION TO
JOINT MOTION TO SUSPEND PROCEDURAL SCHEDULE**

COMES NOW the Staff of the Missouri Public Service Commission and for its response states:

1. On September 21, 2006, the Staff filed its Complaint against Comcast IP Phone, LLC. The Complaint requests the Commission to find that Comcast is offering and providing local exchange telecommunications service in violation of Section 392.410.2 RSMo, to find that Comcast is offering and providing interexchange telecommunications service in violation of Section 392.410.2 RSMo, and to authorize the General Counsel of the Commission to bring an action in Circuit Court to recover from Comcast the maximum statutory forfeiture allowed by Section 392.360 RSMo for each separate, distinct, and continuing violation.

2. On December 26, 2006, Comcast filed its Answer to the Staff’s Complaint. The Answer requests the Commission to dismiss Staff’s Complaint and find that Comcast is not offering or providing local exchange or interexchange telecommunications service in violation of 392.410.2 RSMo. Comcast claims that the Commission lacks jurisdiction over its all distance VoIP (Voice over Internet Protocol) services.

3. A hearing in this case is set for June 20, 21, and 22, 2007. Because those dates conflict with the MARC Conference, the Commission has directed the parties to jointly file, no later than April 19, a recommendation regarding the rescheduling of the hearing.

4. On April 17, 2007, Respondent Comcast and Intervenor Missouri Independent Company Group (MITG) filed their Joint Motion To Suspend Procedural Schedule. Comcast and MITG “request that the procedural schedule be suspended due to the possibility of a legislative resolution of the matters at issue, after a joint study group investigates the issue of VoIP after the present session of the General Assembly.”

5. The Staff opposes the request to suspend the procedural schedule. Even if one assumes that the 2008 General Assembly will pass, and that the Governor will sign, legislation to de-regulate VoIP-based intrastate telecommunications services, such legislation would not resolve the matters at issue. Comcast has, since April 2006, been violating Section 392.410.2 RSMo by offering and providing intrastate interexchange and local exchange telecommunications services without having received certificate of service authority. Speculation that future legislation may de-regulate Comcast’s intrastate telecommunications services neither resolves, nor absolves, Comcast’s past, current and continuing violations of Section 392.410.2 RSMo.

WHEREFORE, the Staff requests the Commission to deny the Joint Motion To Suspend Procedural Schedule.

Respectfully submitted,

/s/ William K. Haas

William K. Haas
Deputy General Counsel
Missouri Bar No. 28701

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-7510 (Telephone)
(573) 751-9285 (Fax)
william.haas@psc.mo.gov

Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 19th day of April 2007.

/s/ William K. Haas