

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 16th day of November, 2007.

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

**ORDER DENYING APPLICATION FOR REHEARING, BUT MODIFYING
THE TIME FOR COMPLIANCE WITH REPORT AND ORDER**

Issue Date: November 16, 2007

Effective Date: December 31, 2007

On November 1, 2007, the Commission issued a Report and Order regarding Staff's complaint against Comcast IP Phone, LLC. The Report and Order provided that it would become effective on December 31. On November 13, Comcast IP Phone filed a timely application for rehearing. Comcast IP Phone's application for rehearing is accompanied by a motion for expedited treatment asking the Commission to rule on the application for rehearing by November 26 to allow Comcast IP Phone to pursue an appeal before the December 10 deadline for compliance established in the Report and Order.

Section 386.500.1, RSMo (2000), indicates the Commission shall grant an application for rehearing if "in its judgment sufficient reason therefor be made to appear." Comcast IP Phone cites various grounds for rehearing, but the Commission has previously

considered and rejected each of those grounds. The Commission finds no reason to grant rehearing.

The first ordered paragraph of the Report and Order requires Comcast IP Phone to either cease providing Comcast Voice Service, or apply for an appropriate certificate of service authority to provide that service, by December 10, 2007. By that paragraph, the Commission intended to establish a deadline for Comcast IP Phone to act thirty days after the effective date of the report and order. However, after considering the matter at its agenda meeting, the Commission decided to give its Report and Order a sixty-day effective date, rather than the customary ten-day effective date, to allow Comcast IP Phone more time to comply with the requirements of the Report and Order. Unfortunately, the Commission failed to change the December 10 deadline to match the revised effective date of the Report and Order.

In order to bring the requirements of the Report and Order in line with its original intent, the Commission will modify the Report and Order to require Comcast IP Phone to comply by December 31, 2007, the effective date of the order.

IT IS ORDERED THAT:

1. Comcast IP Phone LLC's Application for Rehearing is denied.
2. The first ordered paragraph of the Report and Order is modified to provide as follows: No later than December 31, 2007, Comcast IP Phone shall either cease providing Comcast Voice Service, or apply for an appropriate certificate of service authority to provide that service.

3. This order shall become effective on December 31, 2007.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Murray, Clayton, Appling, and
Jarrett, CC., concur.

Woodruff, Deputy Chief Regulatory Law Judge