

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

In The Matter of The Joint Application)	
of CIMCO Communications, Inc. and)	
Comcast Phone of Missouri, LLC d/b/a)	<u>Case No. TO-2010-0117</u>
Comcast Digital Phone for Authority to)	
Transfer Customer Base and Motion for)	
Expedited Treatment)	

RESPONSE TO STAFF RECOMMENDATION

COMES NOW the Office of the Public Counsel and for its Response to Staff Recommendation states as follows:

1. On October 14, 2009, CIMCO Communications, Inc. and Comcast Phone of Missouri, LLC d/b/a Comcast Digital Phone (referred to herein as CIMCO and Comcast, respectively) filed an application for approval of the transfer of the Missouri customer base of CIMCO to Comcast.

2. On November 5, the Staff of the Commission filed its recommendation, concluding that “the Commission [should] grant the Applicants’ request to transfer the CIMCO customers to Comcast pursuant to the tariff revisions wherein CIMCO has withdrawn its existing tariff and adopted the Comcast tariff in its entirety.”

3. Public Counsel does not object to the Commission’s approval of the transfer, based upon the Staff review and recommendation and, in particular, the representations Comcast as to how the transferred customers will be treated. See attached Exhibit 1, which consists of an email from Comcast counsel to Barb Meisenheimer of the Office of the Public Counsel.

WHEREFORE, Public Counsel respectfully submits this Response to Staff Recommendation.

Respectfully submitted,

OFFICE OF THE Public Counsel

/s/ Lewis R. Mills, Jr.

By: _____

Lewis R. Mills, Jr. (#35275)
Public Counsel
P O Box 2230
Jefferson City, MO 65102
(573) 751-1304
(573) 751-5562 FAX
lewis.mills@ded.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been emailed to parties of record this 6th day of November 2009.

General Counsel Office
Missouri Public Service Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
GenCounsel@psc.mo.gov

Eric Dearmont
Missouri Public Service Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
eric.dearmont@psc.mo.gov

Mark Johnson
CIMCO Communications, Inc.
4520 Main Street Suite 1100
Kansas City, MO 64050
mjohnson@sonnenschein.com

Mark Johnson
Comcast Digital Phone
4520 Main Street Suite 1100
Kansas City, MO 64050
mjohnson@sonnenschein.com

/s/ Lewis R. Mills, Jr.

From: Sloan, Michael [mailto:MichaelSloan@dwt.com]
Sent: Wednesday, October 21, 2009 8:35 PM
To: Meisenheimer, Barb
Subject: Comcast Purchase of Cimco

Barb:

It was a pleasure speaking with you earlier. I really do appreciate your conscientious review of this transaction. As we discussed:

1. Comcast will not impose a "change charge" on customers that are switched from Cimco to Comcast; and
2. In the event that a customer chooses not to stay with Comcast after the transaction closes, Comcast will only impose an early termination charge if the current Cimco-customer contract authorizes Comcast to do so. Such contracts will have to be assignable and contain an early termination payment requirements clause.

I hope that this answers your questions. Please let me know if you have any others.

Thanks & best regards,

Michael C. Sloan | Davis Wright Tremaine LLP
1919 Pennsylvania Ave NW, Suite 200 | Washington, DC 20006
Tel: (202) 973-4227 | Fax: (202) 973-4499
Email: MichaelSloan@dwt.com | Website: www.dwt.com
Anchorage | Bellevue | Los Angeles | New York | Portland | San Francisco | Seattle | Shanghai | Washington, D.C.