

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of)
Comcast IP Phone of Missouri, LLC for)
Certificate of Service Authority to Provide)
Local Exchange and InterExchange) Case No. LO-2008-0217
Telecommunications Services Throughout)
the State of Missouri and to Classify the)
Company as Competitive)

COMCAST'S RESPONSE TO COMMISSION ORDER

Comes now Comcast IP Phone of Missouri, LLC d/b/a Comcast Digital Voice (“Comcast”), and states in response to the Commission’s June 6, 2008 Order (“the June 6 Order”):

1. On April 30, 2008, and May 5, 2008, the Senate and House of Representatives of the General Assembly, respectively, voted overwhelmingly to adopt HB 1779, which *inter alia* addresses the extent to which the State will regulate the provision of voice services through the use of Voice Over Internet Protocol (“VoIP”) technology. The bill is now awaiting signature by Governor Blunt and, after its execution, will become law on August 28, 2008. By its June 6 Order, the Commission asked interested parties to opine concerning the impact HB 1779 will have on this docket. In this pleading, Comcast expresses its belief that the Application which it filed to initiate this Docket will have to be withdrawn and replaced by the registration which HB 1779 instructs the Commission to issue to VoIP providers.

2. Comcast provides Comcast Digital Voice Service through the use of VoIP technology. The Commission's November 1 Report and Order in Case No. TC-2007-0111 ("the November 1 Order") directed Comcast to apply for an appropriate certificate of service authority by December 31, 2007. Comcast initiated the subject proceeding by filing the Application called

for in the November 1 Order, seeking a certificate of authority to provide (a) local exchange telecommunications service and (b) interexchange telecommunications service.

3. Comcast Digital Voice Service is an interconnected VoIP service that requires a broadband connection from the user's location and requires Internet protocol-compatible customer premises equipment. Comcast Digital Voice Service enables real time, two-way voice communications and permits users to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network. As noted below, Comcast Digital Voice Service comports with the soon-to-be-adopted definition of "interconnected VoIP service" and will not be a "telecommunications service" for regulatory purposes.

4. HB 1779 amends §386.020 RSMo by adding a new subsection (23), to define the term "Interconnected Voice over Internet Protocol Service." Comcast Digital Voice Service fits that definition. In addition, a new subsection is added to §386.020(53) [renumbered as (54)], to provide that "[t]elecommunications service does not include: ... (j) Interconnected voice over Internet protocol service." Therefore, once HB 1779 is signed by the Governor and enacted into law, Comcast Digital Voice Service will not be a telecommunications service under Missouri law and, assuming the application of state regulatory law to VoIP service, will not require a certificate of authority from the Commission.

5. HB 1779 will add to Missouri law a new section, §392.550 RSMo, which will address the Commission's role in overseeing the provision of VoIP service in Missouri. Under that new provision, VoIP providers will have to obtain a registration from the Commission. The Commission will issue the registration upon the provider's filing of an application, supported by an affidavit from an appropriate manager, which provides certain information concerning the

provider and commits the provider to making contributions to the Missouri Universal Service Fund, the Telecommunications Relay Service fund, and for enhanced 911 service, paying applicable local license taxes and annual assessments to the Commission, and filing annual reports with the Commission. New Ch. 392.550.3 RSMo.

6. Once HB 1779 becomes law on August 28, 2008, Comcast intends to request Commission permission to withdraw its application in this docket and an order closing the above-captioned docket, and to file the appropriate pleadings to obtain a VoIP registration from the Commission. Comcast will comply with all relevant requirements of HB 1779, such as registration, collection, and remittance of all applicable fees and surcharges, and the filing of an annual report with the Commission.

7. Given the pending effectiveness of HB 1779, Comcast urges the Commission to take no further action at this time in this Docket.

Respectfully submitted,

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ATTORNEYS FOR COMCAST IP PHONE OF
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VOICE

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been transmitted electronically to all counsel of record this 30th day of June, 2008.

/s/ Mark P. Johnson

Attorney for Comcast IP Phone of Missouri,
LLC d/b/a Comcast Digital Voice