

COMCAST'S RESPONSE TO STAFF'S
MOTION FOR MORE DEFINITE STATEMENT

Comcast IP Phone of Missouri, LLC d/b/a Comcast Digital Voice (“Comcast”), in response to Staff’s Motion for More Definite Statement states:

1. Comcast agrees with Staff that the Commission's Report and Order in Case No. TC-2007-0111 directed Comcast to apply for an appropriate certificate of service authority by December 31, 2007. The Report and Order does not specify which type of certificate authority Comcast was to file.

2. The Commission found that the Comcast Digital Voice service offered by Comcast is used by customers to transmit information by wire, radio and optical cable both within and between exchanges. Therefore, the Commission determined that Comcast Digital Voice service meets the statutory definition of a telecommunications service. Order at p. 8.

3. On December 31, 2007, Comcast applied for an appropriate certificate of service authority - namely a certificate of authority to provide (a) “local exchange telecommunications service” which is defined in § 386.020(31) as “telecommunications service between points within an exchange” and (b) interexchange authority.

I. Comcast's service does not meet the statutory definition of "basic local telecommunications service."

4. As detailed in its December 31, 2007 application, Comcast applied for a certificate to provide local exchange telecommunications service as its service does not meet the statutory definition of "basic local telecommunications service." Under section 386.020(4) RSMo "basic local telecommunication service" means two way switched voice service within a local calling scope as determined by the Commission comprised of any one of the eight listed services.

5. As outlined in its application, Comcast does not provide two way switched voice service within a local calling scope as determined by the Commission as a Comcast customer's calling scope does not reflect any Commission determined boundaries.¹ Comcast provides an all distance service which is not limited to any local calling scope.

II. Comcast's service does not meet the regulatory definition of "basic local telecommunications service."

6. Commission Rule 4 CSR 240-32.100 prescribes the minimum technologies and service features constituting basic local and interexchange telecommunications service as provided by basic local telecommunications companies.

7. Section 1 of the Rule provides that each basic local telecommunications company shall provide certain specified minimum elements for basic local interexchange telecommunications service. For example, one of those elements is found in subsection 2(G) of this Rule which provides:

Equal access in the sense of dialing parity and presubscription
among interexchange telecommunications companies for calling

¹ In its December 31, 2007 filing, Comcast indicated that it does not intend to provision "basic local" for low-income customers because it does not meet the definition of basic local. *Id.* at p. 4, n.3. Comcast, however, does intend to provide dual-party relay service for the hearing impaired and speech impaired, and herein corrects its application to reflect the availability of relay service.

within and between local access and transport areas (intraLATA and interLATA presubscription).

8. Comcast's service does not provide for intraLATA or interLATA presubscription and therefore Comcast's service does not meet the Commission's definition of a basic local telecommunications service.

III. Staff has recommended other local telecommunications service applications.

9. The Missouri statutes permit the offering of a local exchange service that is similar to but different from basic local exchange service, and Staff itself has previously recommended for approval such applications². In its November 24, 2003 memorandum in Case No. LA-2004-0138 (Time Warner's Application for Certificate of Service Authority to Provide Local and Interexchange Voice Service and for Competitive Classification), Staff recommended for approval a local exchange application to provide a service similar to but different from basic local exchange service so that companies would be encouraged to develop new technologies.

WHEREFORE, Comcast respectfully asks the Commission to approve its December 31, 2007 application, as further defined herein, for a certificate to provide local exchange and interexchange services in Missouri.

² *E.g.*, 386.020(1) RSMo (defining alternative LECs and authorizing the provision of "non-basic" local exchange services).

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 28th day of January, 2008.

/s/ Mark P. Johnson

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