

**BEFORE THE  
MISSOURI PUBLIC SERVICE COMMISSION**

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

**Application to Intervene  
In Support of Complaint**

Comes now the Missouri Independent Telephone Company Group (“MITG”), comprised of Alma Communications Company d/b/a Alma Telephone Company, Chariton Valley Telephone Corporation, Choctaw Telephone Company, Mid-Missouri Telephone Company (Otelco), MoKan DIAL, Inc., and Northeast Missouri Rural Telephone Company, for its Application to Intervene in Support of the Complaint, and states as follows:

1. The MITG is comprised of six small rural incumbent local exchange companies, who are also classified as Rural Telephone Companies under the Telecommunications Act of 1996. MITG members provide local, basic local, and exchange access services.

2. The MITG companies are subject to the regulatory supervision of the Missouri Public Service Commission.

3. Copies of all filings in this docket should be directed to the MITG by serving:

Craig S. Johnson  
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1648-A East Elm St.  
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4. This case was created as a result of Staff's September 21, 2006 Complaint against Comcast IP Phone, LLC ("Comcast"), generally charging that Comcast has engaged in offering and providing to the public local and interexchange telecommunications service in Missouri without obtaining a certificate of authority from this Commission to do so.

5. The MITG has reviewed Staff's Complaint, and Comcast's October 26, 2006 Motion to dismiss same.

6. As incumbent local exchange companies, the MITG companies have an interest in assuring all entities providing local exchange telecommunications service are subject to the same degree of regulation. Under the statutes of Missouri, the degree of regulation depends upon a carrier's regulatory classification. This statutory scheme is thwarted if a VOIP provider of telecommunications service is not subject to Commission jurisdiction at all. Consistent with the principles of competitively neutral playing fields, the MITG opposes any entity offering intrastate telecommunications service from being determined to be exempt from state regulation.

7. In addition, the MITG companies have an interest in assuring that VOIP providers interconnect with the public switched telecommunications network in general,

and the MITG companies' networks specifically, in a way that is compatible with the rights and interests of all carriers providing components of the PSTN, and also compatible and equitable with the manner in which traffic of other carriers is permitted to utilize the PSTN.

8. The MITG companies are aware that certain CATV affiliated VOIP providers are providing services pursuant to certificate from the Commission, but others such as Comcast are not. The MITG companies are aware that certain certificated CATV affiliated VOIP providers appear to be offering service outside their certificated areas.

9. The MITG companies are aware that certain VOIP providers appear to be offering service in the service area of LECs with whom the VOIP provider has no interconnection agreement, but offers customers the ability to retain their existing LEC-provided telephone number. This offer of service and retention of telephone numbers is in violation of federal statutes regulation interconnection, and interconnection agreements, and also is in violation of federal regulation of telephone number resource regulations.

10. The MITG companies are also concerned that the traffic of CATV affiliated VOIP providers such as Comcast destined for termination on the PSTN is not being originated, transported, or terminated to the PSTN in compliance with federal and state statutes, rules, and approved industry standards and protocols. The result is arbitrage, lack of adequate call records identifying financially responsible carriers for intercompany compensation purposes, resulting in carriers not being properly compensated for the use of their networks.

11. As set forth above, the interests of the MITG are different from those of the general public.

12. The MITG has expertise, insights, and analysis which may assist the Commission in understanding the impacts of the issues raised by the Complaint herein.

13. The MITG, in general, is supportive of the relief requested in Staff's Complaint. The MITG desires to participate in addressing the jurisdictional issues, and, if reached, the policy issues applicable to state regulation of Comcast.

14. Granting this intervention application is in the public interest.

WHEREFORE, on the basis of the foregoing, the MITG respectfully requests that this application to intervene and participate as a party intervenor, or alternatively as Amicus, be granted.

/s/ Craig S. Johnson  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this pleading was electronically mailed to the following attorneys of record in this proceeding this 29th day of October, 2006:

William Haas  
Michael Dandino  
Mark Johnson

/s/ Craig S. Johnson  
Craig S. Johnson