

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

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

**STATEMENT OF POSITION
MISSOURI INDEPENDENT TELEPHONE COMPANY GROUP**

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, and, pursuant to the Commission’s Order dated April 24, 2007, submits the following statements of position with respect to the List of Issues:

Issue 1: Does federal law preempt the Commission’s jurisdiction over Comcast IP Phone’s Voice over Internet Protocol (VoIP) service?

MITG POSITION:

No. Comcast’s service meets the statutory definition of telecommunications service subject to the Commission’s jurisdiction, as set forth in § 386.020 (53) RSMO. Comcast’s service is fixed, not the nomadic type of service for which state/interstate traffic separation is impossible. The FCC has not preempted Missouri regulation of Comcast’s service.

Issue 2: If the Commission is not preempted by federal law, should the Commission refrain from taking any action concerning Comcast IP Phone's VoIP service until the FCC classifies VoIP services?

MITG POSITION:

No. Comcast should be subject to the same degree of regulation Missouri statutes set forth for all telecommunications companies. Comcast should be required to obtain a certificate and file tariffs, subject to the standard waivers of statutes and rules customarily waived for competitive CLECs.

/s/ Craig S. Johnson
Craig S. Johnson, Atty.
Mo Bar # 28179
1648-A East Elm St.
Jefferson City, MO 65101
(573) 632-1900
(573) 634-6018 (fax)
craig@csjohnsonlaw.com

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 19th day of July, 2007:

William Haas
Michael Dandino
Roger Steiner

/s/ Craig S. Johnson
Craig S. Johnson