

COPY

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

2012 TERM

Case No: 2011-0762

Appeal of Comcast Phone of New Hampshire, LLC and
Comcast IP Phone II, LLC

MOTION TO STAY BRIEFING SCHEDULE

NOW COMES Comcast Corporation and its affiliates, Comcast Phone of New Hampshire, LLC and Comcast IP Phone, II, LLC (collectively “Comcast”), and, pursuant to Rule 21 of this Court’s rules, respectfully moves this Court to stay its briefing schedule in light of Comcast’s concurrently-filed Motion to Vacate the Orders of the New Hampshire Public Utilities Commission (“Commission”) under review in this appeal on the ground of mootness. In support of this Motion, Comcast states as follows:

1. The Court’s August 13, 2012 order establishes September 12, 2012 as the deadline for the submission of Comcast’s opening brief.

2. Concurrently with the filing of the instant Motion, Comcast has filed a Motion to Vacate the Commission’s Orders that are the subject of this appeal. If the Court grants the Motion to Vacate or otherwise declines to hear this case on the merits, then briefing will serve no purpose and will result in needless expense to the parties.

3. Comcast notes that both Motions are timely filed in that the Court issued its order announcing the briefing schedule on August 13, 2012, and Comcast has filed this Motion to Stay (as well as its concurrently-filed motion for vacatur) within 8 days of the Court’s order. Comcast also notes that this Court has stayed its proceedings in this case under similar circumstances. More specifically, on November 2, 2011, the Court

issued an order stating in relevant part: "Further processing of this appeal is stayed pending a ruling by the public utilities commission on the motion for reconsideration of suspension denial." Thus, the Court has previously stayed this appeal in light of the possibility that the appeal might be moot. Comcast therefore requests that the Court take a similar step here by staying the proceedings while the Court considers Comcast's Motion to Vacate.

4. In accordance with Supreme Court Rule 21 (5), the first undersigned attorney has contacted opposing counsel, Attorney Harry Malone, who has indicated that he assents to this Motion.

WHEREFORE, for the reasons stated above, Comcast respectfully requests that this honorable Court:

- A. Issue an order staying the briefing schedule in this case until such time as the Court rules on Comcast's Motion to Vacate; and
- B. Grant such further relief as it deems just and appropriate.

Date: August 21, 2012

Respectfully submitted,

Comcast Phone of New Hampshire, LLC
and Its Affiliates
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Certificate of Service

I hereby certify that a copy of the foregoing Motion has on this 21st day of August, 2012 been sent by first class mail, postage prepaid, to persons listed on the Service List.

S. S. Geiger
Susan S. Geiger

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