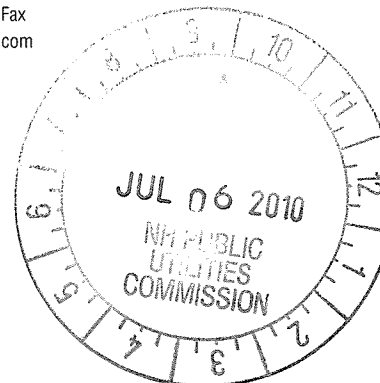




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July 2, 2010

Debra Howland
Executive Director and Secretary
New Hampshire Public Utilities Commission
21 S. Fruit Street
Concord, NH 03301



Re: DT 07-027, Response of Comcast Phone of New Hampshire to Motion of the Office of Consumer Advocate

Dear Ms. Howland:

Comcast Phone of New Hampshire ("Comcast Phone") is in receipt of the Motion by the Office of Consumer Advocate ("OCA") dated June 24, 2010, which among other things, seeks to make Comcast Phone a mandatory party to a proposed Phase III of the above-captioned docket. At issue is whether Kearsarge Telephone Company and Merrimack County Telephone (collectively "TDS") meet the requirements of RSA 374:3-b, the statute for alternative regulation in New Hampshire. Comcast Phone objects to this aspect of the OCA motion, as set forth in more detail below. Comcast Phone takes no position on the additional matters addressed by the OCA motion.

Comcast Phone was a party to both Phase I and Phase II of this docket, as part of Comcast Phone's attempt to provide competitive voice service in certain TDS territories. Ultimately, after much litigation spanning more than 2 years in this and related dockets, Comcast Phone was certified to offer telecommunications service in certain TDS service areas on February 6, 2009.¹ After an arbitration proceeding² before this Commission, Comcast and TDS executed an interconnection agreement, which was filed with this Commission on September 21, 2009. As a result, Comcast and TDS also executed a settlement agreement in this proceeding, DT 07-027 and as contemplated by the settlement agreement, on September 18, 2009 Comcast Phone withdrew from this docket.³

¹ *Application of Comcast Phone to serve customer in TDS Service Territories*, DT 08-083, Order No. 24,938, February 6, 2009.

² *Petition of Comcast Phone of New Hampshire for Arbitration of Rates, Terms and Conditions of Interconnection with TDS*. DT 08-162, Order No. 24,005, August 13, 2009.

³ *Petitions of Kearsarge, Merrimack, Hollis and Wilton Telephone Companies for Approval of Alternative Form of Regulation*, DT 07-027, Notice of Withdrawal of Comcast Phone, September 18, 2009.

Comcast Phone therefore takes no position on the merits of this proceeding. Comcast Phone does, however, object to becoming a mandatory party in this proposed Phase III, given the vast amount of time and resources the contentious litigation in Phases I and II of DT 07-027 has required. Status as a mandatory party would again subject Comcast Phone to this protracted litigation, and would cause Comcast Phone to expend additional time and resources on discovery, cross examination and hearings even though Comcast Phone has no position on or interest in the ultimate disposition of this case.

Notwithstanding that Comcast Phone has no position on the outcome in this docket, Comcast Phone understands it is in possession of information regarding the availability and competitiveness of its voice services in the TDS territories at issue. Comcast Phone's affiliate Comcast Digital Voice, did launch competitive voice service in several TDS service areas beginning in February of 2010. In lieu of party status, Comcast Phone would propose to work with Commission Staff to provide targeted information, in a format that is acceptable to the parties and on a confidential basis (if necessary) – either through stipulated facts, affidavit, or limited discovery – in order to assist the Commission in making the competitiveness determination required pursuant to RSA 374:3-b.

In view of the foregoing, Comcast Phone respectfully requests the Commission deny the portion of the Motion seeking to make it a mandatory party to this proceeding and direct that Commission Staff, the parties in this case and Comcast Phone work together to develop a reasonable process by which Comcast Phone could provide relevant information in its possession in order to assist the Commission in making its determination in this docket.

Respectfully Submitted,



Stacey L. Parker
Vice President, Regulatory Affairs
Comcast, NorthCentral Division

cc: Service List (electronic)