

STATE OF NEW HAMPSHIRE

BEFORE THE

PUBLIC UTILITIES COMMISSION

DT 07-027

KEARSARGE TELEPHONE COMPANY, WILTON TELEPHONE COMPANY, INC., HOLLIS TELEPHONE COMPANY, INC. AND MERRIMACK COUNTY TELEPHONE COMPANY PETITION FOR ALTERNATIVE FORM OF REGULATION

Rebuttal Testimony of Thomas E. Murray on Behalf of Kearsarge Telephone Company and Merrimack County Telephone Company

September 20, 2010

1	Q.	Please state your name and occupation.
2	A.	My name is Thomas E. Murray. I am employed by TDS Telecom Service Corporation
3		(TDS) as Manager State Government Affairs in the TDS Government and Regulatory
4		Affairs department. I replaced Michael Reed, who previously testified in this Docket.
5	Q.	Have you testified previously in this Docket?
6	A.	I have not provided live testimony. I did prepare the two affidavits that were submitted
7		in this Docket on June 11 and June 14, 2010 (the "Affidavits"). In those Affidavits, I
8		provided a summary of my background and qualifications. However, to address inquiries
9		from the parties at the September 8, 2010 Technical Session in this proceeding, this
10		rebuttal testimony includes a copy of my resume as Attachment TEM-1.
11	Q.	What is the purpose of your rebuttal testimony?
12	A.	I am providing testimony in response to the testimony submitted on behalf of the Office
13		of Consumer Advocate (Mr. Eckberg) and New Hampshire Legal Assistance representing
14		Daniel Bailey (Dr. Johnson) regarding the Affidavits.
15 16		With regard to Mr. Eckberg's testimony, I will first explain in detail how I obtained the
17		web page information regarding the availability of Comcast's voice service in the
18		relevant exchanges, employing the Google search engine, which I consider to be a very
19		likely vehicle that a customer would use. I will address Mr. Eckberg's preference for
20		going directly to the "comcast.com" website for this information and will demonstrate
21		that, using either approach, the customer would be offered voice service from Comcast. I
22		will address briefly Mr. Eckberg's issue regarding the difference between a screenshot

and a web page printout, showing that while they are different, the information relevant

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1		to this inquiry is provided either way. My conclusion is unchanged. Comcast is
2		providing voice service in the relevant exchanges.
3 4		With regard to the prefiled testimony of Dr. Johnson, I will respond to the points he raises
5		in light of the issue before the Commission, namely whether Comcast is providing a
6		voice service within the relevant exchanges. Dr. Johnson testifies as to matters already
7		decided by the Commission, such as whether Comcast's voice service is "competitive"
8		with the voice services provided by Kearsarge Telephone Company ("KTC") and
9		Merrimack County Telephone Company ("MCT") and whether the alternative regulation
10		plans provide for universal access to telephone service at reasonable rates. The
11		Commission has already decided that Comcast's voice service is a competitive alternative
12		within the meaning of the applicable statute. Although the issue of the universal access
13		provisions of the plans has already been decided, I do point out that, to the extent that Dr.
14		Johnson is assuming that Comcast only offers its \$99.00 "triple play," Comcast also
15		offers a separate voice service for existing customers with an introductory rate designed
16		to lure customers away from the competitive KTC and MCT services.
17	Q.	Can you review the objective of your Affidavits?
18		My objective was to present evidence that answers the question of whether voice service
19	£	is being offered by Comcast in the particular KTC and MCT telephone exchanges. This
20		is in accordance with the Second AFOR Order in which the Commission held that, in
21		regard to KTC:
22 23		As stated above, we recognize that these are evolving markets and that certification as a CLEC is intended in most cases to lead to offerings of

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service. Evidence establishing that Comcast is offering service as a CLEC

in the exchanges of Andover, Boscawen, Chichester, Meriden and New

¹ See DT 07-027, Order No. 25,103 at 26-28 (May 14, 2010) ("Second AFOR Order").

2 3 4 5 6		available. If, within 30 days of the date of this order, TDS files an affidavit establishing that a voice service is <i>currently being offered in those exchanges</i> , accompanied by print or other record of such advertisements being made public, it will meet its evidentiary burden." ²
7		Similarly, in regard to MCT, the Commission reiterated that:
8 9 10 11 12 13 14		[t]he presence of Comcast as a CLEC in the exchanges of Antrim, Contoocook, Henniker, Hillsborough and Melvin Village will be sufficient to demonstrate that a competitive alternative is available, on condition that within 30 days TDS submits evidence, such as through an affidavit with supporting documentation such as advertisements, establishing that a voice service is currently being offered in those exchanges." ³
15		Based on these directives, KTC and MCT have the simple burden of proving that
16		Comcast is offering and marketing voice services in KTC and MCT exchanges that it
17		serves. ⁴ The Affidavits address that issue. Since paper marketing materials typically are
18		not exchange-specific, we focused on web based advertising materials, buttressed with
19		information regarding number ports and order placements.
20	<u>I.</u>	Eckberg Testimony
21	Q.	On pages 3 and 6 of his testimony, Mr. Eckberg questioned the search method you
22		used to obtain the information in the Affidavits, suggesting that a direct visit to the
23		Comcast website may have produced more accurate or timely results. Do you agree
24		with this assessment?
25	A.	No. I believe that either approach is valid. In fact, I believe my approach is more
26		indicative of the broader array of sales channels that Comcast uses to market its services.
27		My goal, consistent with the Commission's order, was to obtain advertisements about
28		Comcast's voice offerings in each of these exchanges. Toward that end, we used

London, will be sufficient to demonstrate that a competitive alternative is

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² Second AFOR Order at 26 (emphasis original).

³ *Id.* at 21 (emphasis original).

Google's search engine to search for keywords, such as "cable," "Comcast, New Hampshire," "telephone," an exchange name, etc., in various combinations (for example, "Chichester New Hampshire Cable") in order to replicate a typical search that a customer might make. This search resulted in a list of website "matches" for these key words, many of which prominently display "Comcast" in their URL or web address and the web page description ("snippet") provided by Google. As an illustration, we have attached the results of a more current Google search as Attachment TEM-2. (It is important to note that the Internet is a dynamic medium and search engines will rarely produce the same results over time.) This approach can be contrasted with Mr. Eckberg's, by which an educated guess as to a company's URL is typed into the browser address bar. At one time, this may have been a reasonable approach, but today's sophisticated search engines have made the task easier with a simple Google search.

13 Q. Did Comcast's web page appear in the Google search results?

14 A. It is my experience that it does with some searches, although it is not always the first or
15 most prominent result. For example, many of the links that appeared in my original
16 Google search results were not Comcast sites, although I thought that they were, since
17 they had Comcast's name prominently displayed, creating the impression that they were
18 official Comcast websites. One of the resulting web pages from my original Google
19 searches, which I submitted with my Affidavits, displayed the Comcast name over
20 twenty-five times, including twice in the URL or address bar.

Q. What was the website from which you obtained your evidence?

⁴ Please note that Time Warner Cable is the cable company serving Melvin Village. TDS plans to address Melvin Village in a future proceeding.

⁵ Please refer to Attachment TEM-2 for more recent search results.

1	Α.	The site states that it is "powered by Saveology," which I believed at the time was a
2		software program, not a separate entity. I learned after the submission of my Affidavits
3		that the website is that of a Comcast Authorized Dealer named Saveology.com LLC, a
4		subsidiary of Elephant Group, Inc. Attached to this testimony as Attachment TEM-3 is a
5		screenshot of a 2006 press release from Elephant Group, Inc. announcing its relationship
6		with Comcast, as well as screenshots of the Saveology.com and Elephant Group Inc.
7		websites. Through our subsequent investigation, it appears that Comcast uses multiple
8		Authorized Dealers that create alternative marketing channels.
9	Q.	Please explain how you navigated to the web pages that you provided as evidence in
10		your Affidavits.
11	A.	I navigated to the web pages by performing Google searches for numerous "keyword"
12		combinations that often included the name of a KTC or MCT exchange followed by other
13		keywords, such as "cable," "Comcast," "New Hampshire," "telephone," etc. in various
14		combinations. One of these Google searches returned a link to a page with a list of New
15		Hampshire towns from which I selected the links for the exchanges in question. To
16		recreate this process, I have prepared Attachment TEM-4 which depicts this process for
17		Antrim.
18 19		In the particular case depicted in Attachment TEM-4, I entered the key words "New
20		Hampshire Comcast Telephone Cable" into the Google search engine. On the second
21		web page of the results returned by this search, which I have already introduced as
22		Attachment TEM-2, the third link from the bottom is labeled "Comcast New Hampshire
23		Deals/Comcast Cable NH Bundled Package Deals." I clicked on this link and was
24		brought to the web page included in Attachment TEM-4 which, along with listing

1		Comcast over twenty-five times, contains a list of New Hampshire towns that can be
2		selected. I then clicked on each town that represented the exchanges in question, for
3		example "Antrim."
4	Q.	In a discussion on pages 8 through 11 of his testimony, Mr. Eckberg testified that
5		while he was able to access the web pages you provided with your Affidavits, he was
6		not able to navigate to them from the starting page of the Comcast Authorized
7		Dealer. Can you explain this?
8	A.	Yes. Mr. Eckberg used a different technique than I did. As he described in his
9		testimony, he used an "Address Specific Approach" in which he typed a specific street
10		address for the target town (in this case, Antrim.) This is not the approach I used. As I
11		explained in the previous answer, I navigated to the results web page by simply clicking
12		on the town listing, rather than entering a specific address. I chose this approach because
13		the Commission's inquiry is directed at the exchange level, not the individual customer,
14		level.
15	Q.	In the same discussion in his testimony, Mr. Eckberg also criticized your search
16		method because the information he obtained directly from the Comcast website was
17		more specific as to overall service offerings and availability by individual address.
18		Can you address this criticism?
19	A.	Yes. First, it is important to recognize that, while displayed differently, both Mr.
20		Eckberg's searches and mine established that Comcast is offering a voice service in the
21		target exchanges. However, to address Mr. Eckberg's concerns in this regard, I have
22		provided specific address searches both from the Comcast Authorized Dealer's website
23		that we included in our Affidavits and also from the Comcast website. We have included

1		these results as Attachments TEM-5 through TEM-13. There is an attachment for each of
2		the TDS exchanges that Comcast serves. Each attachment first displays an address
3		search from the Comcast Authorized Dealer's website, followed by the same address
4		search from Comcast's website. Both searches for addresses in each exchange generate
5		similar results, affirming that voice services are available and that the customer at the
6		submitted address can subscribe to them.
7	Q.	Can you explain in detail how you created the web page screenshots included in
8		Attachments TEM-5 through TEM-13?
9	A.	Yes. Each of our address specific searches from the Comcast Authorized Dealer began at
10		the same web page submitted on my Affidavits. Starting from the page designating each
11		of our particular exchanges, I entered a valid address from that exchange. Next, I clicked
12		on the "Get Comcast Now" box below the address fields. This resulted in the Comcast
13		Authorized Dealer's website returning a web page with the message "Congratulations!
14		Offers are available for your address." These web pages have been presented in the
15		attachments as several screenshots which list the multiple services and packages to which
16		a customer could subscribe at that address, including the Triple Play and Digital Voice
17		services with introductory rates of \$99 and \$19.99, respectively.
18 19		I then sought to replicate these results by going directly to the Comcast website, as Mr.
20		Eckberg had suggested. Each of the address specific searches from the Comcast website
21		began on the Comcast "Looking for Products and Prices?" web page. On this web page
22		we entered a valid address for each exchange and clicked on the "Submit" button for each
23		entry. In each instance, we were brought to web pages listing the services that could be
24		purchased, including the \$99 Triple Play and \$19.99 voice service offerings.

1 2		This exercise, using a dual approach, reinforces the fact that Comcast is offering a voice
3		service in these exchanges. Therefore, I am comfortable that the information submitted
4		in the Affidavits regarding Comcast's voice service offerings meets our evidentiary
5		burden.
6	Q.	On page 12 of his testimony, Mr. Eckberg suggested that you may not have
7		navigated to the specific web pages for each town, but merely edited the URL of the
8		first web page result to reflect the town in question. Furthermore, he demonstrated
9		that this technique could produce erroneous results, e.g. "Eckberg, NH." Do you
10		have any comment on this?
11	A.	Yes. As I explained in a previous answer, this is not how I proceeded. I arrived at the
12		respective web pages by navigating through a series of web pages to arrive at the results
13		page.
14 15		Regarding the matter of fictitious towns, I have determined that regardless of whether the
16		search is conducted through a Comcast Authorized Dealer or Comcast directly, the final
17		search is sensitive to fictitious addresses. Once the customer reaches the point at which a
18		specific address must be submitted, an invalid address will result in a message that the
19		services are not available and, in the case of the Comcast website, will present a list of
20		nearby towns that can be served. An example of such a message is included in
21		Attachment TEM-14. Therefore, even though Mr. Eckberg discovered that a particular
22		website might offer service in a fictitious town like Eckberg, NH, the ordering process
23		would have failed if he had continued further and entered an address into the address
24		search field.

1	Q.	Can you explain why the Comcast Authorized Dealer websites would indicate that
2		service is available where it is not?
3	A.	No. I can only assume that the Comcast Authorized Dealer has cast a wide marketing net
4		through the Google search engine, in order to generate as much traffic to its website as
5		possible. However, as I discussed above, entering a valid address produces a
6		confirmation that service is available, whereas an incorrect address will produce a
7		notification that service is not available, e.g. see Attachment TEM-14.
8	Q.	In his testimony, Mr. Eckberg distinguishes between web pages that advertise
9		"Comcast Digital Voice" as a separate offering and those like the ones you provided
10		that advertise "Triple Pay Deals." Is this distinction significant?
11	A.	No, not for the purposes of this inquiry. The Commission's Second AFOR Order
12		directed TDS to submit evidence addressing whether "a voice service is being offered,"
13		by Comcast. We have done so. We were not directed to address the way that the voice
14		service is packaged or marketed. In any event, as shown in Attachments TEM-5 through
15		TEM-13, Comcast is offering both separate voice service and the bundles that include
16		voice service.
17	Q.	Can you explain why your original Affidavit provided the results of address
18		searches for some exchanges, e.g. Meriden, but not others?
19	A.	Yes. It is important not to overlook the fact that my original Affidavits, in addition to
20		providing Comcast advertisements, also provided confidential number porting reports as
21		further validation of Comcast offering voice service. However, as of the date of those
22		Affidavits, TDS had not experienced customer voice ports in KTC's Meriden and in
23		MCT's Melvin Village exchanges, and thus we instead provided address specific results

1	to further support the advertising material. Since that time, we have experienced
2	customer ports to Comcast in Meriden. This updated information is displayed in
3	Confidential Attachment TEM-15C to this testimony. With this information, we have
4	established that Comcast is not only marketing in these exchanges, but is capturing KTC
5	and MCT customers and that some of those customers are porting their existing telephone
6	numbers to Comcast.

Q. On pages 3 through 6 of his testimony, Mr. Eckberg distinguishes between "screen shots" as opposed to web page "printouts," and observes that you provided the latter. Do you agree with this observation?

A. Mr. Eckberg is technically more accurate in stating that the attachments submitted with my Affidavits are web page printouts rather than screenshots, but I disagree with any implication that there is a substantive difference in the information provided by either for purposes of showing that Comcast is currently offering voice service in these exchanges. The information is virtually identical in each (as Mr. Eckberg admits on page 8 of his testimony) and it appears that the web page printout is only reformatted without the graphics for ease of printing. However, in order to dispel any doubt as to the validity of the website attachments to my Affidavits, I have included with this rebuttal testimony both screenshots and printouts for one of the exchanges in question. Please refer to Attachment TEM-16, which demonstrates that either method shows virtually identical information, and both answer the question that the Commission directed KTC and MCT to address.

II. Johnson Testimony

A.

Q. On page 5 of his testimony, Dr. Johnson implies that TDS should have taken the extra step to determine what fraction of its customers are actually able to obtain Triple Play service from Comcast. Also, on page 15 of his testimony, Dr. Johnson also states "As of the time I prepared this testimony, no maps or other evidence had been offered concerning the extent of the Comcast 'footprint' within each TDS exchange." Do you agree?

No. As discussed above, the Commission has ordered that TDS only needed to file "an affidavit establishing that a voice service is *currently being offered in those exchanges*, accompanied by print or other record of such advertisements being made public" in order to meet its final evidentiary burden. Such Affidavits were filed, and even Dr. Johnson, on page 5 of his testimony, confirms that the TDS Affidavits "show that Triple Play is available to some customers in those exchanges." Dr. Johnson also confirms that "Triple Play is a bundled service that includes cable television, internet broadband and phone service." (I will also note that I find it surprising that Dr. Johnson, while claiming to be knowledgeable with regard to Comcast's marketing approach, would not be aware of the \$19.99 Digital Voice Service offering.)

Furthermore, TDS has already provided coverage maps that establish that Comcast has facilities in place that allow Comcast to offer its services to a majority of TDS' customers in the KTC Exchanges and the MCT Exchanges ("Coverage Maps"). In addition, the Commission has certified a Comcast affiliate to provide phone service within the KTC

Request 1 from the July 27, 2010 Technical Session.

⁶ See Confidential Exhibit MCR-2 to the rebuttal testimony of Michael C. Reed, submitted on November 15, 2007; resubmitted in September 6, 2010 confidential response to Oral Data

1		Exchanges and the MCT Exchanges. It is therefore reasonable for the Commission to
2		determine that since Comcast has begun offering voice service in the KTC Exchanges
3		and the MCT Exchanges, voice service is currently available to a majority of the TDS
4		customers within those exchanges.
5	Q.	Has the Commission previously relied upon the Coverage Maps to determine that a
6		cable alternative is available to the majority of TDS' customers within the KTC and
7		MCT exchanges?
8	A.	Yes. The Commission ruled on pages 24 and 27 of the Second AFOR Order that TDS
9		presented evidence that cable broadband (high-speed data) service is available in the
10		KTC exchanges and the MCT exchanges. The evidence TDS presented included the
11		coverage maps referenced above.
12	Q.	Please refer to page 3 of Dr. Johnson's testimony where he discusses what factors or
13		evidence is most important in evaluating whether a product is or is not competitive
14		with another product or service. Do you have any comment?
15	A.	It is irrelevant. It is already clear that Comcast's voice service is a competitive
16		alternative offering. The Commission ruled on page 26 of its Second AFOR Order that
17		"(e)vidence establishing that Comcast is offering service as a CLECwill be sufficient
18		to demonstrate that a competitive alternative is available" (emphasis added) in those
19		exchanges. The Commission goes on to state that "(i)f, within 30 days of the date of this
20		order, TDS files an affidavit establishing that a voice service is currently being offered in
21		those exchangesit will meet its evidentiary burden." Such Affidavits were filed,
22		addressing the issue that is the sole focus of this additional phase of the proceeding.
23		

	approved, and questions the ability of those plans to preserve universal access to
	"very severe rate increases" if KTC and MCT's alternative regulation plans are
Q.	Please refer to Page 18 of the Johnson Rebuttal where he warns of the possibility of
	question before the Commission now.
	least three occasions ¹¹ His testimony in this regard simply is not responsive to the
	schemes in conducting its analysis. 10 The Commission has rejected this argument on at
	that the Commission must consider bundled services packages, pricing and marketing
	originally applied to wireless competition8 and then re-purposed for cable competition,9
	exchange." Parts of his testimony are devoted to resurrecting his previous argument,
	[I]t must be a relevant, competitive alternative for a majority of the customers in each
	he asserts that "it is not sufficient to show that Comcast is providing an alternative
	Dr. Johnson contradicts and argues against the holding of the Second AFOR Order when
	whether cable telephone service is a competitive alternative to service provided by TDS.
	However, it appears that Dr. Johnson seeks to raise once again the entire question of

16 A. Yes. Besides being outside the scope of the current inquiry, it is wrong as a practical
17 matter. As established in Attachments TEM-5 through TEM-13, Comcast offers existing
18 Comcast customers a basic voice service with an introductory rate of \$19.99, which is
19 squarely in the range of what Dr. Johnson has testified, on pages 7 and 9 of his testimony,

affordable telephone service. Do you have any comment?

is comparable to KTC and MCT rates.

⁷ Johnson Rebuttal 19:13-17.

⁸ *Id.* at 18-21.

⁹ Phase I, Tr. Day 2, p. 103, 1-17, 104, 1. 2. See also Bailey Brief at 25 (Nov. 6, 2009).

¹⁰ See Johnson Rebuttal at 5-18, 19-22.

¹¹ DT 07-027, Order No. 24,852 at 18 (Apr. 23, 2008) ("First AFOR Order"); Second AFOR Order at 13; Bailey Brief at 25 (Nov. 6, 2009).

Furthermore, upon approving the amended AFOR plans for Wilton Telephone Company,
Inc. ("WTC") and Hollis Telephone Company, Inc. ("HTC"), the Commission found that
WTC and HTC met the universal access requirement:
We find that the plans submitted for Wilton and Hollis as amended by the settlement meet the minimum requirements of 374:3-b, III(b) and we commend the parties for the additional rate protections provided by the one- and two-year rate freezes for these companies
We find that the plans for Wilton and Hollis as amended by the settlement provide additional rate protections through the one and two year rate freezes which preserve universal access to affordable basic telephone service as required by 374:3-b, III(e). In addition, the settlement amends the plans to provide a four-year rate freeze for Lifeline customers as well as a commitment to increase enrollment in that program. These added protections for low-income customers, who are most vulnerable to affordability concerns, meets the statutory requirement of subpart III(e). Finally, the plans for Wilton and Hollis provide for continuing Commission oversight as required by RSA 374:3-b, III(f). ¹²
In addition, Section 2.3 of the KTC and MCT Plans contains safeguards protecting
ratepayers:
After providing the Company an opportunity for a hearing and in the event that the Commission determines that the Company does not meet the criteria for eligibility for an alternative regulation plan under RSA 374:3-b, the Commission may require the Company to propose modifications to the Plan or return to its prior form of regulation.
Do you have any other comments regarding Dr. Johnson's testimony?
Yes. As discussed in a previous answer, Dr. Johnson's testimony is an attempt to rehash
issues that the Commission has already considered and decided. This is entirely
unnecessary and only serves to further extend a proceeding that is now well into its fourth
year. The path to a final decision regarding KTC is clear. Not only does the Commission
have a year and a half of favorable AFOR experience with HTC and WTC, it can always

¹² First AFOR Order at 28.

9	Q.	Does this conclude your rebuttal testimony?
8		been shown as identified in its Affidavit.
7		final evidentiary burden in the exchanges where a Comcast voice service offering has
6		in regard to KTC. In regards to MCT, the Commission should find that MCT has met the
5		that is indisputably does. Accordingly, the Commission should approve the AFOR Plan
4		voice service in the KTC and MCT exchanges. With regard to KTC, I have demonstrated
3		Commission focus on the single issue still left to resolve – whether Comcast is offering a
2		modify the AFOR plan or revoke it entirely. I respectfully recommend that the
1		rely on the safeguards built into RSA 374:3-b(f), referenced above, which permits it to

10

A.

Yes, it does.

Thomas E. Murray

91 Lower Barnet Hill Rd, Middlesex, VT 05602 802-229-0829/Thomasem9822@yahoo.com

PROFILE:

I am an experienced leader and senior manager who has performed at a high level in both the private and public sectors. Throughout my career I have consistently exceeded expectations and advanced rapidly to positions of greater authority and strategic importance. Prior to my tenure at the State of Vermont, my career in the telecommunications industry included positions in general operations management, executive management and technical disciplines.

EXPERIENCE:

TDS Telecom

Manager of State Government Affairs

4/10-Present

Responsible for state government relations and regulatory matters for TDS in Vermont, Maine, New York and New Hampshire.

Vermont Telecommunications Authority

Executive Director 10/09-4/10

Served as the interim Executive Director for the VTA, an organization responsible for expanding broadband and cellular services in rural Vermont.

State of Vermont

Chief Information Officer and Commissioner-Department of Information and Innovation 3/06-9/09

Responsible for oversight of all information technology projects for the State of Vermont, with an annual budget exceeding \$40m. Manage the enterprise information technology department (DII), with a staff of 80, which operates the state's data and telecommunications networks, data centers and enterprise applications.

Deputy Commissioner-Department of Economic Development

3/05-3/06

Responsible for the department's daily operational management, budgeting and served as legislative liaison. Supported numerous initiatives and organizations in their efforts to enhance job creation in the state and strengthen the state's economy.

Director of Telecommunications Infrastructure

9/03-3/05

Responsible for developing and leading the Governor's Broadband and Cellular strategy, including successful stewardship of numerous bills through the legislature.

Rural Cellular Corporation (d.b.a.: Unicel)

7/99-9/03

Responsible for general operations' management for Rural Cellular Corporation's Long Distance subsidiary. In addition, led the company's national regulatory strategy for complying with the FCC's wireless E911 mandate and accessing USF funding.

TDS Telecom

Regional Director of Technical Service/General Manager

2/92-6/99

Responsible for Technical Services at TDS Telecom' Eastern Region which was comprised of 42 Independent Telephone Companies. Prior to that position, served as the General Manager for TDS's Northfield Telephone Company.

EDUCATION:

Champlain College, Burlington, VT: Master of Science in Managing Innovation and IT (Currently enrolled, 60% completed, graduation in 2010)

Western New England College, Springfield, MA: Bachelor of Science/Business Administration '89

Numerous Management and Technical Training Courses: Ex: Frontline Leadership, Covey Training and Total Quality Management.

BOARDS and AFFILIATIONS:

Vermont Telecommunications Authority: Board Member

Vermont Center for Geographic Information: Chairman

Vermont Web Portal Board: Chairman

Vermont Communications Board (VCOMM): Board Member

Mad Dog Trout Unlimited: Past President

Northfield Rotary: Past Board Member

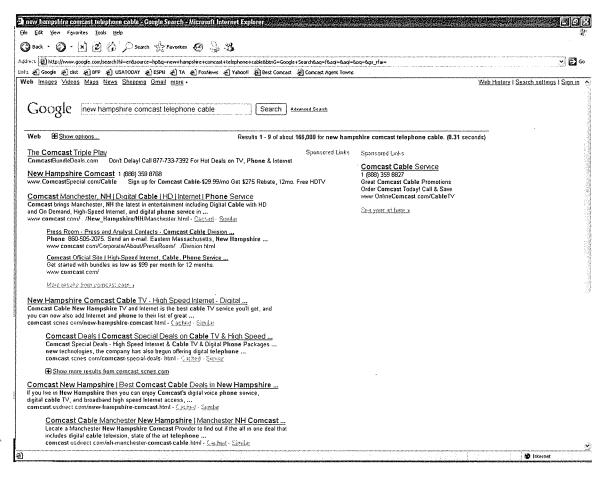
INTERESTS:

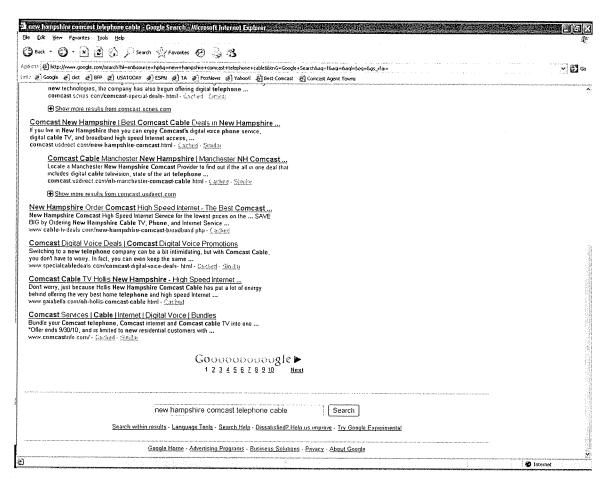
Hiking, Golf, Fishing and Skiing

Google Search

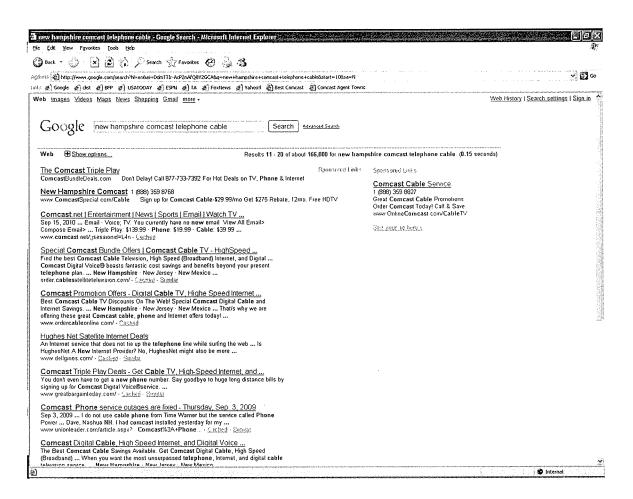
For "New Hampshire Comcast Telephone Cable"

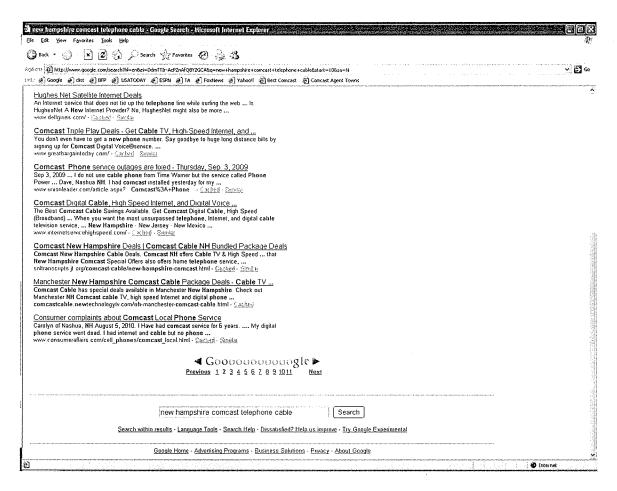
Performed on September 17, 2010





Page 2 of the Google Search



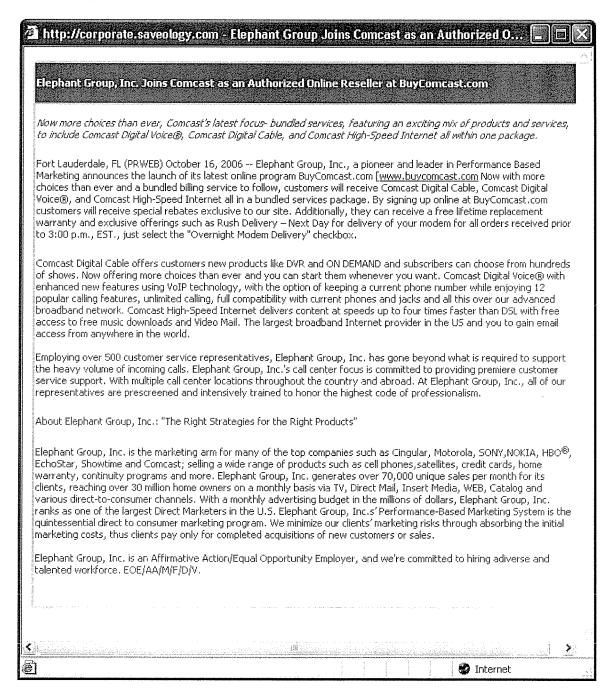


Note: The "Comcast New Hampshire Deals | Comcast Cable NH Bundle Packages" this will bring the user to the list of NH towns from which the affidavits were created.

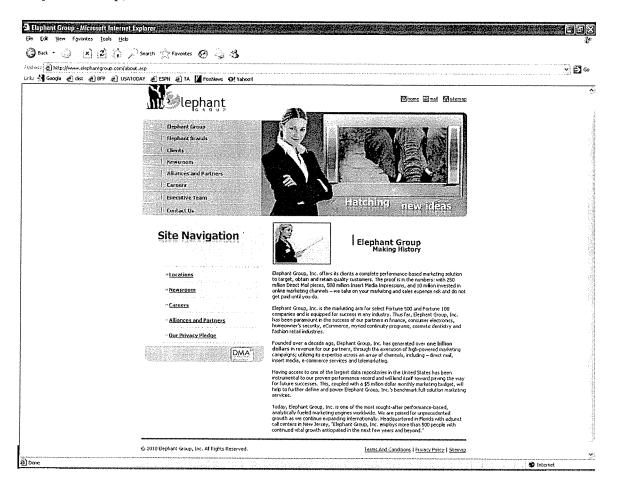
Note: The results of the Google search may vary from day to day and with the variation in the keywords entered.

Authorized Comcast Dealer

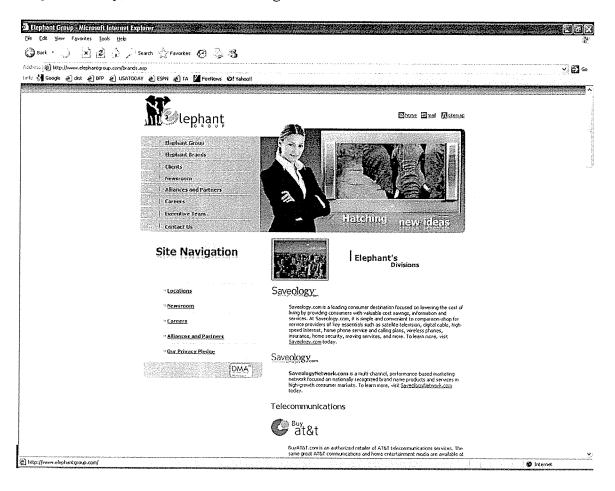
2006 Press Release from Elephant Group, Inc. (parent company of Saveology.com) announcing the relation with Comcast.

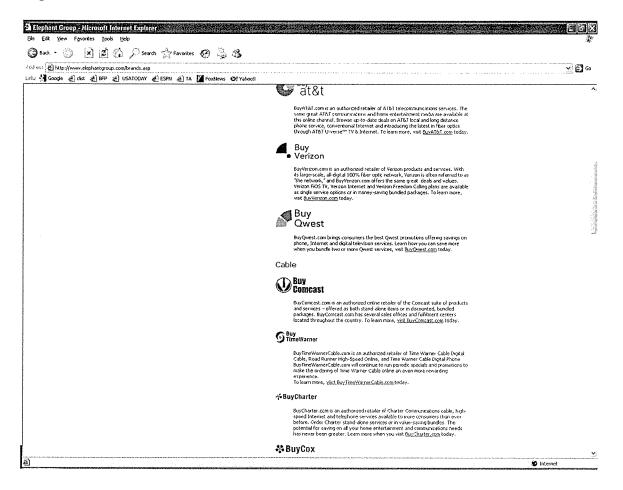


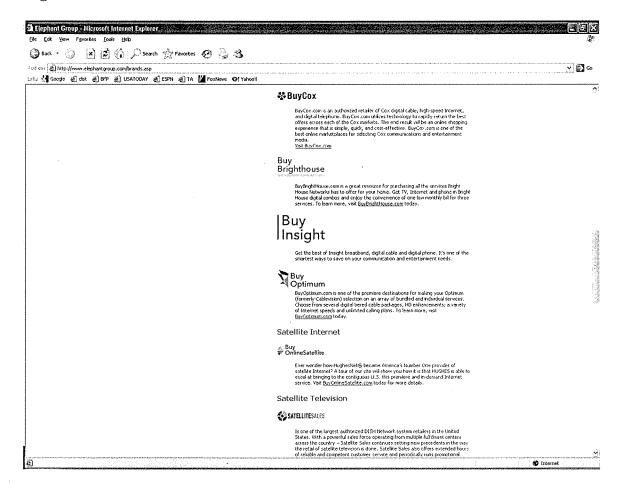
Elephant Group, Inc. Web Site

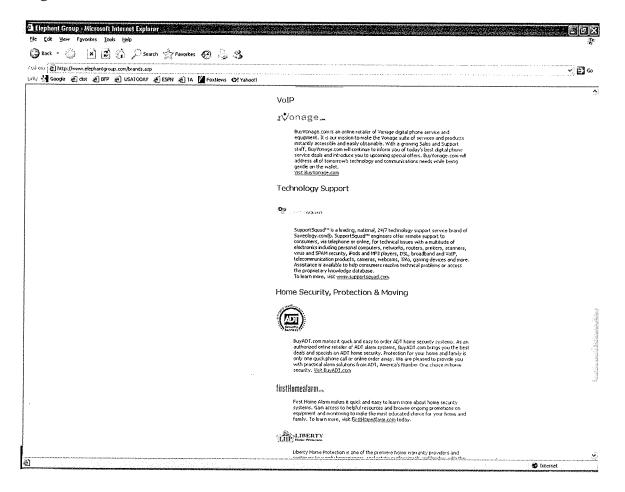


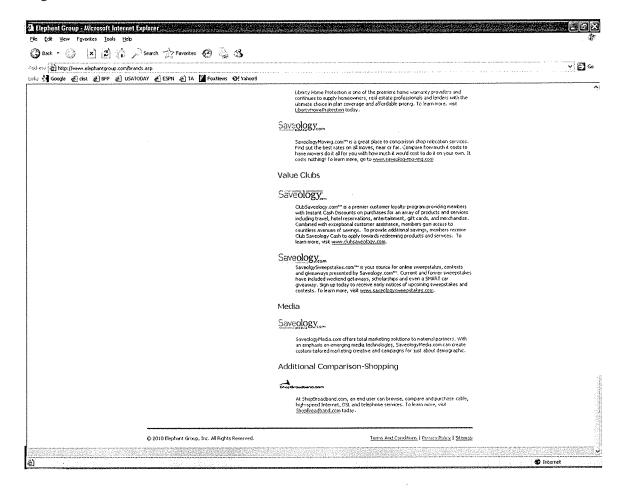
Elephant Group, Inc. Divisions Web Page



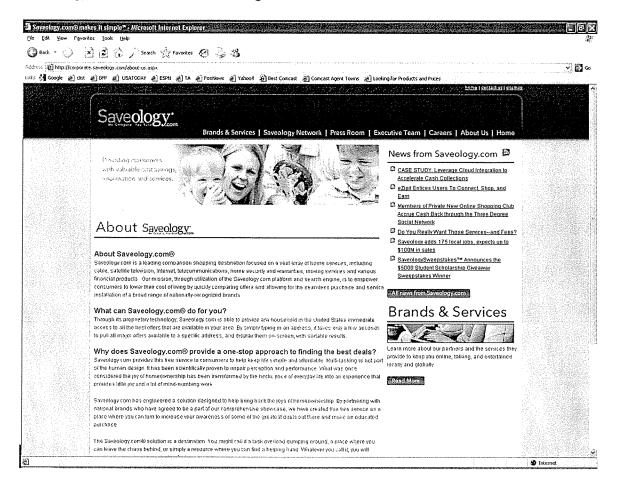


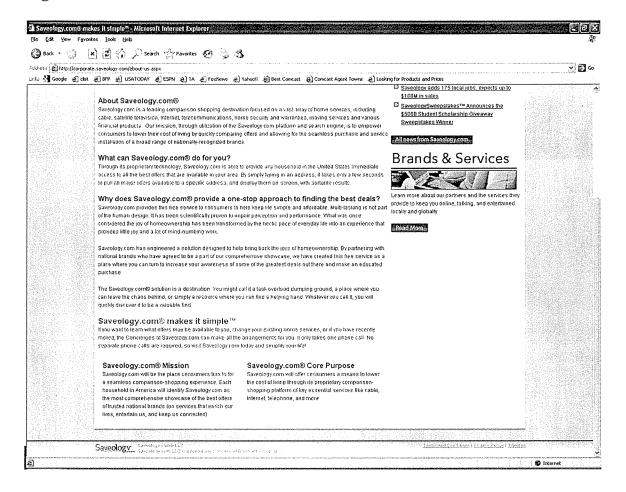






Saveology.com "About Us" Web Page

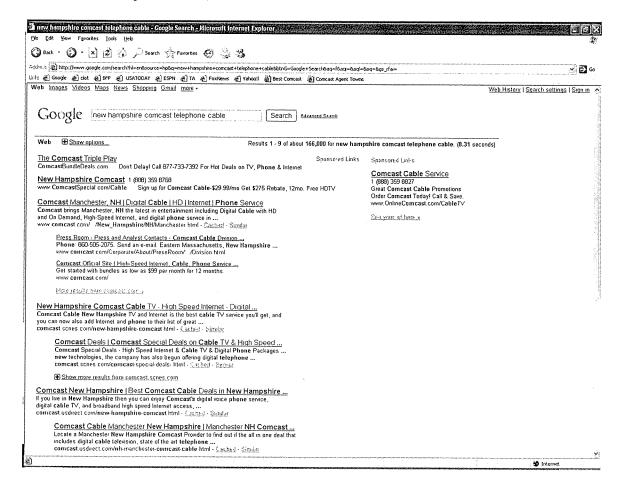


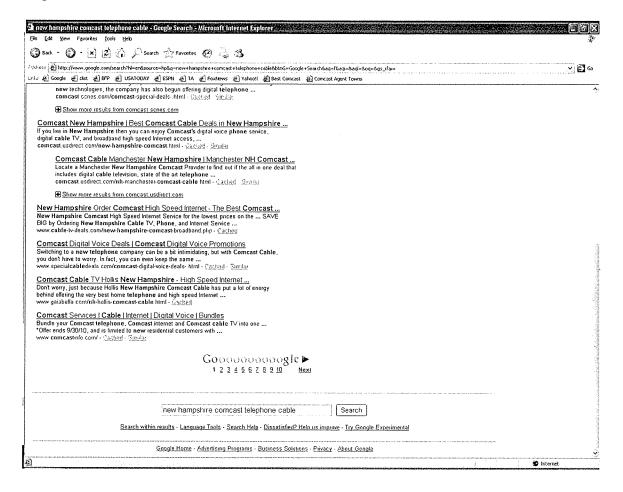


Google Search

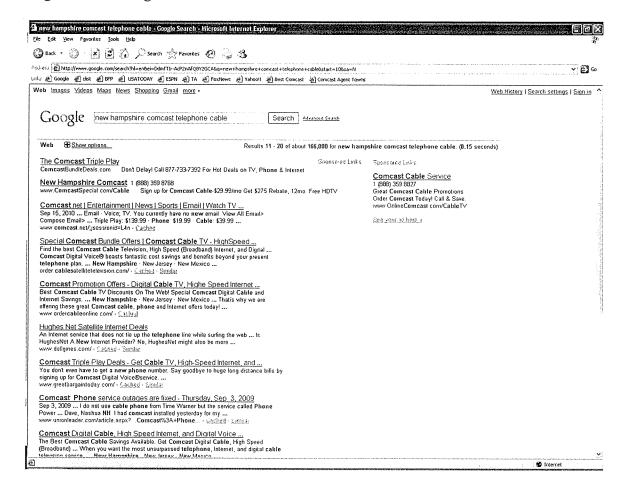
For "New Hampshire Comcast Telephone Cable"

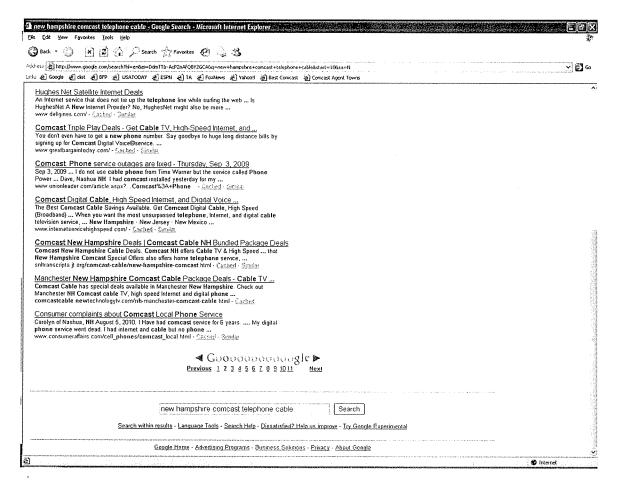
Performed on September 17, 2010





Page 2 of the Google Search



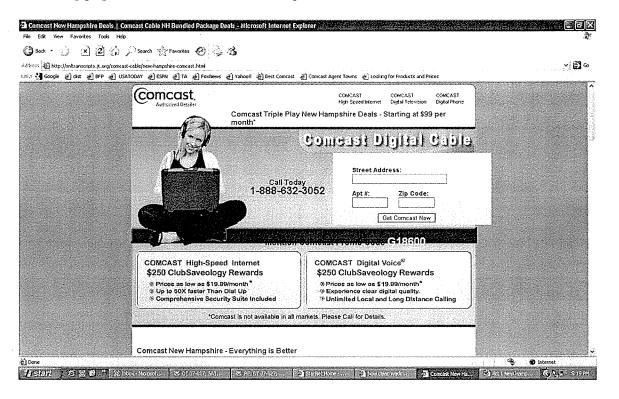


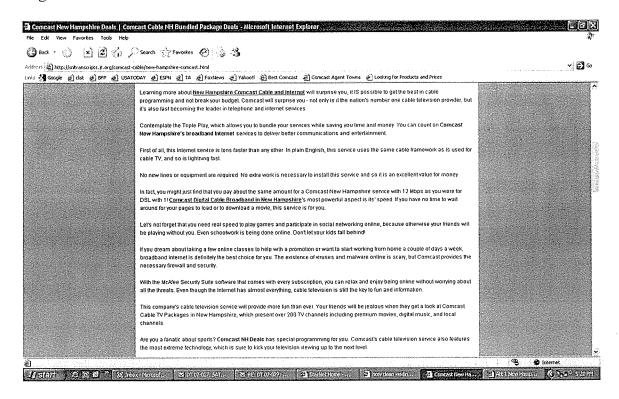
Note: The "Comcast New Hampshire Deals Comcast Cable NH Bundle Package Deals" link (appearing as the third listing from the bottom on the above page). This will bring the user to the list of New Hampshire towns from which the affidavits were created.

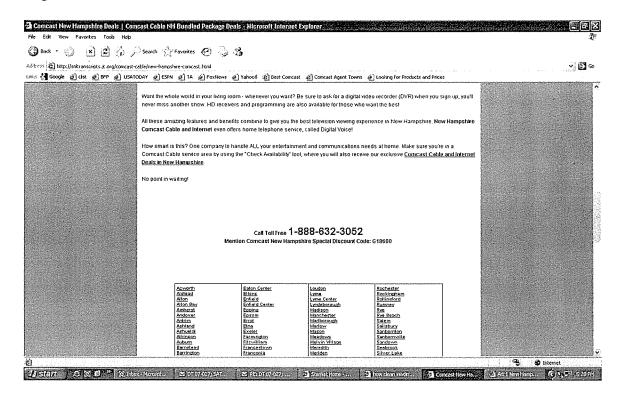
Note: The results of the Google search, in particular the order which the results appear, may vary from day to day and with the variation in the keywords entered.

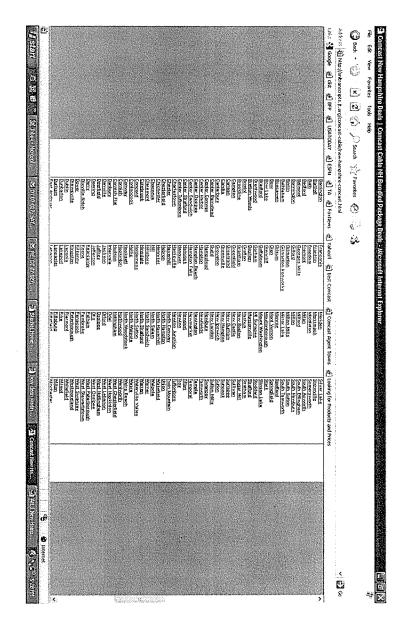
Next we clicked on the "Comcast New Hampshire Deals | Comcast Cable NH Bundle Package Deals" link.

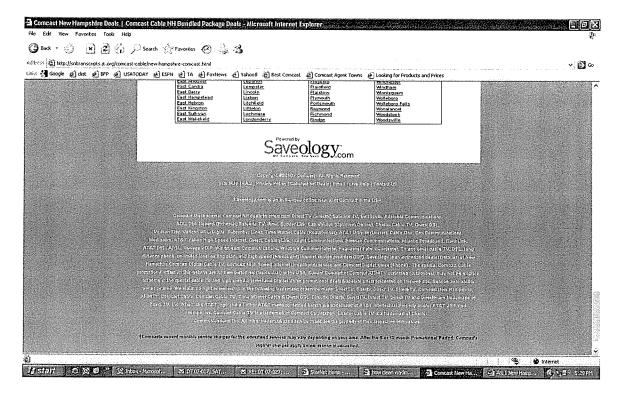
Resulting page contains a list of New Hampshire towns.







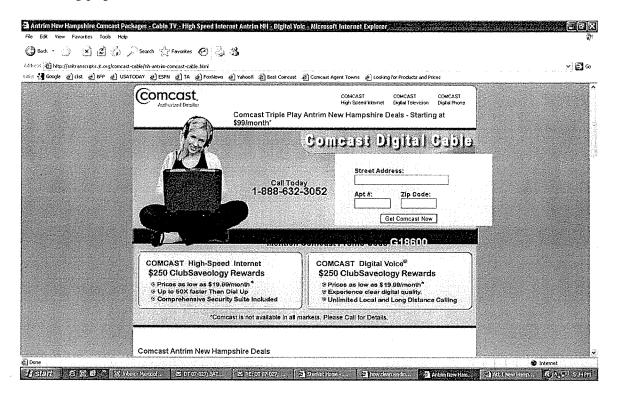


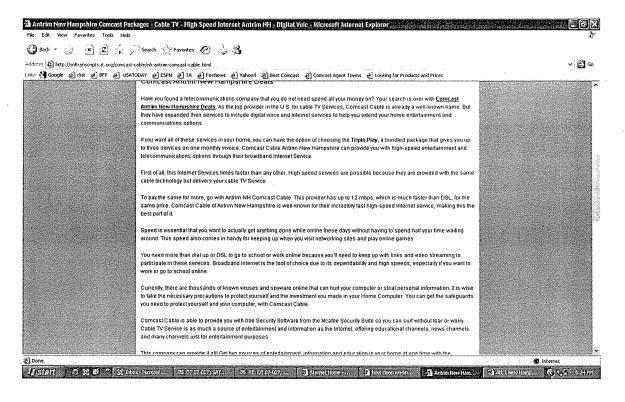


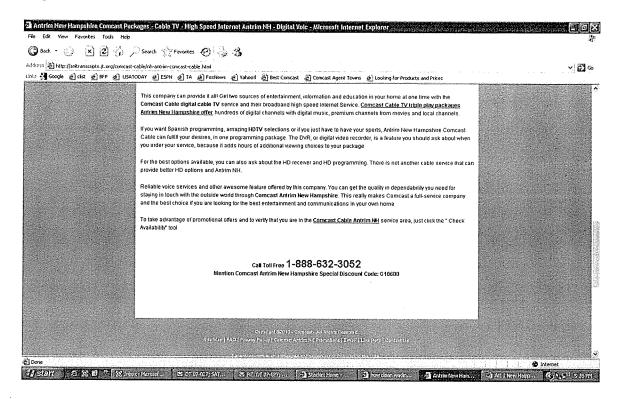
Note: The list of New Hampshire Towns.

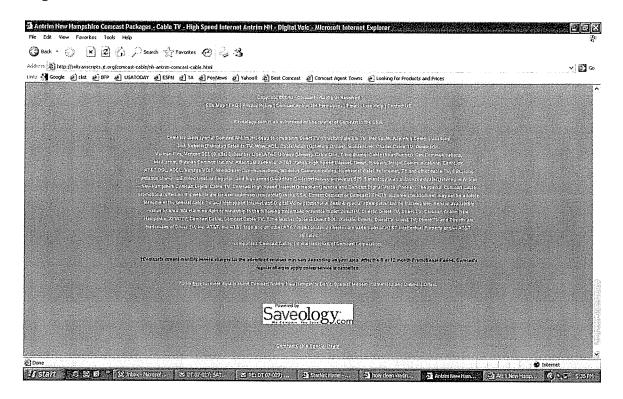
From this page we selected each of the towns representing exchanges served by Comcast. Below we have provided the result for one exchange, "Antrim", to fully duplicate how we created the attachments in the affidavits.

Resulting page



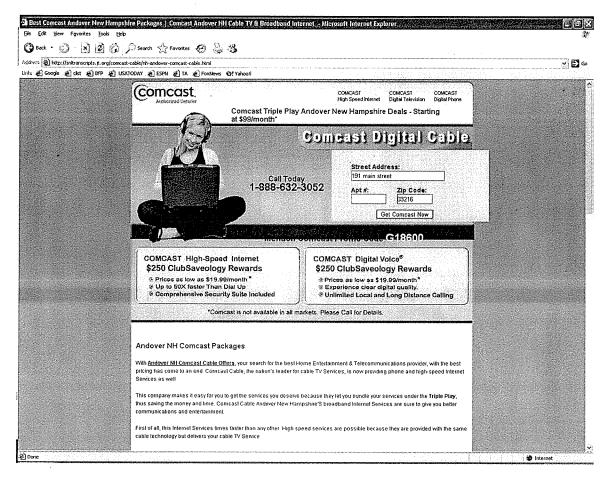




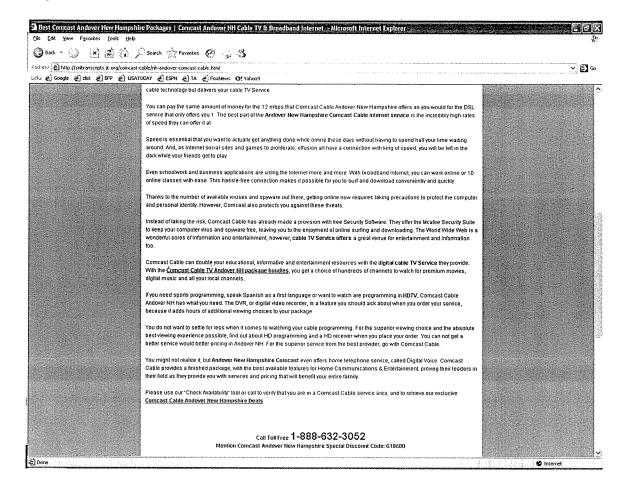


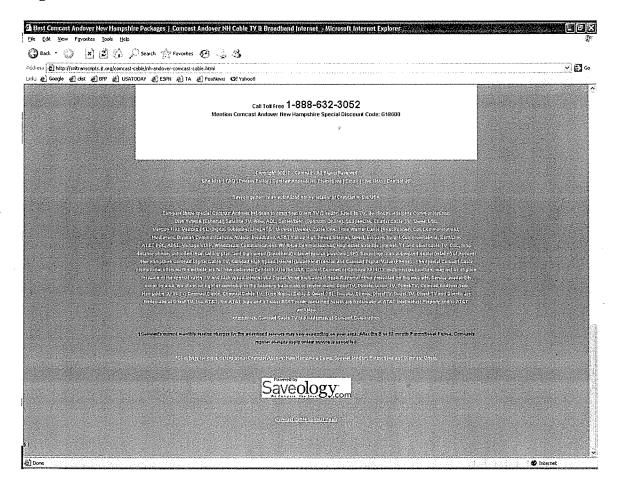
Comcast Authorized Dealer Web Site

Search Results for services available at 191 Main Street, 03216



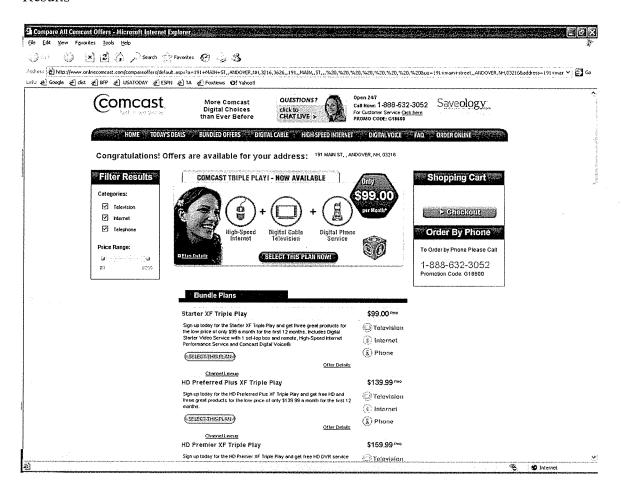
Note: The \$99 Triple Play Offer



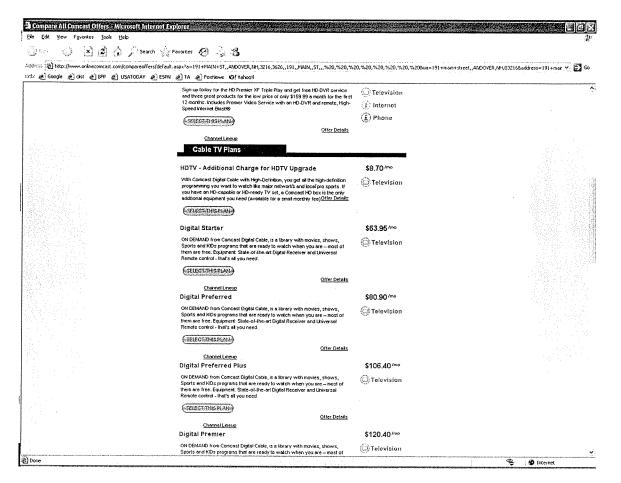


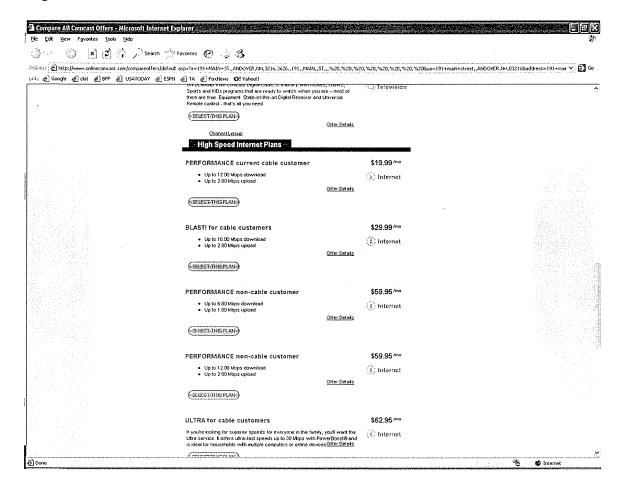
Click on "Get Comcast Now" at the top of this web page

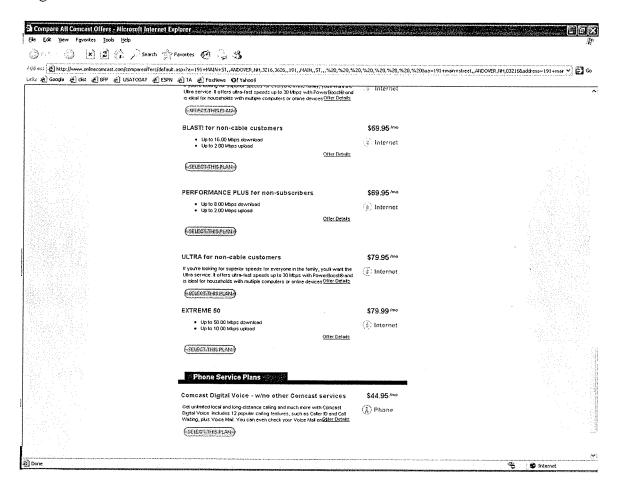
Results



Note: The "Congratulations! Offers are available for your address: 191 Main Street, Andover, NH, 03216", also note the \$99 offer.



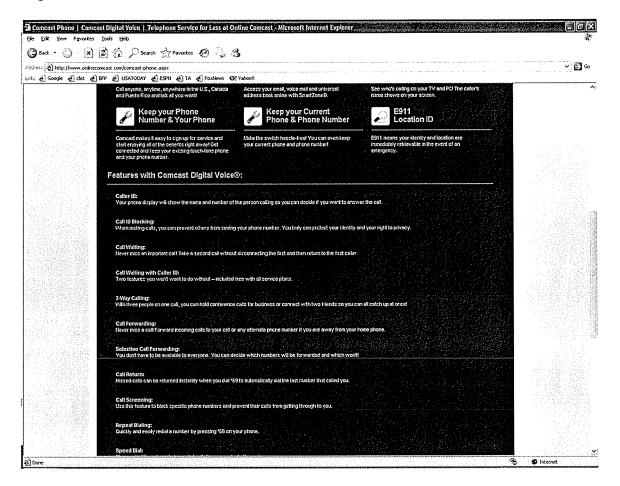


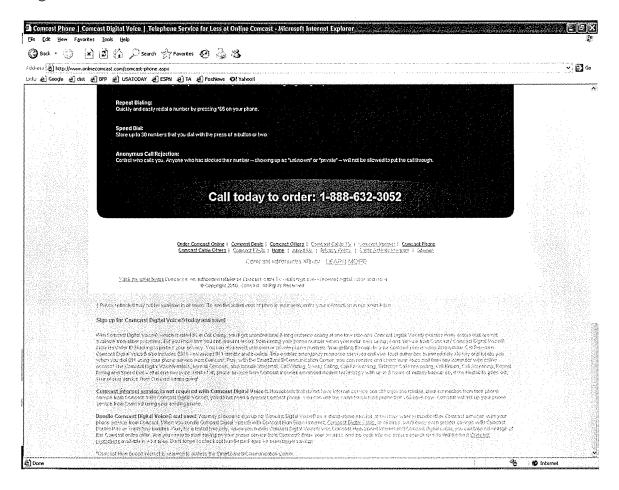


Comcast voice offers available by selecting the "digital voice" tab on the top of the previous web page.



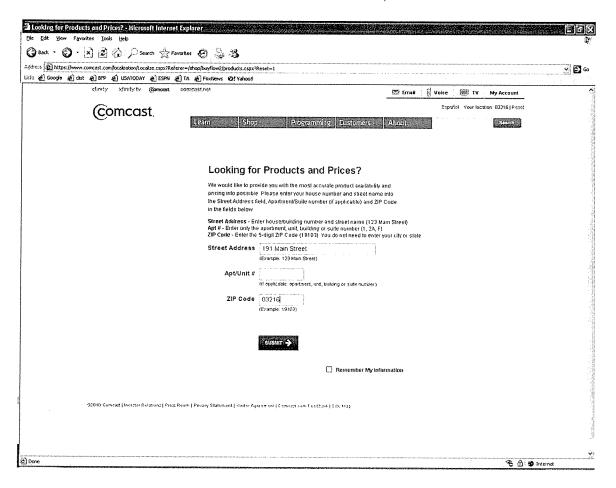
Note: The \$19.99 voice service offer.





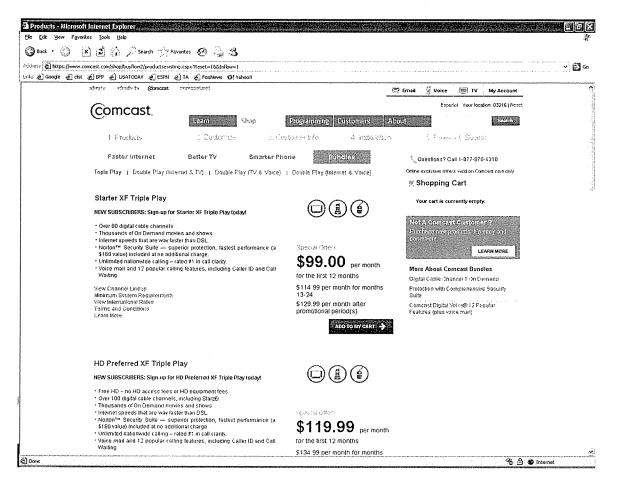
Comcast Web Site

Address Search for services available at 191 Main Street, 03216

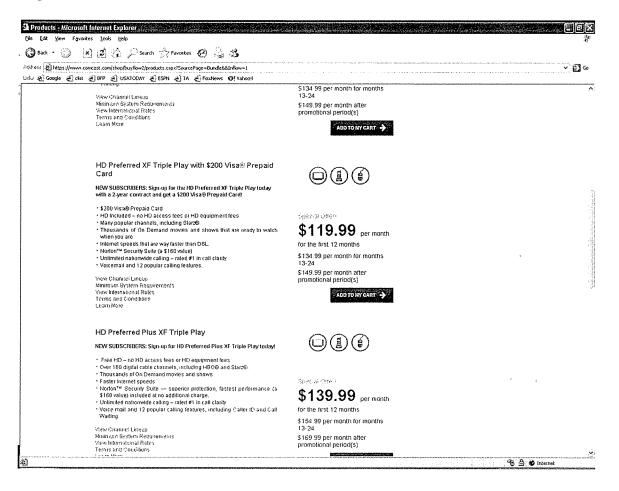


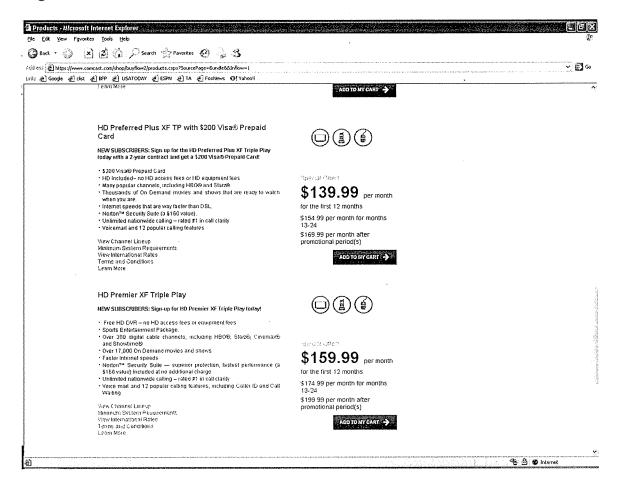
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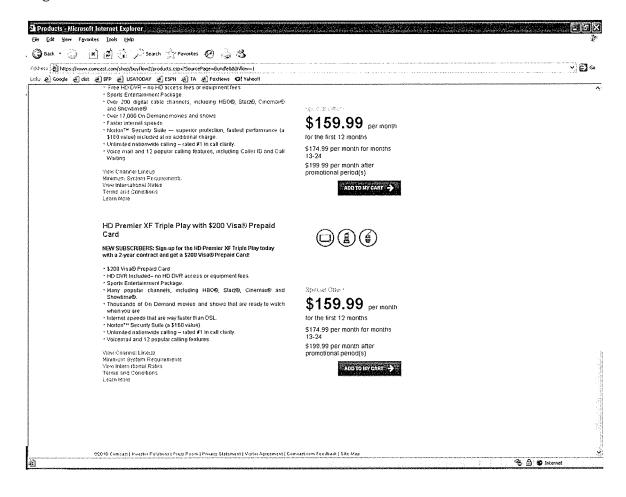
Resulting Page



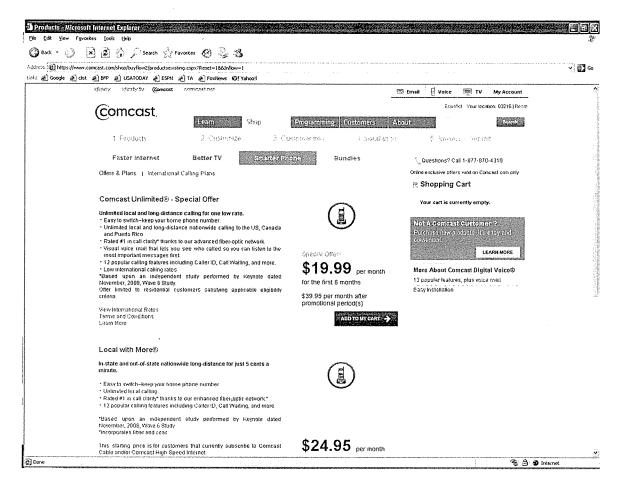
Note: The \$99 Triple Play price in the 03216 zip code in the upper right hand corner of this web page.



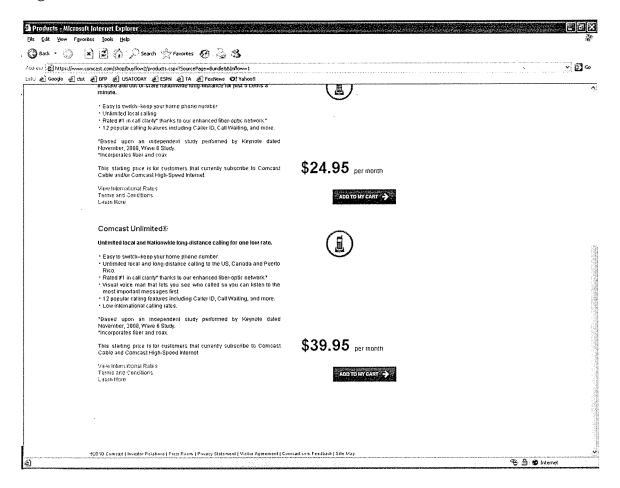




Same address information under the "Smarter Phone" Tab

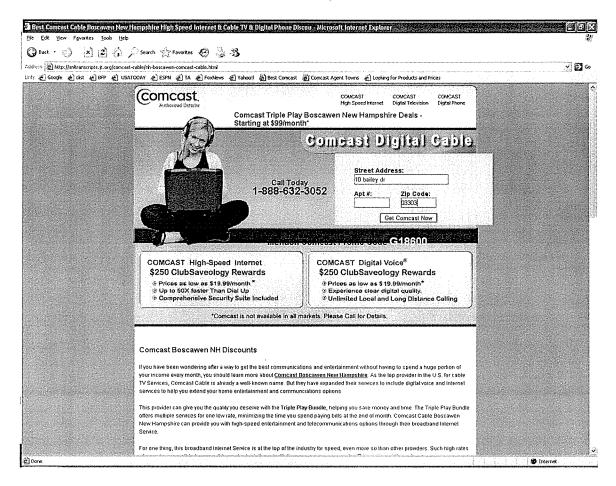


Note: The \$19.99 voice service offer in the 03216 zip code

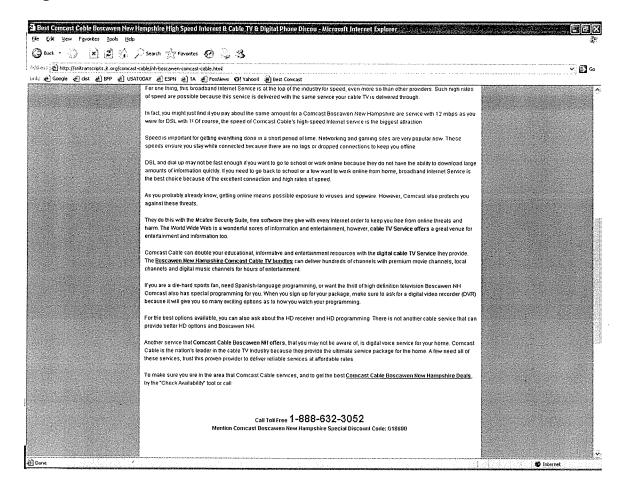


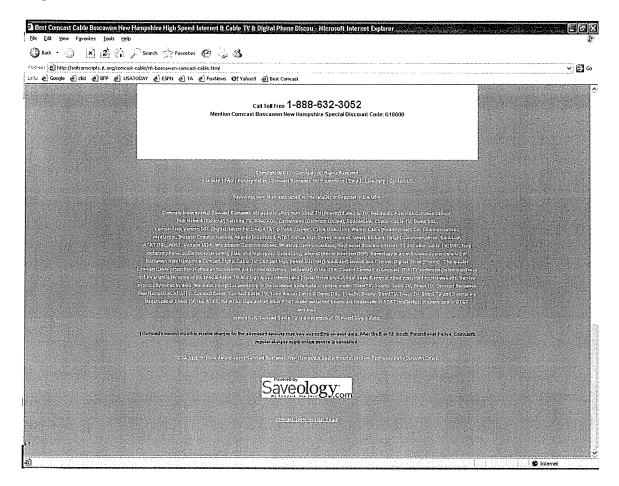
Comcast Authorized Dealer Web Site

Search Results for services available at 10 Bailey Dr., 03303



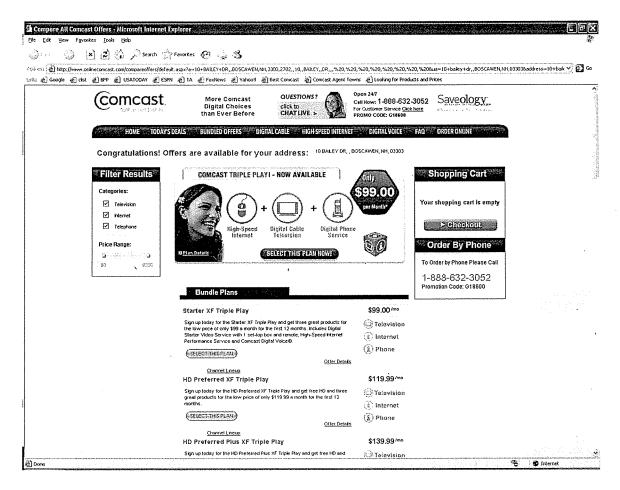
Note: The \$99 Triple Play Offer



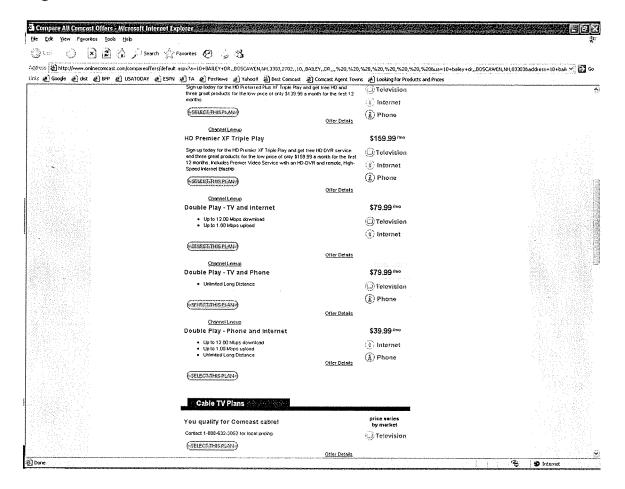


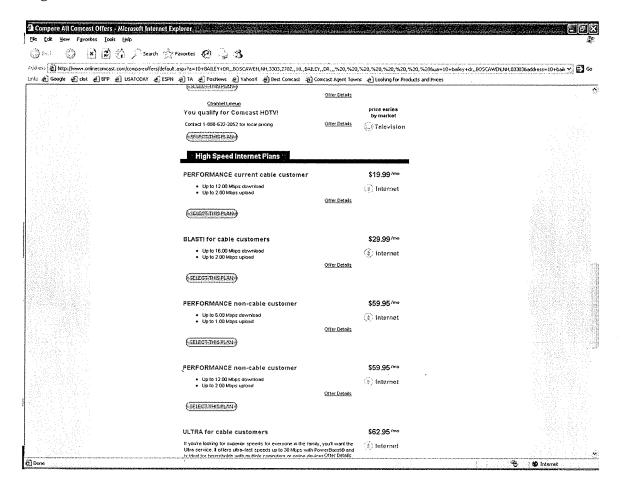
Click on "Get Comcast Now" at the top of this web page

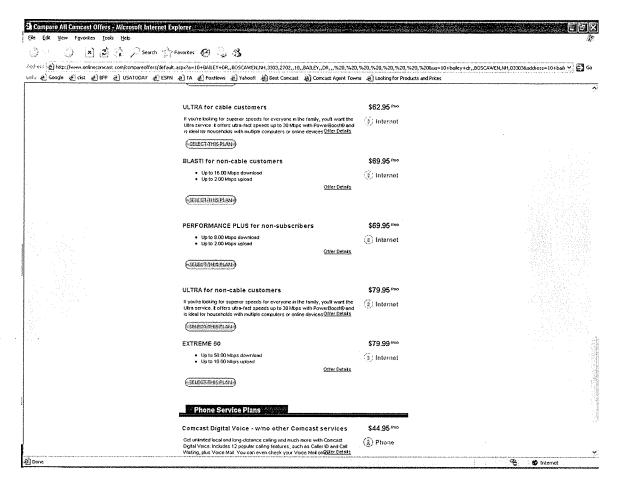
Results

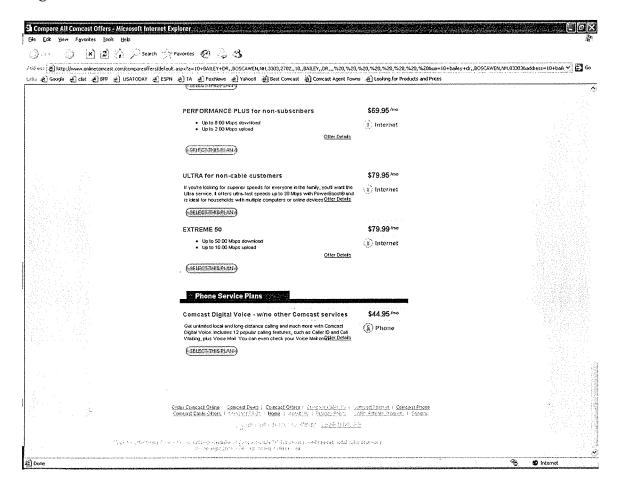


Note: The "Congratulations! Offers are available for your address: 10 Bailey Dr., Boscawen, NH, 03303", also note the \$99 offer.





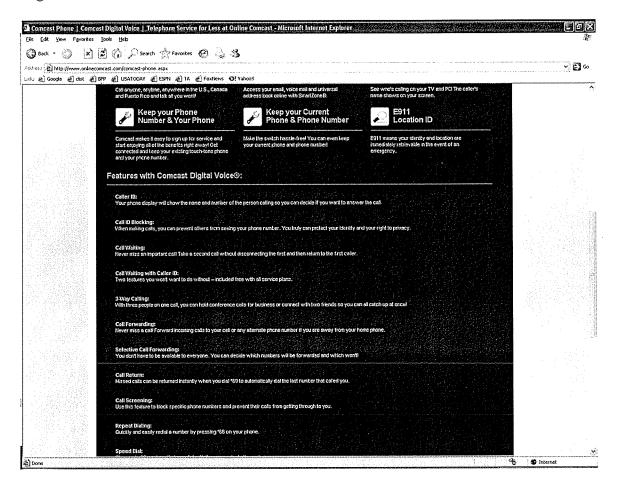


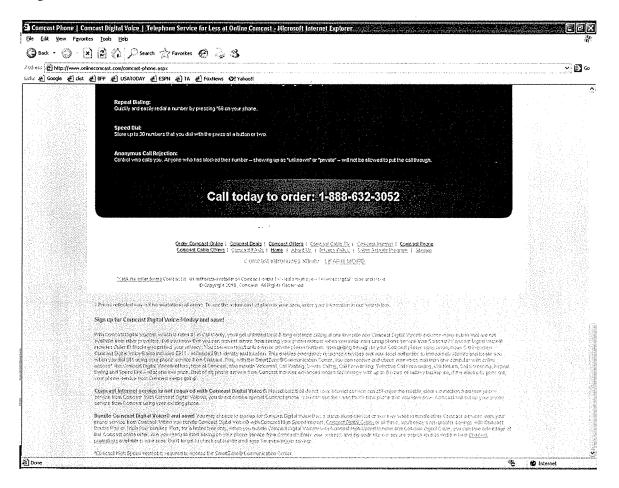


Comcast voice offers available by selecting the "digital voice" tab on the top of the previous web page.



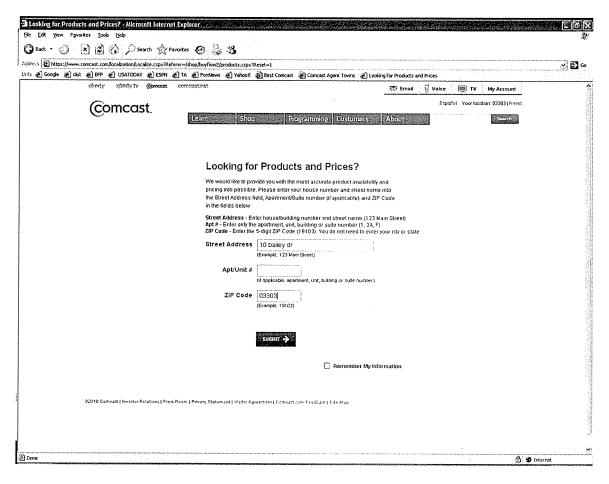
Note: The \$19.99 voice service offer.





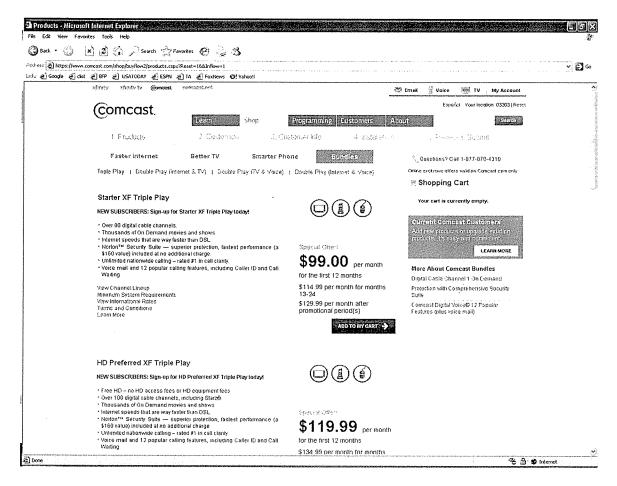
Comcast Web Site

Address Search for services available at 10 Bailey Dr., 03303

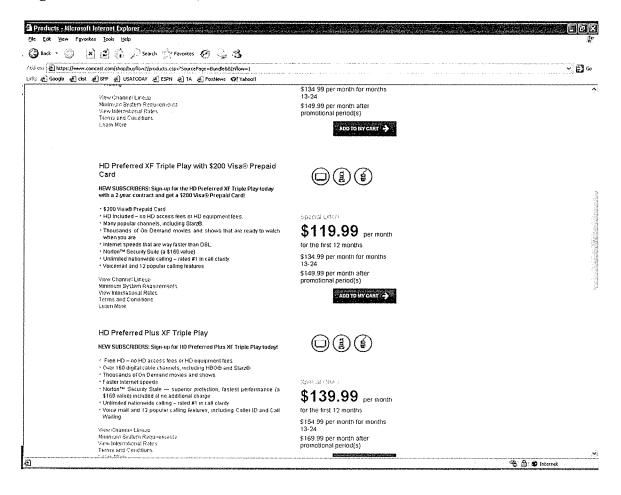


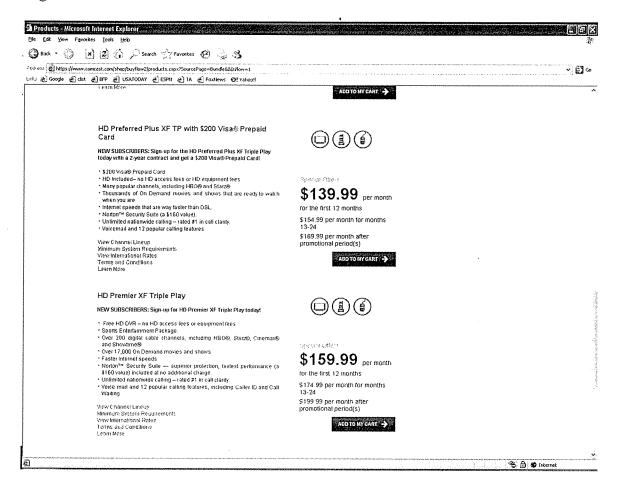
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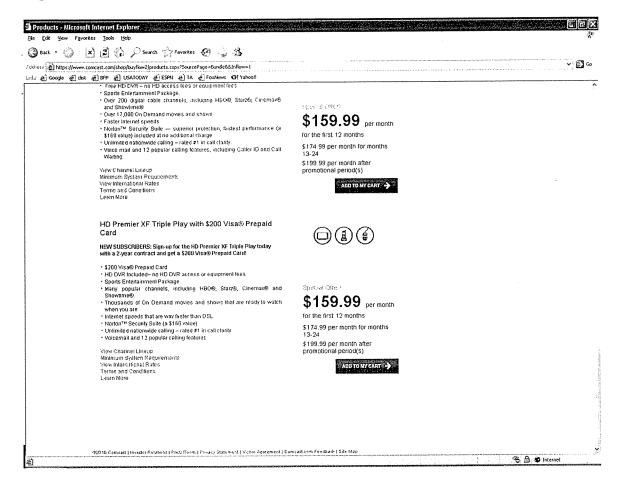
Resulting Page



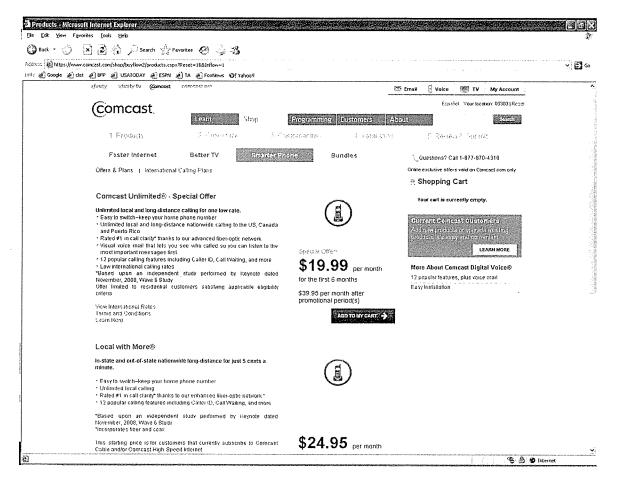
Note: The \$99 Triple Play price in the 03303 zip code in the upper right hand corner of this web page.



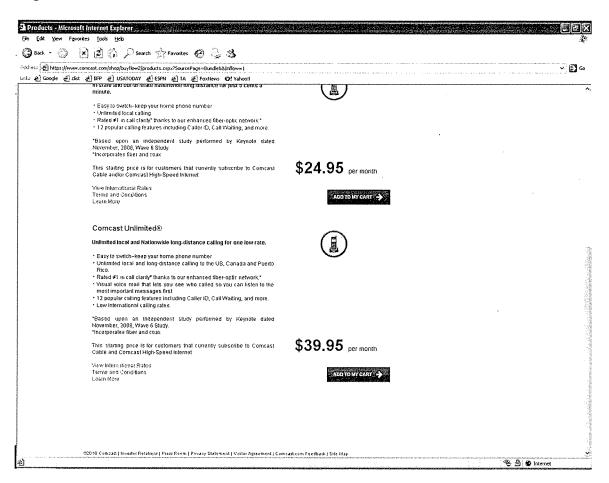




Same Address information under the "Smarter Phone" Tab

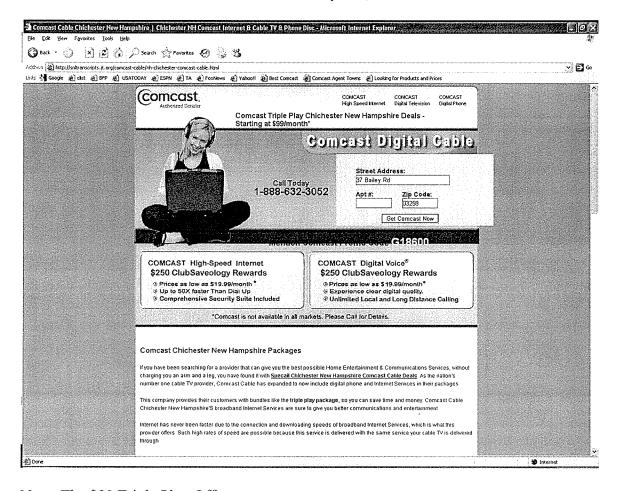


Note: The \$19.99 voice service offer in the 03303 zip code

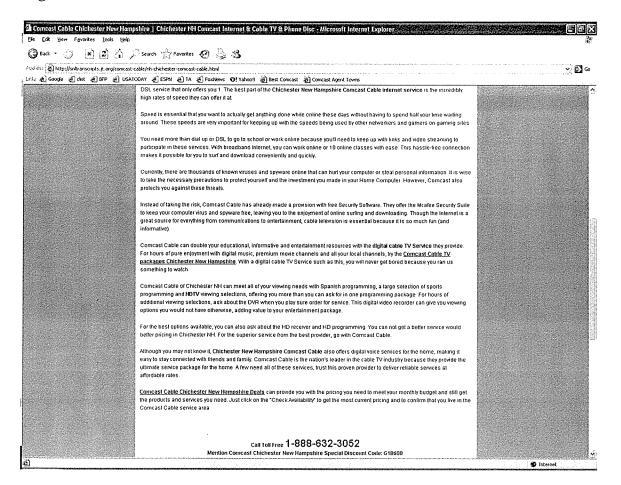


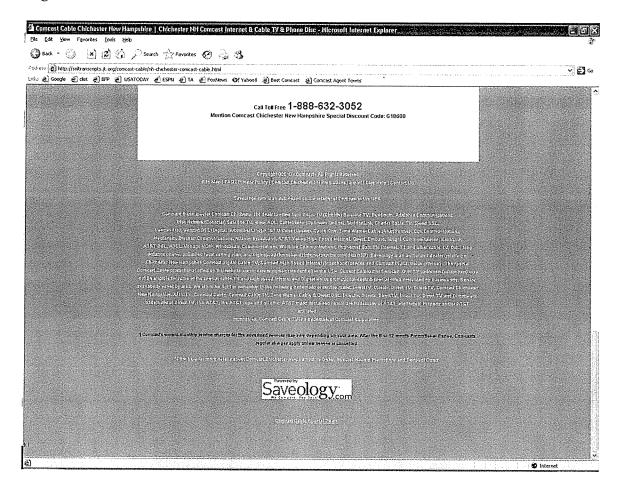
Comcast Authorized Dealer Web Site

Search Results for services available at 37 Bailey Rd., 03258



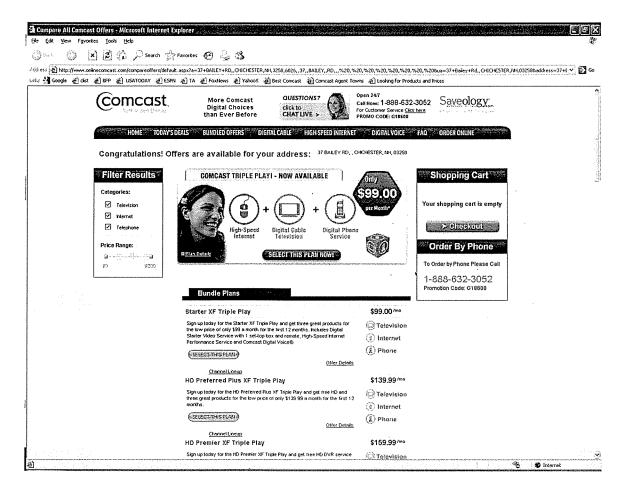
Note: The \$99 Triple Play Offer



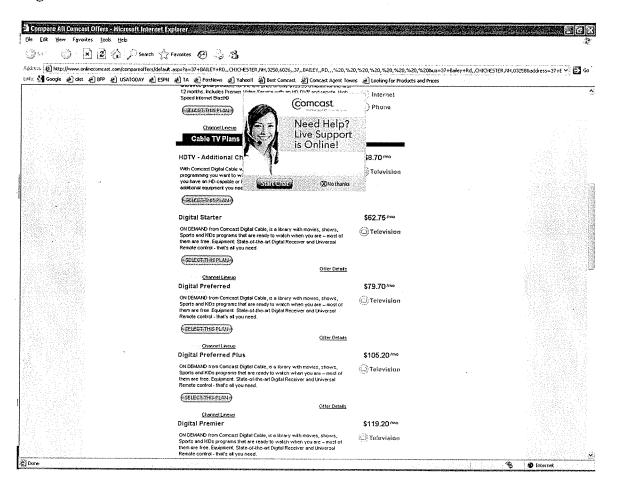


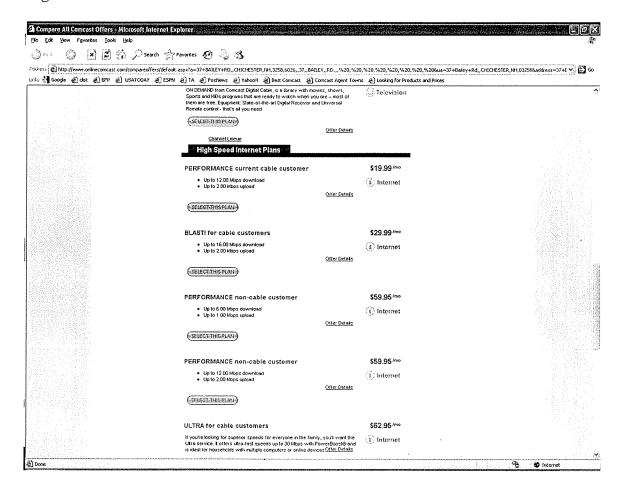
Click on "Get Comcast Now" at the top of this web page

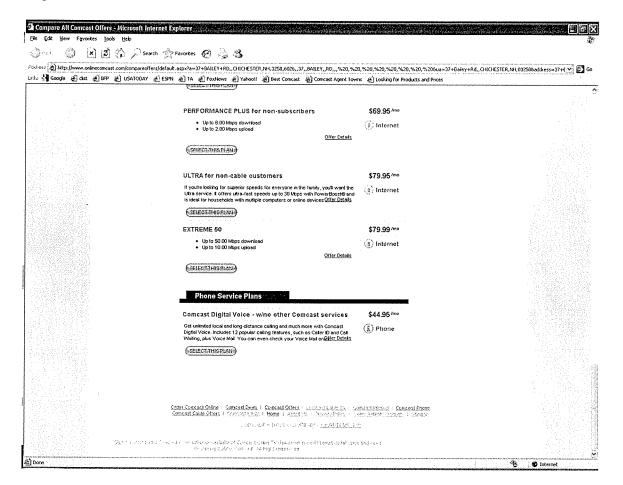
Results



Note: The "Congratulations! Offers are available for your address: 37 Bailey Rd., Chichester, NH 03258", also note the \$99 offer.



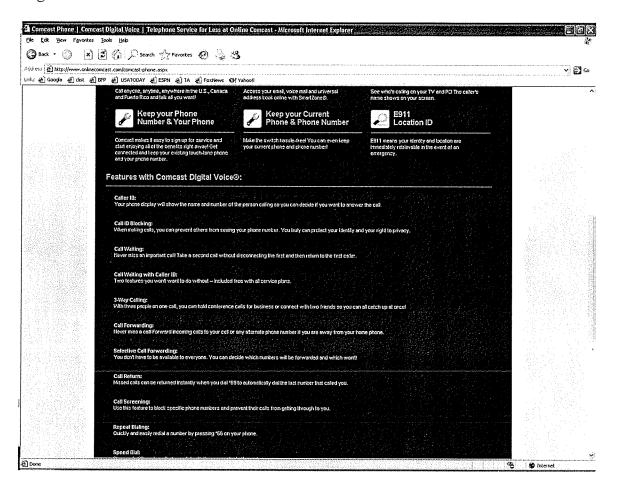


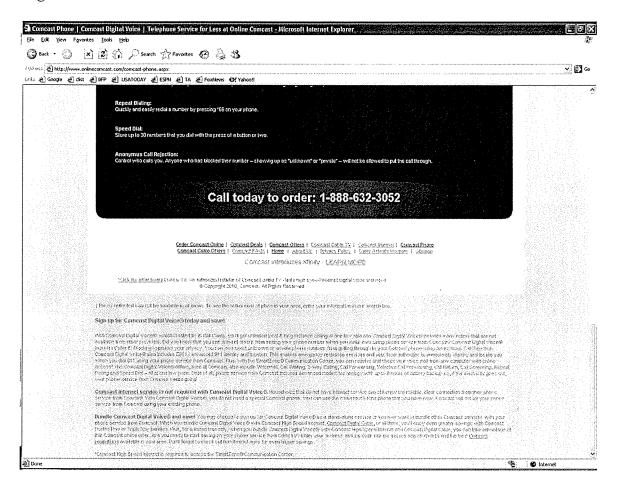


Comcast voice offers available by selecting the "digital voice" tab on the top of the previous web page.



Note: The \$19.99 voice service offer.





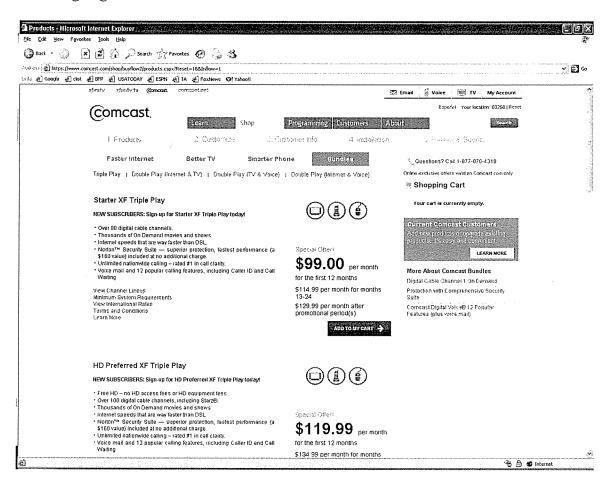
Comcast Web Site

Address Search for services available at 37 Bailey Rd., 03258

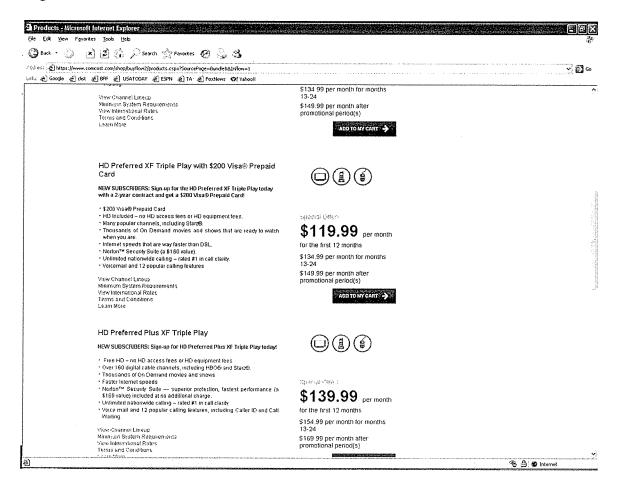
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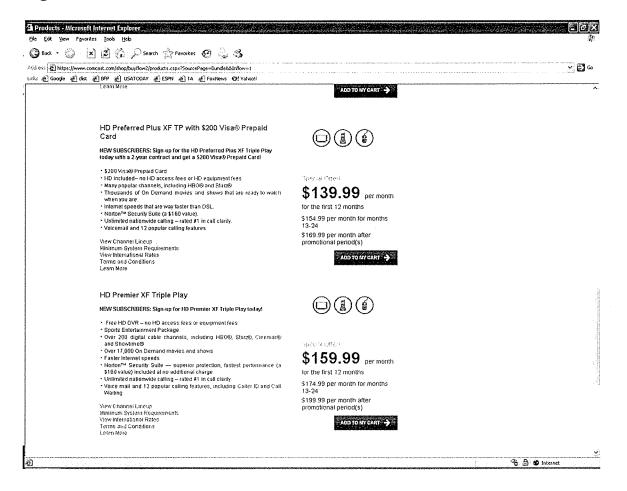
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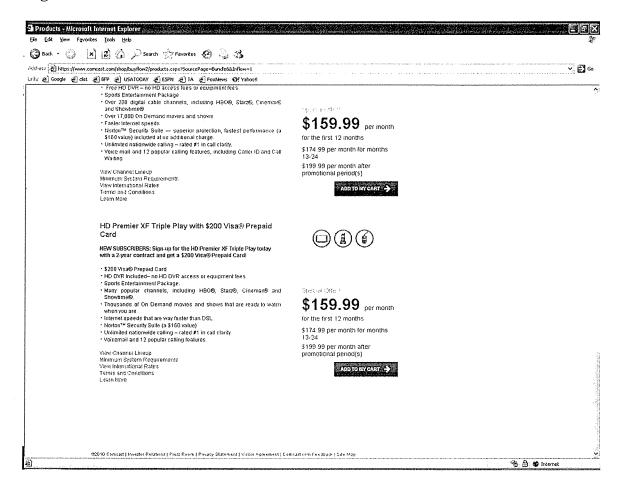
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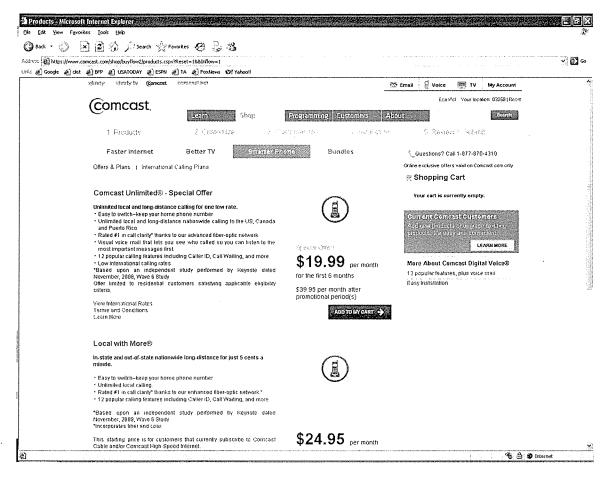
Note: The \$99 Triple Play price in the 03258 zip code in the upper right hand corner of this web page.



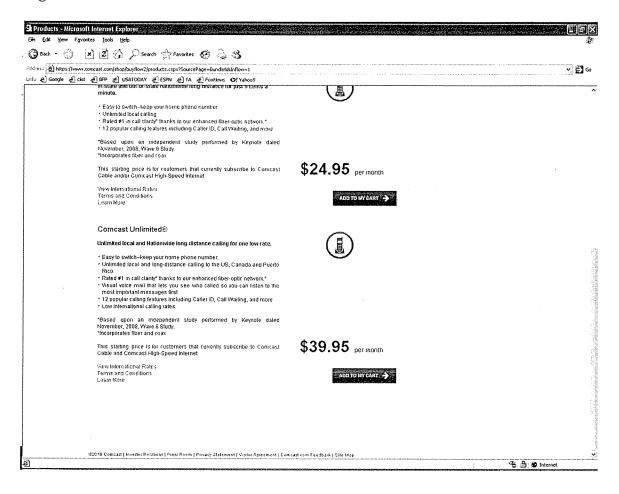




Same Address information under the "Smarter Phone" Tab

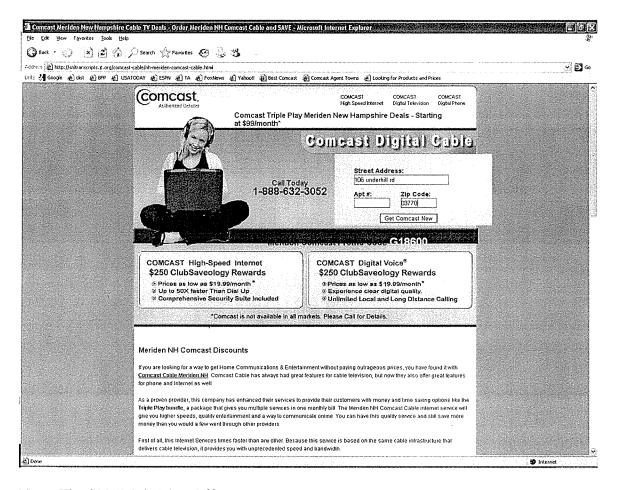


Note: The \$19 voice service offer in the 03258 zip code.

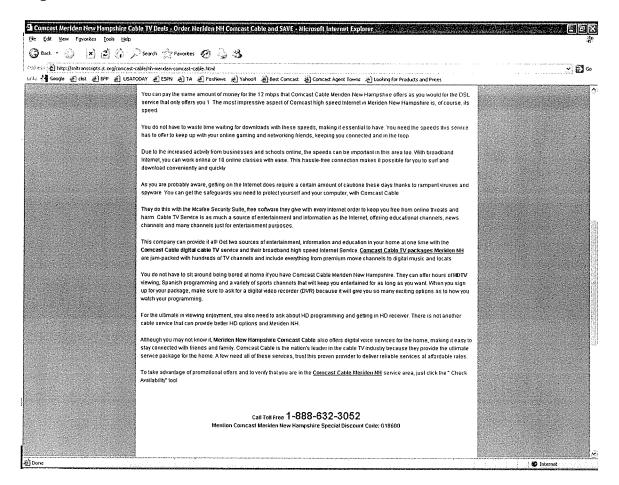


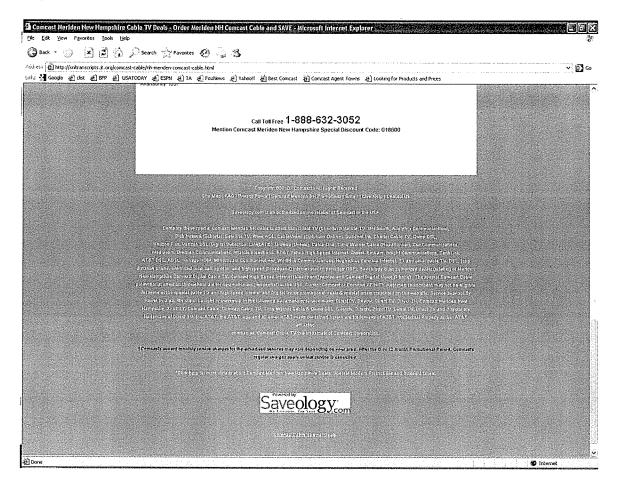
Comcast Authorized Dealer Web Site

Search Results for services available at 106 Underhill Rd., 03770



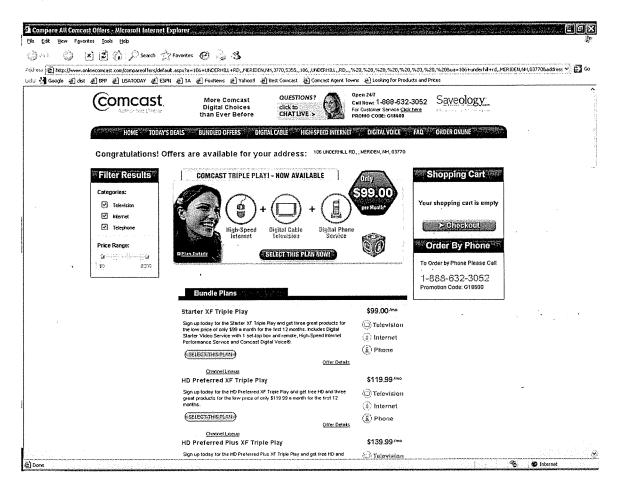
Note: The \$99 Triple Play Offer



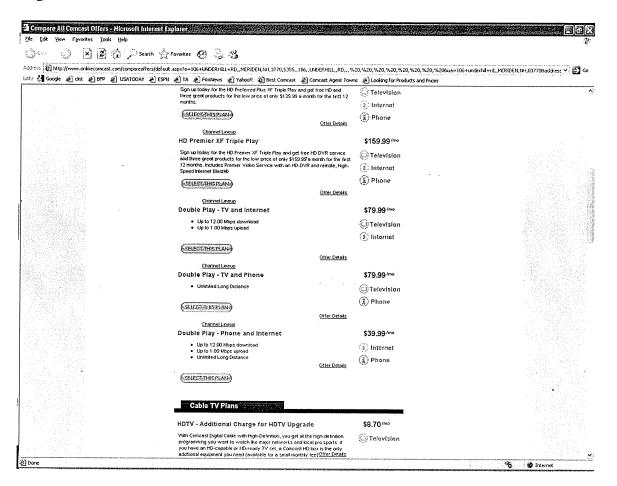


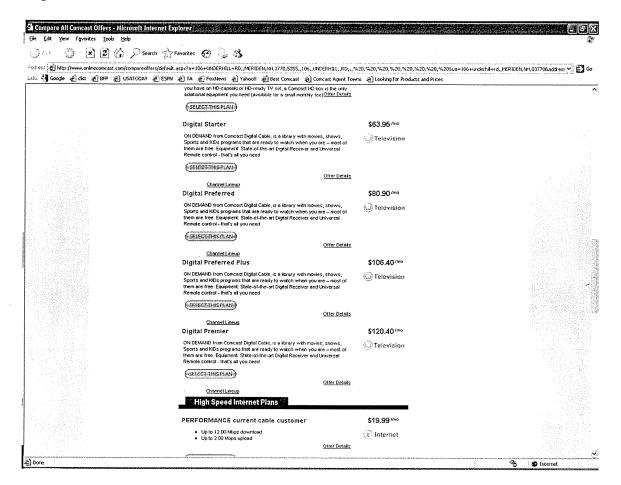
Click on "Get Comcast Now" at the top of this web page

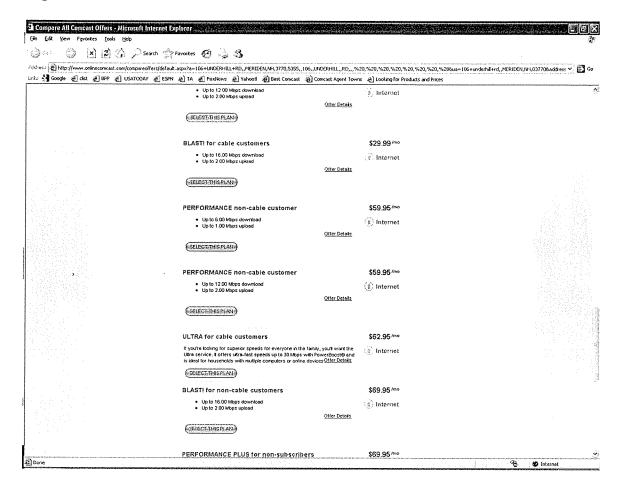
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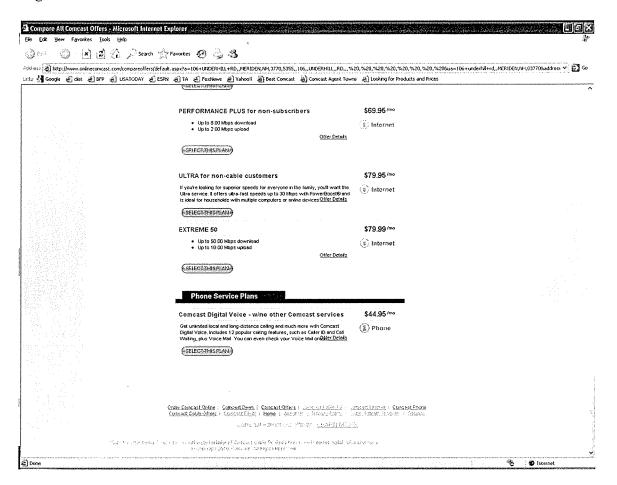


Note: The "Congratulations! Offers are available for your address: 106 Underhill Rd., Meriden, NH 03770", also note the \$99 offer.





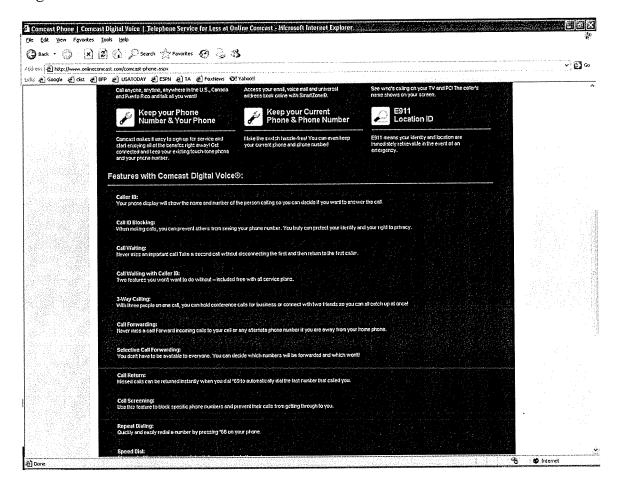


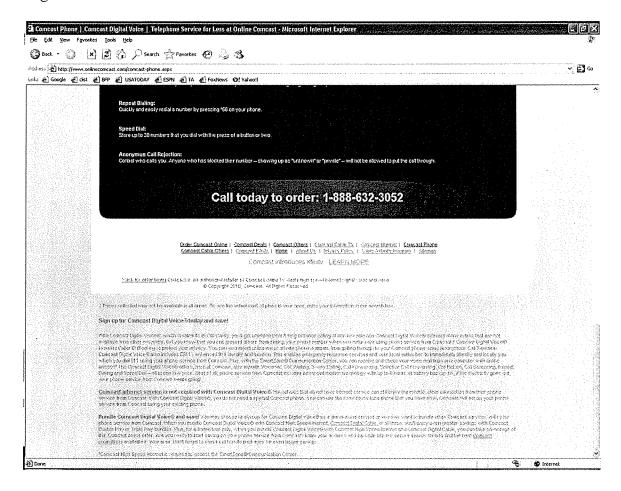


Comcast voice offers available by selecting the "digital voice" tab on the top of the previous web page.



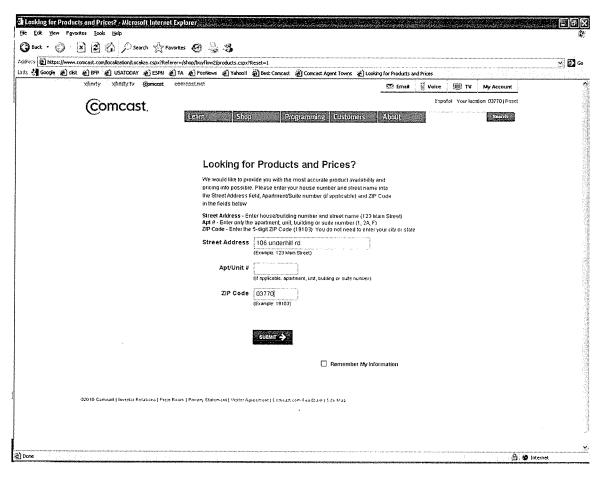
Note: The \$19.99 voice service offer.





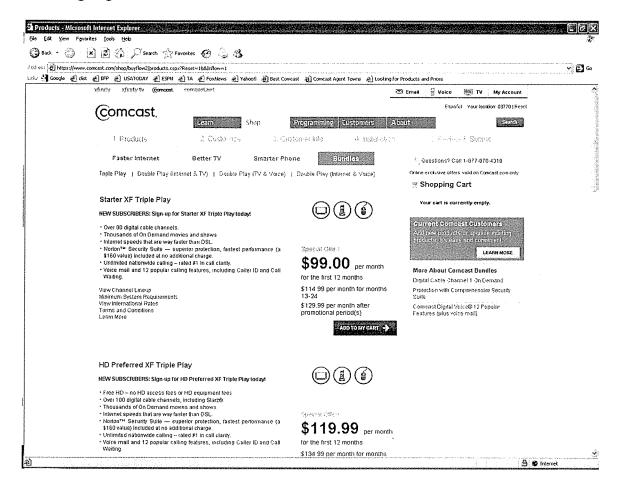
Comcast Web Site

Address Search for services available at 106 Underhill Rd., 03770

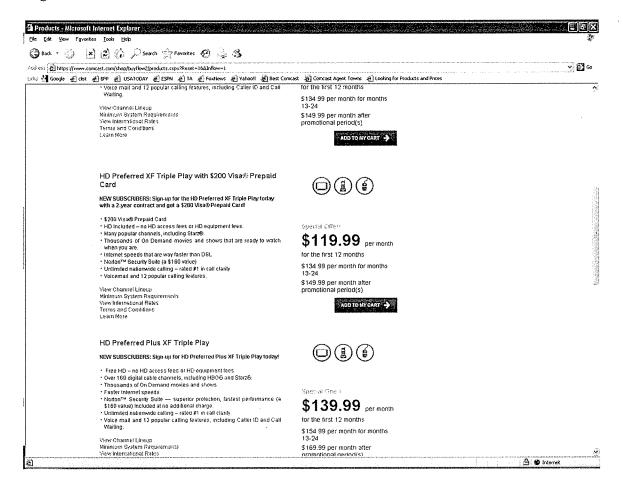


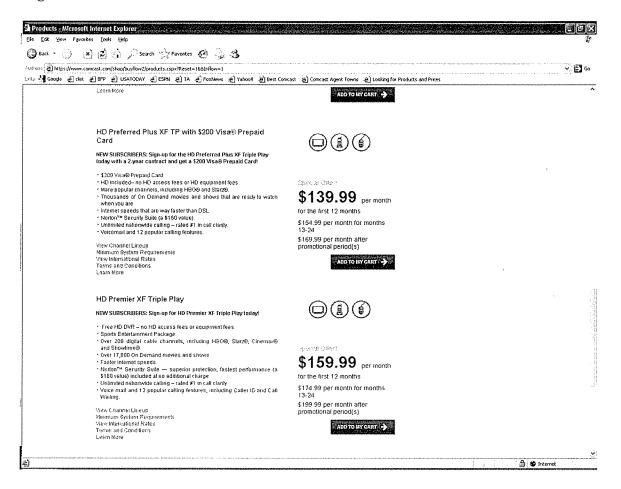
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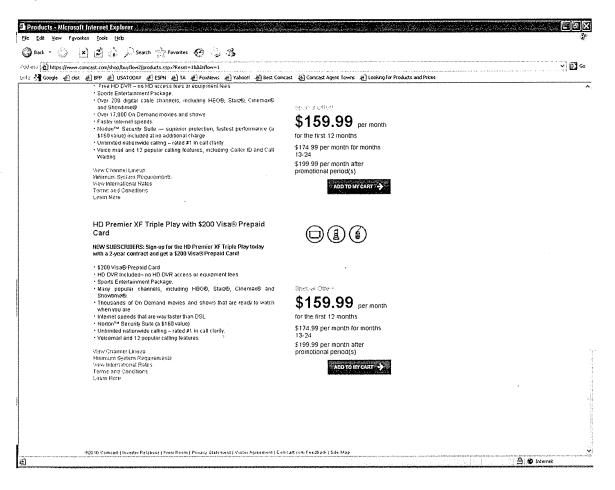
Resulting Page



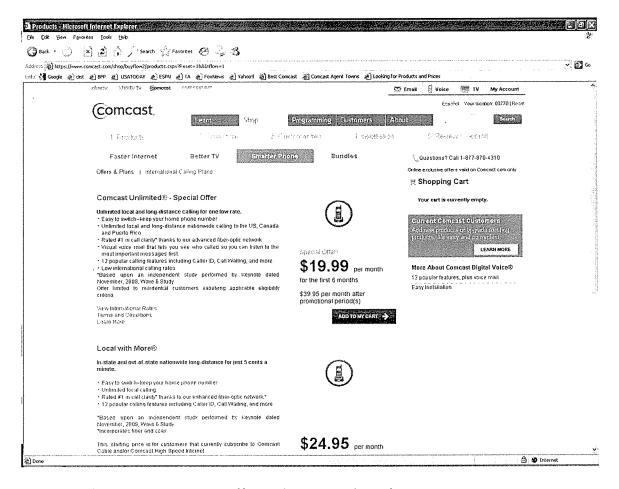
Note: The \$99 Triple Play price in the 03770 zip code in the upper right hand corner of this web page.



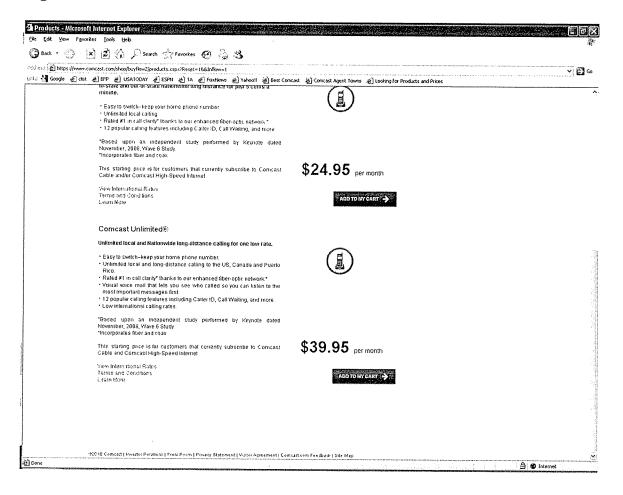




Same Address information under the "Smarter Phone" Tab

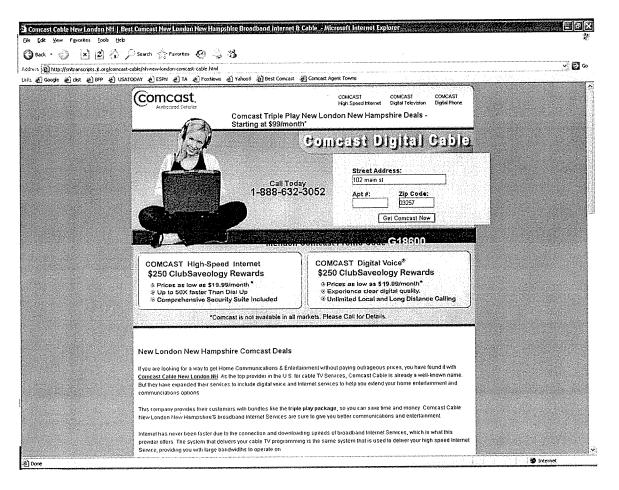


Note: The \$19.99 voice service offer in the 03770 zip code

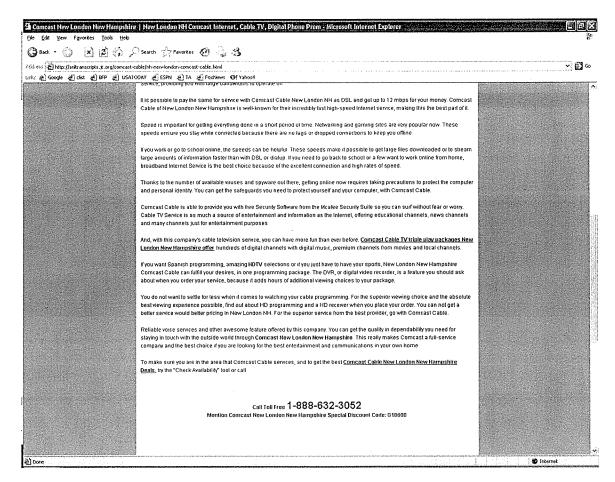


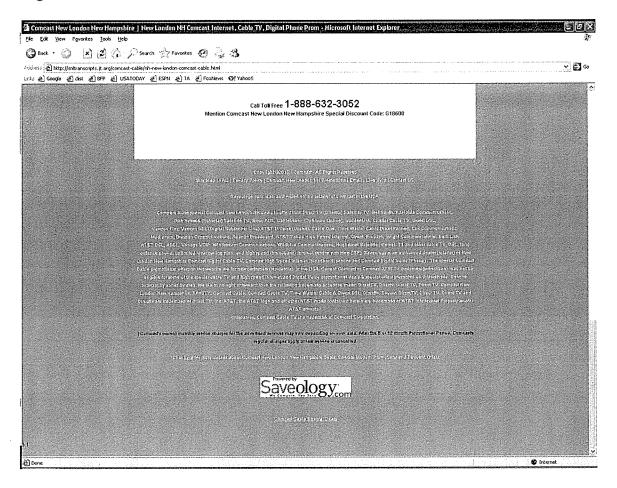
Comcast Authorized Dealer Web Site

Search Results for services available at 102 Main Street, 03257



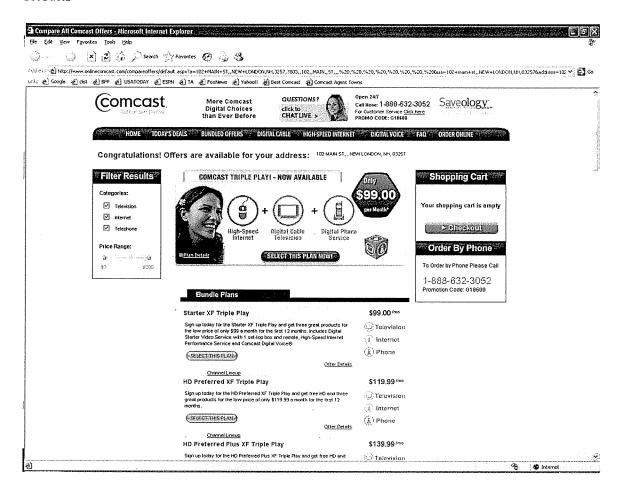
Note: The \$99 Triple Play Offer



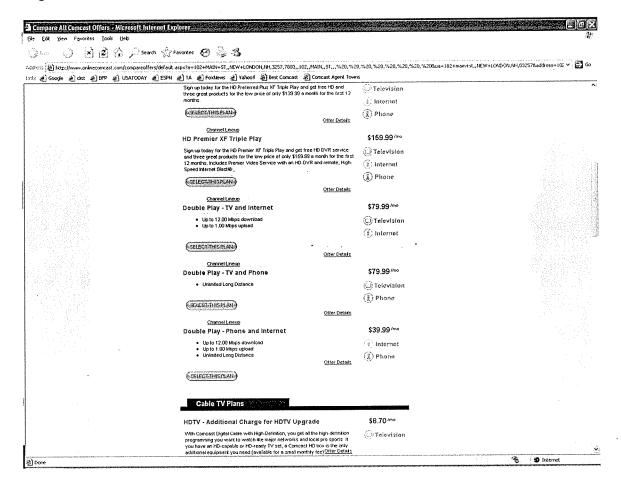


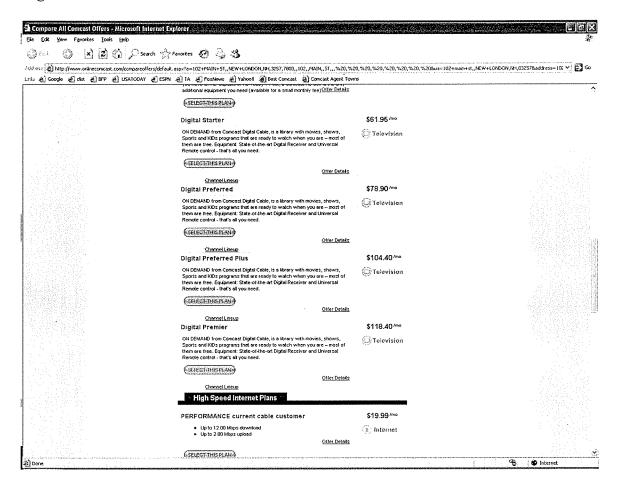
Click on "Get Comcast Now" at the top of this web page

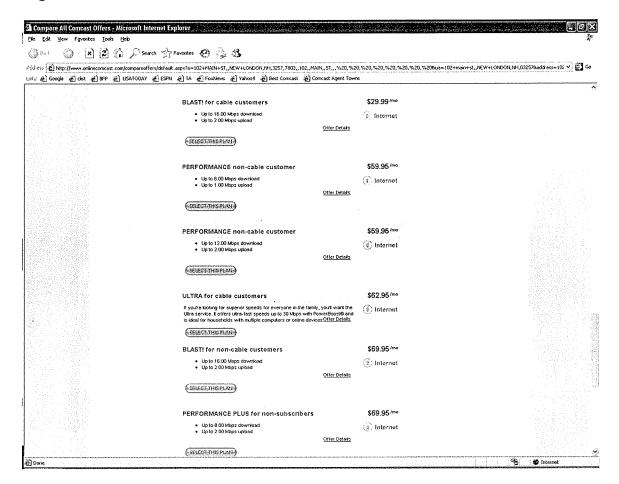
Results

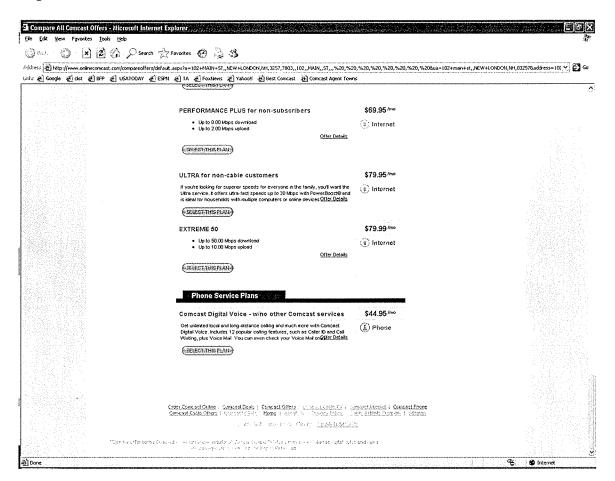


Note: The "Congratulations! Offers are available for your address: 102 Main Street, New London, NH, 03257", also note the \$99 offer.





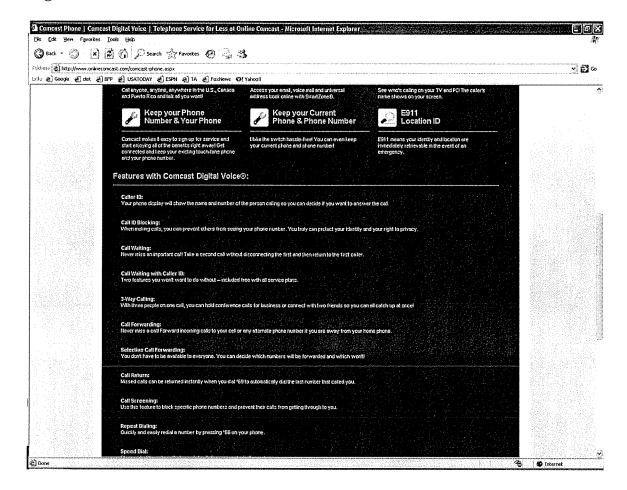


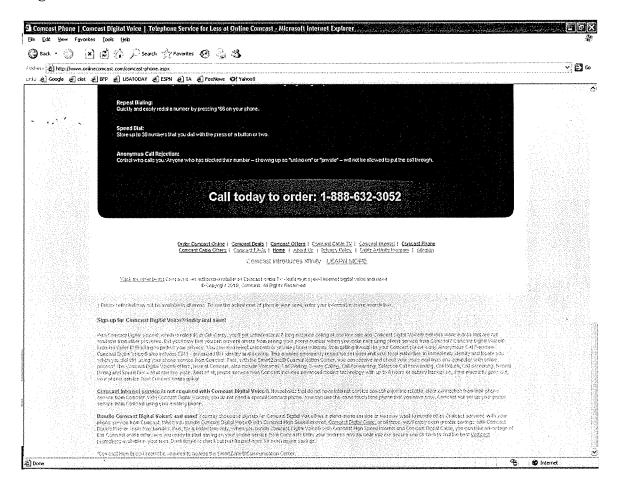


Comcast voice offers available by selecting the "digital voice" tab on the top of the previous web page.



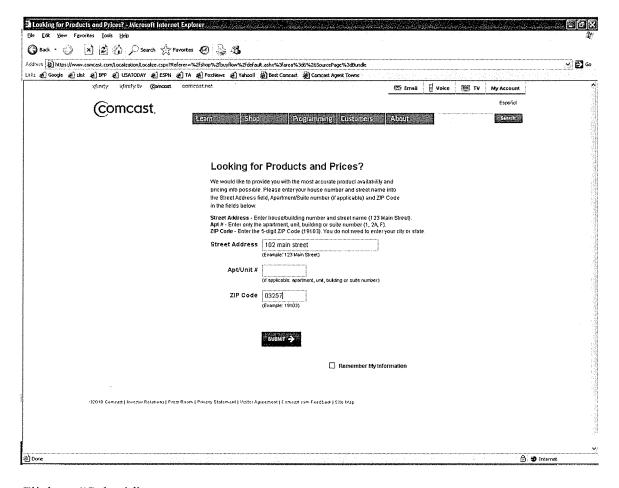
Note: The \$19.99 voice service offer.





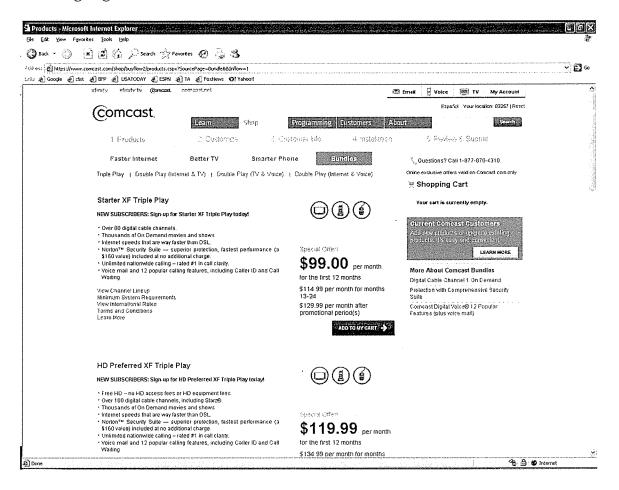
Comcast Web Site

Address Search for services available at 102 Main Street, 03257

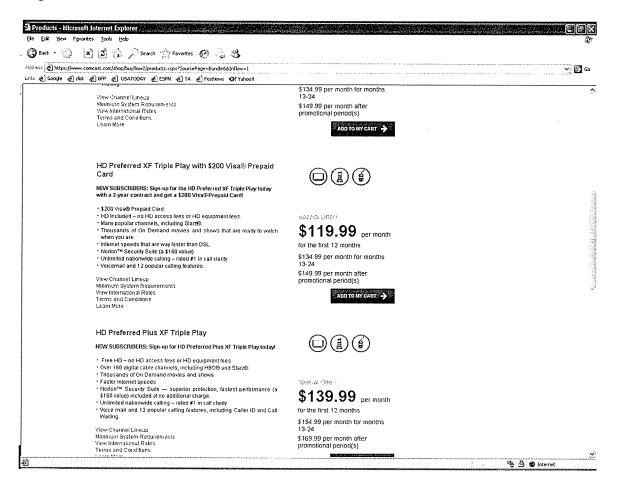


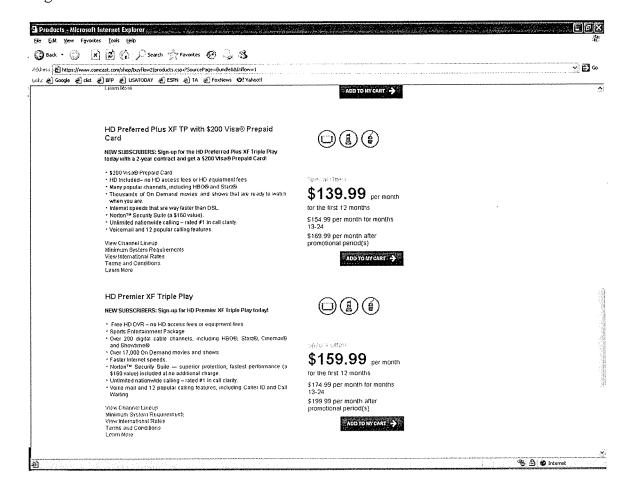
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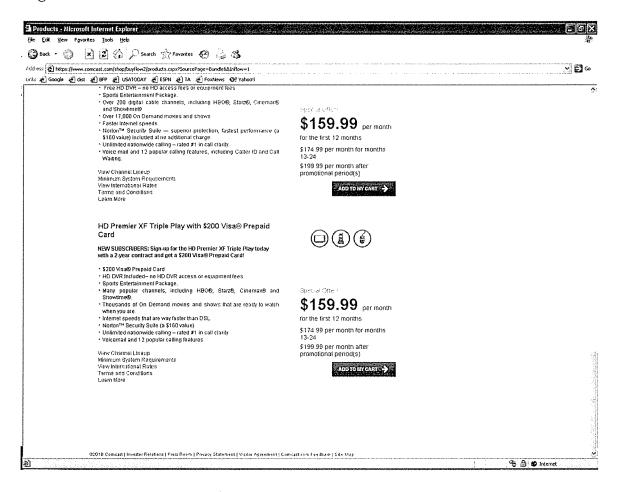
Resulting Page



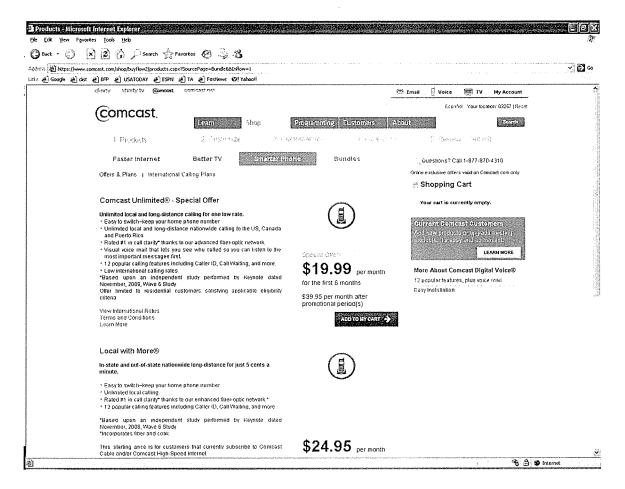
Note: The \$99 Triple Play price in the 03257 zip code in the upper right hand corner of this web page.



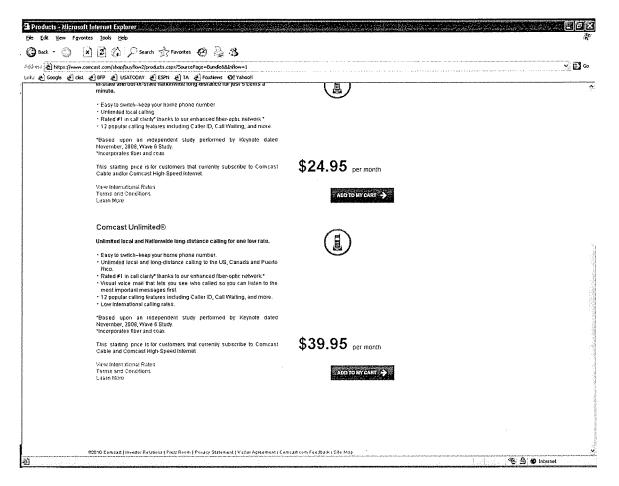




Same Address information under the "Smarter Phone" Tab

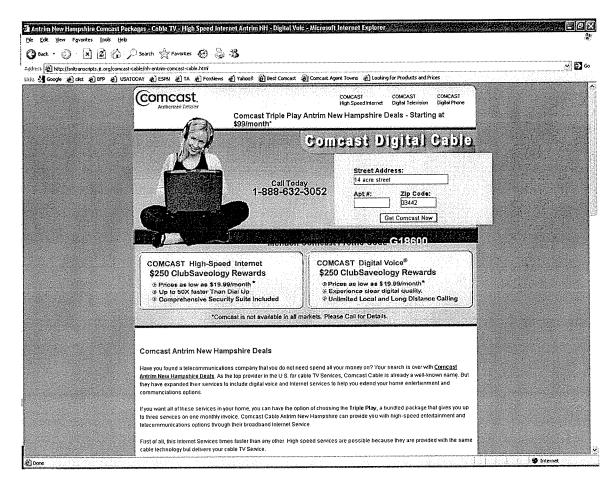


Note: The \$19.99 voice service offer

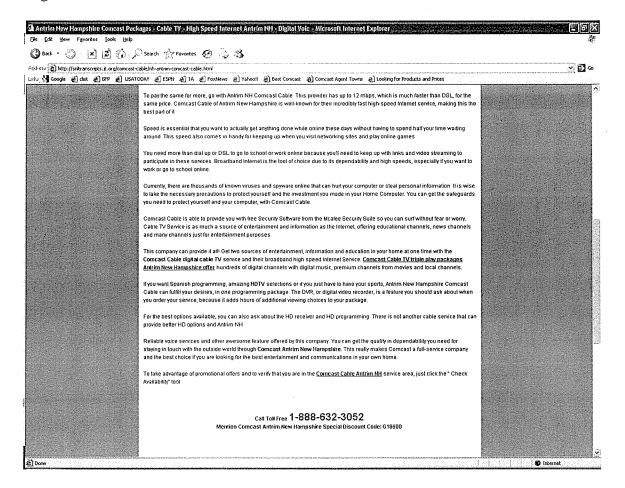


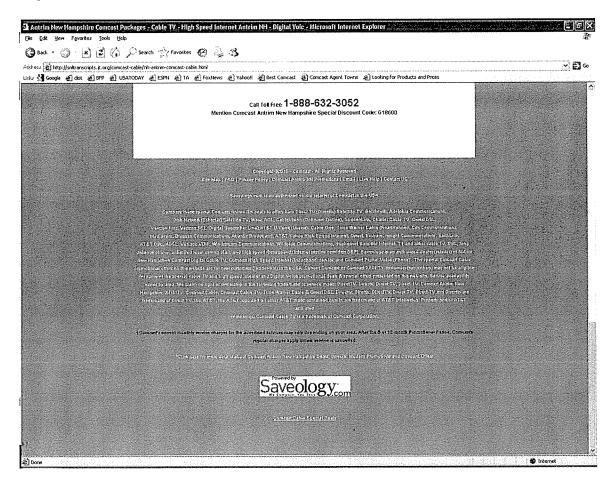
Comcast Authorized Dealer Web Site

Search Results for services available at 14 Acre Street, 03442



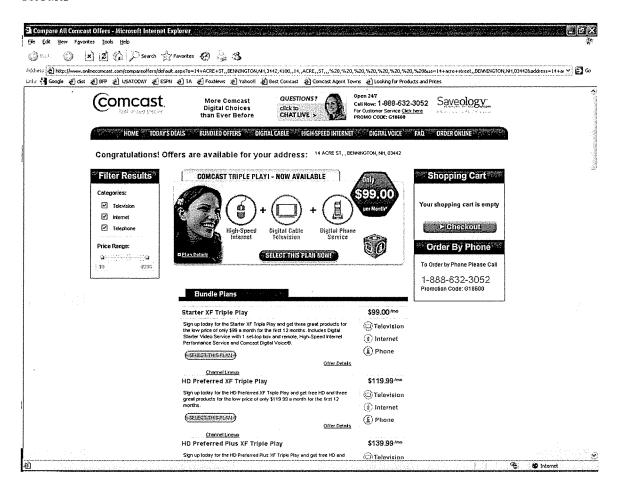
Note: The \$99 Triple Play Offer



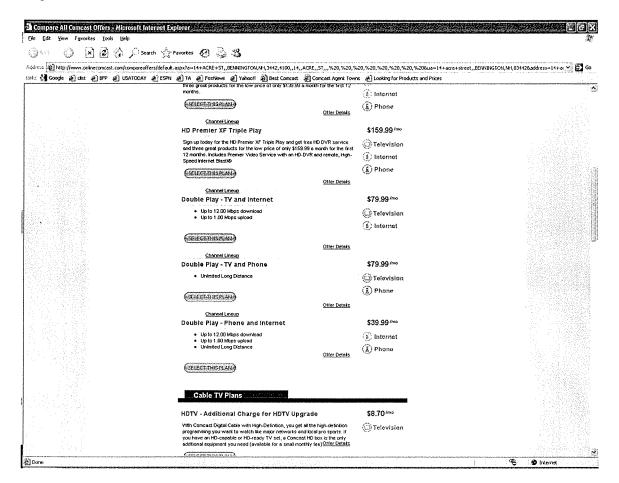


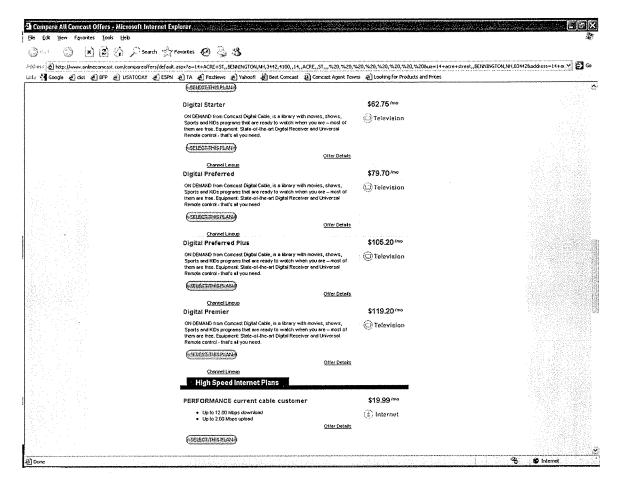
Click on "Get Comcast Now" at the top of this web page

Results

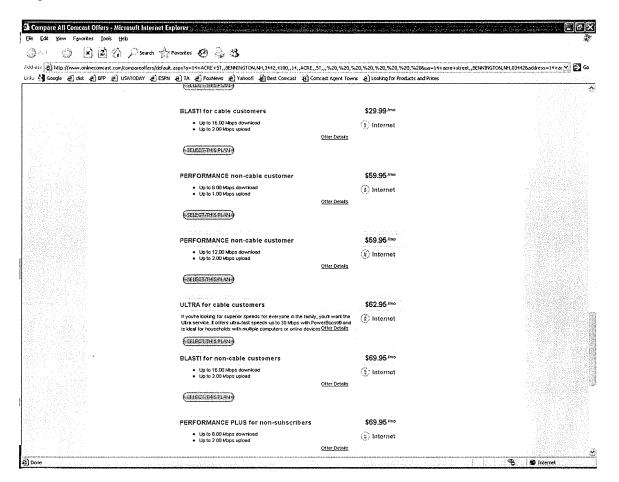


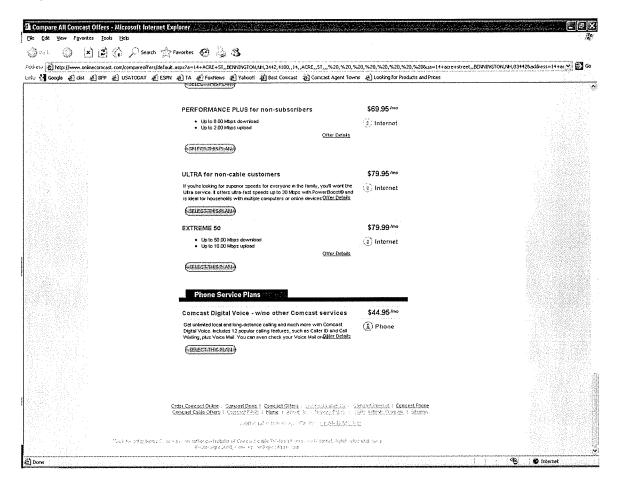
Note: The "Congratulations! Offers are available for your address: 14 Acre Street, Bennington, NH 03442", also note the \$99 offer.





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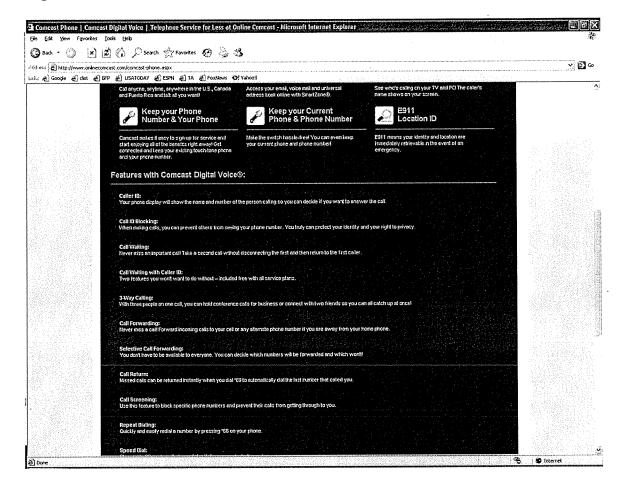


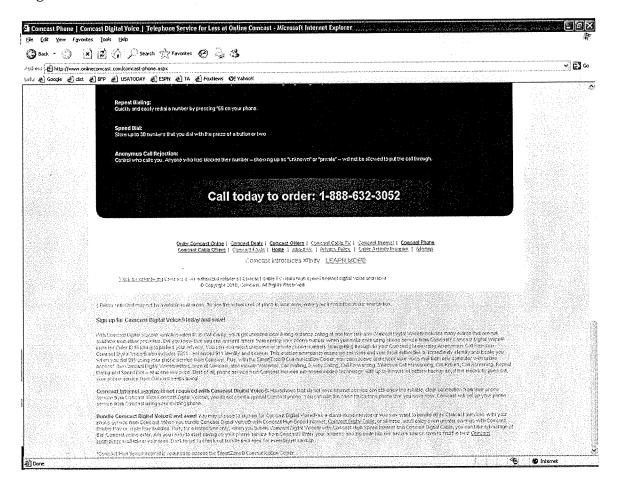


Comcast voice offers available by selecting the "digital voice" tab on the top of the previous web page.



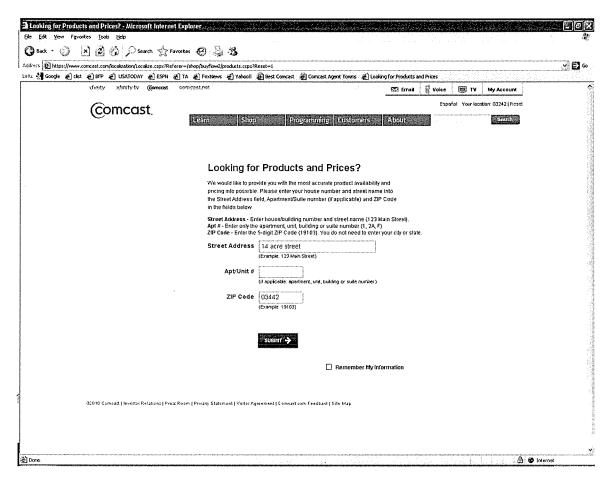
Note: The \$19.99 voice service offer.





Comcast Web Site

Address Search for services available at 14 Acre Street, 03442

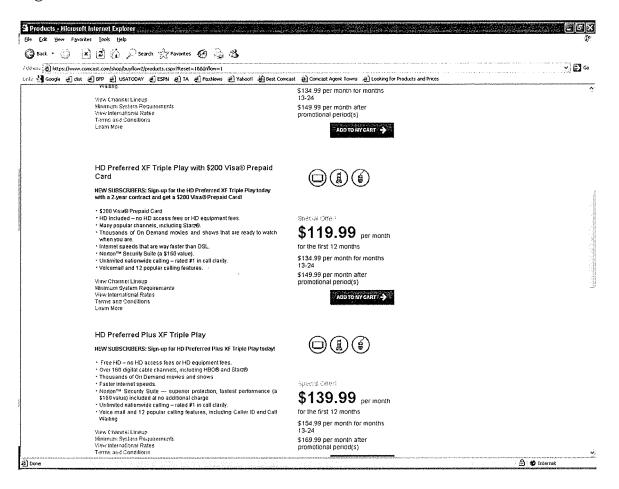


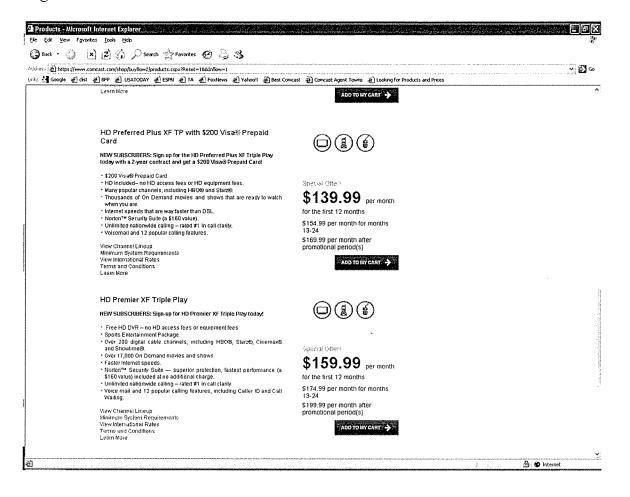
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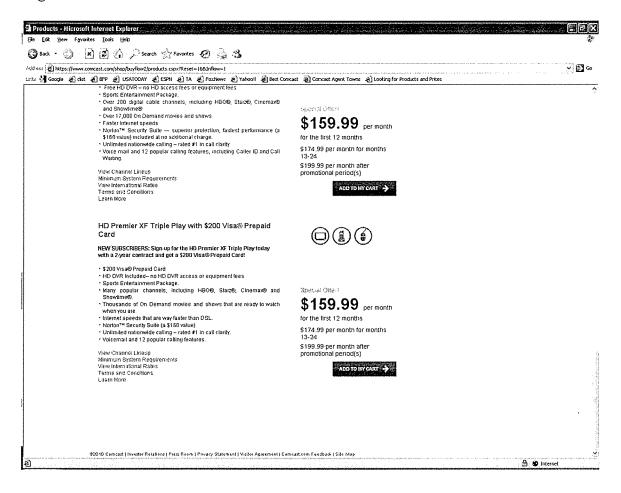
Resulting Page



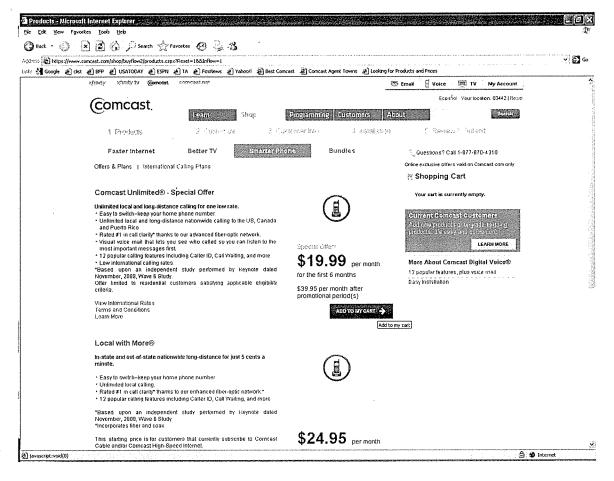
Note: The \$99 Triple Play price in the 03442 zip code in the upper right hand corner of this web page.



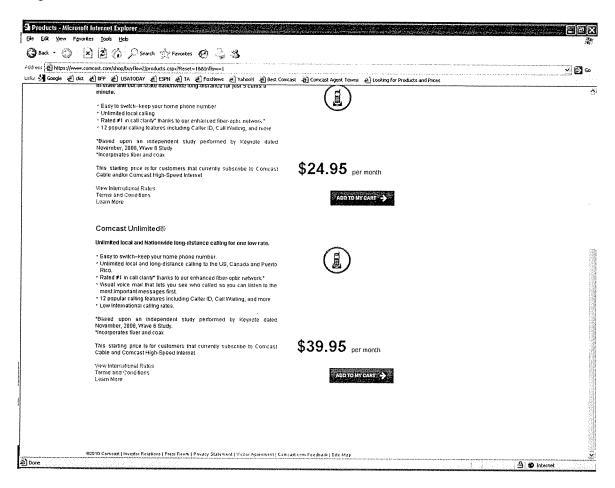




Same Address information under the "Smarter Phone" Tab

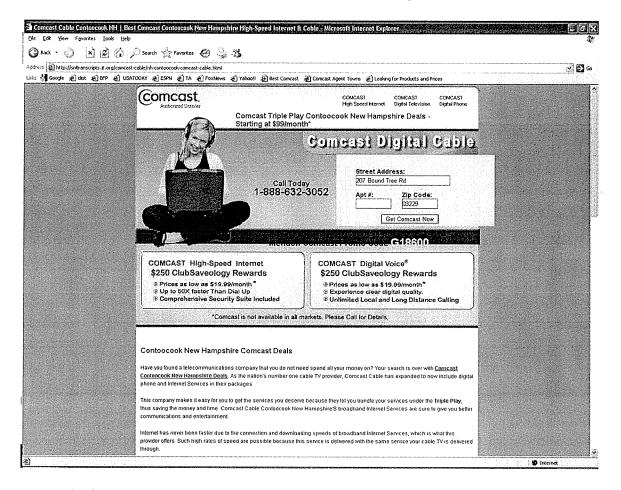


Note: The \$19.99 voice service offer in the 03442 zip code.

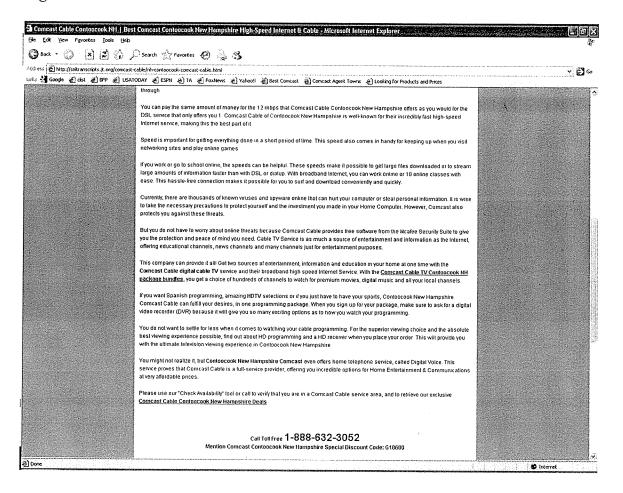


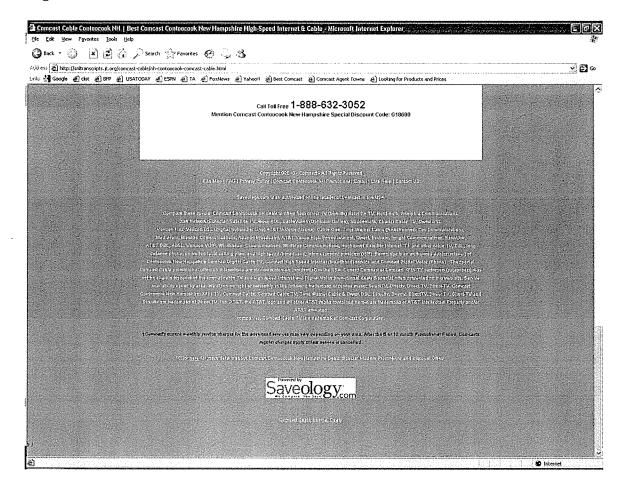
Comcast Authorized Dealer Web Site

Search Results for services available at 207 Bound Tree Rd., 03229



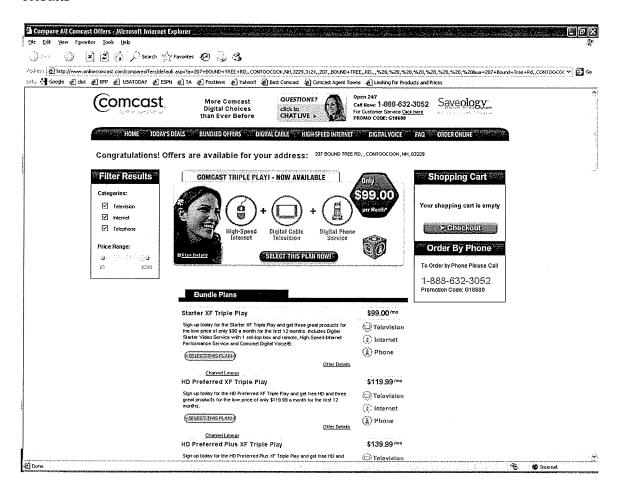
Note: The \$99 Triple Play Offer



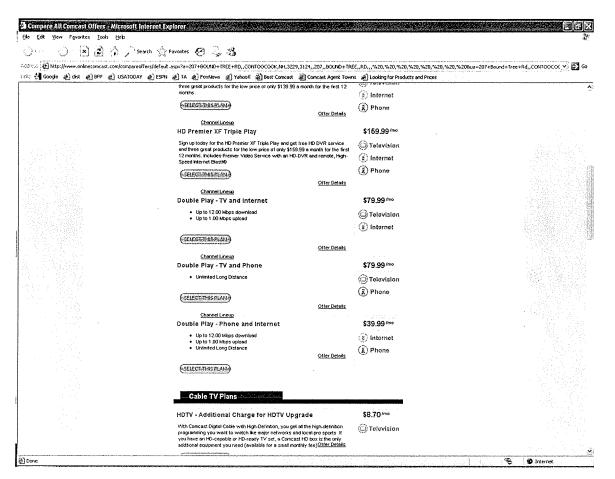


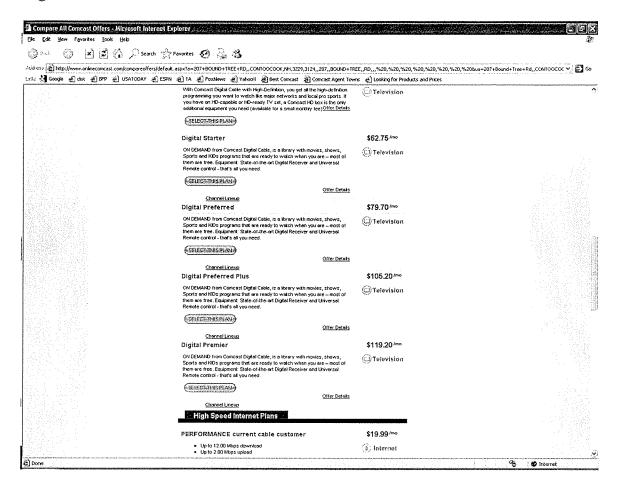
Click on "Get Comcast Now" at the top of this web page

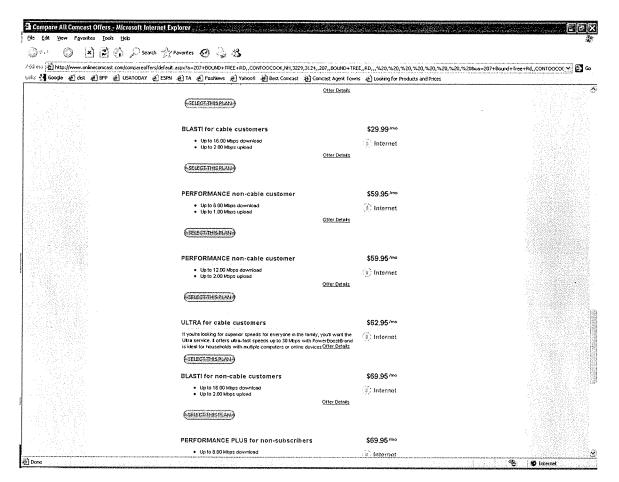
Results

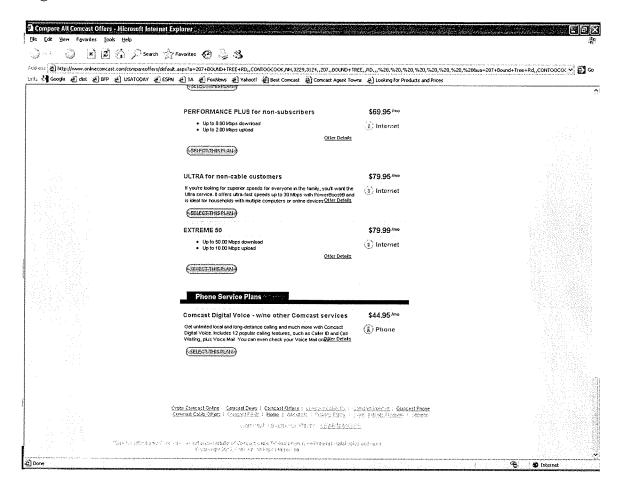


Note: The "Congratulations! Offers are available for your address: 207 Bound Tree Rd., Contoocoock, NH 03229", also note the \$99 offer.

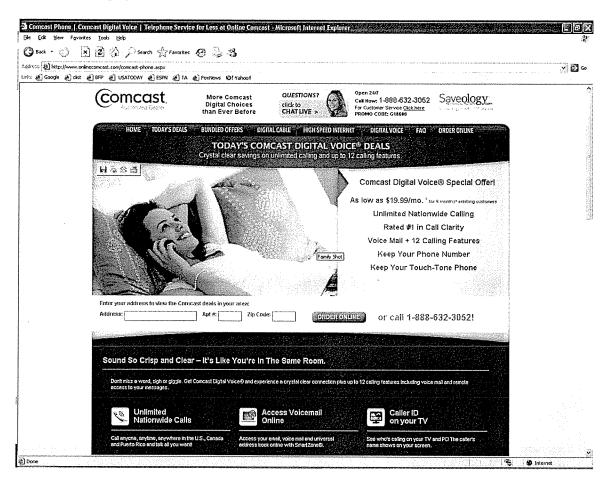




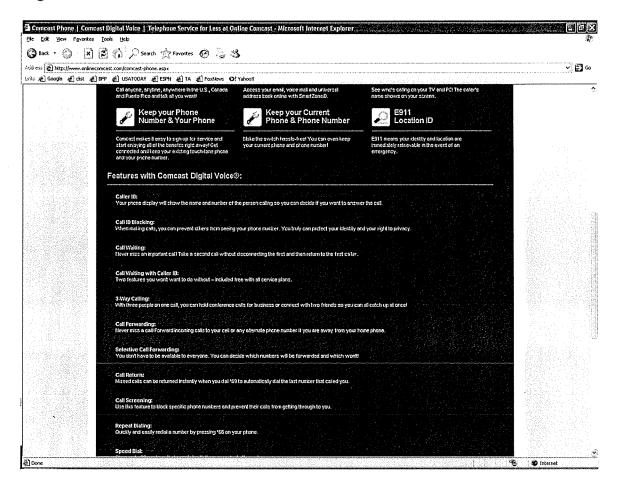


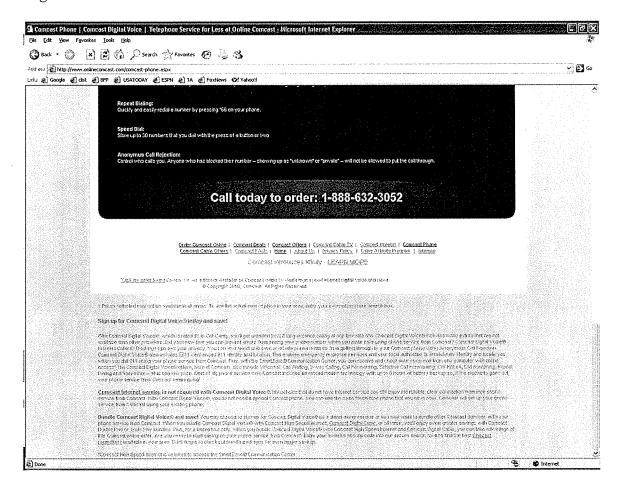


Comcast voice offers available by selecting the "digital voice" tab on the top of the previous web page.



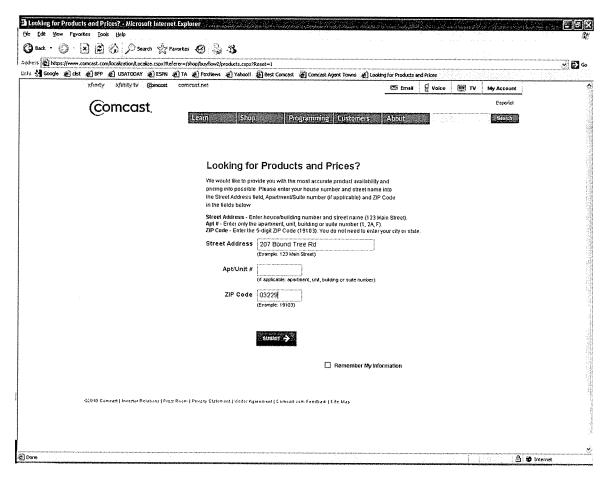
Note: The \$19.99 voice service offer.





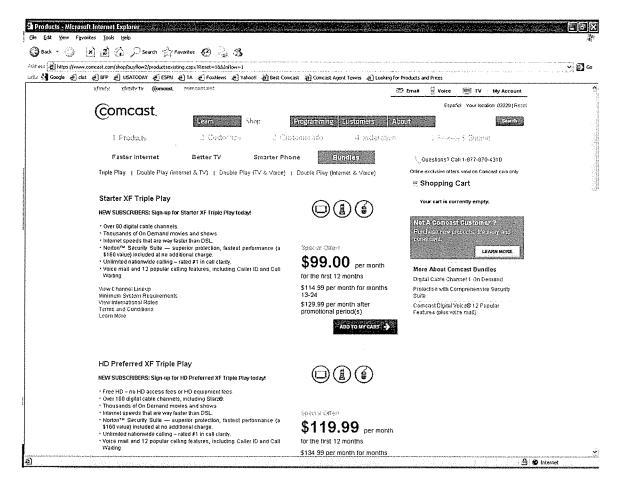
Comcast Web Site

Address Search for services available at 207 Bound Tree Rd., 03229

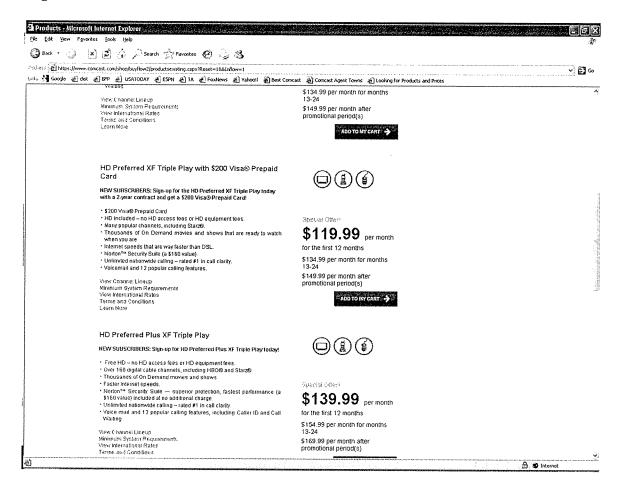


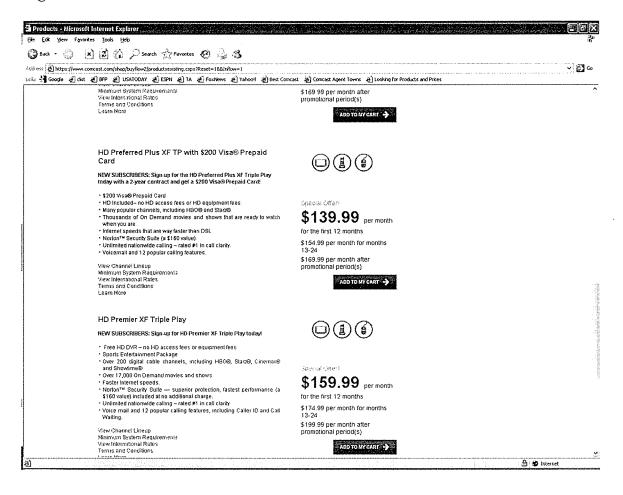
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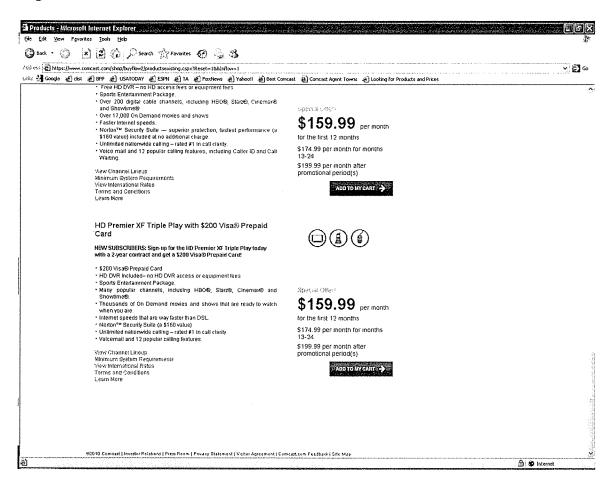
Resulting Page



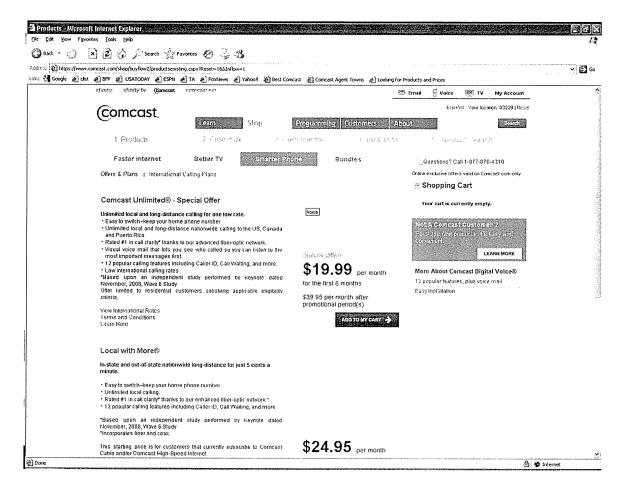
Note: The \$99 Triple Play price in the 03229 zip code in the upper right hand corner of this web page.



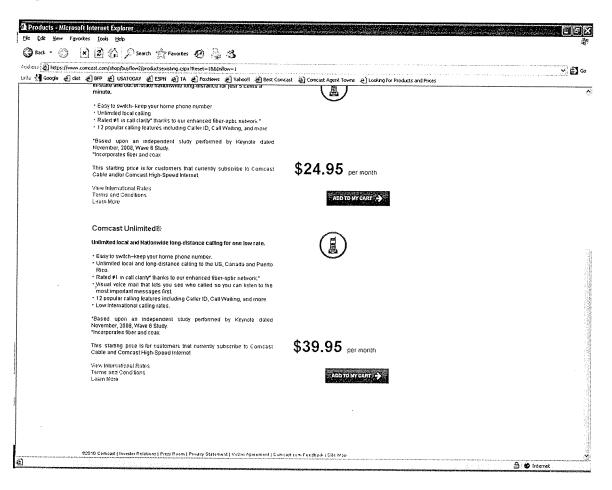




Same Address information under the "Smarter Phone" Tab

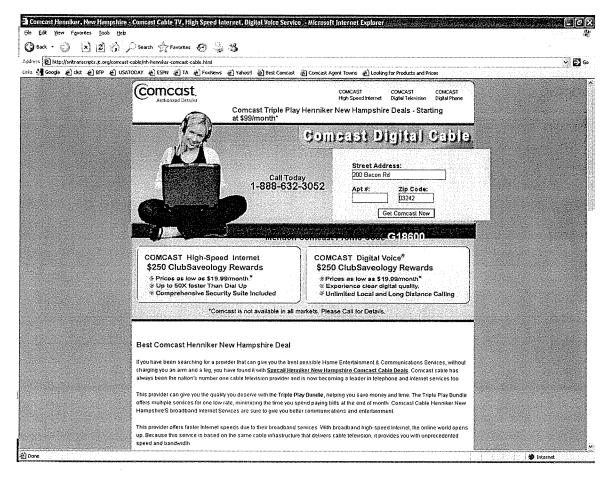


Note: The \$19.99 voice service offer in the 03229 zip code.

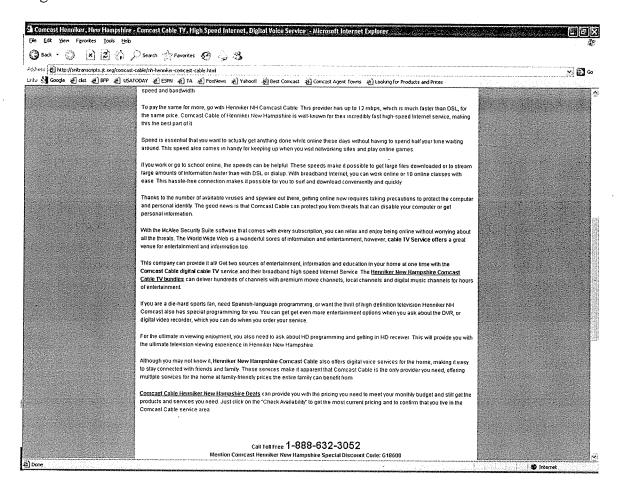


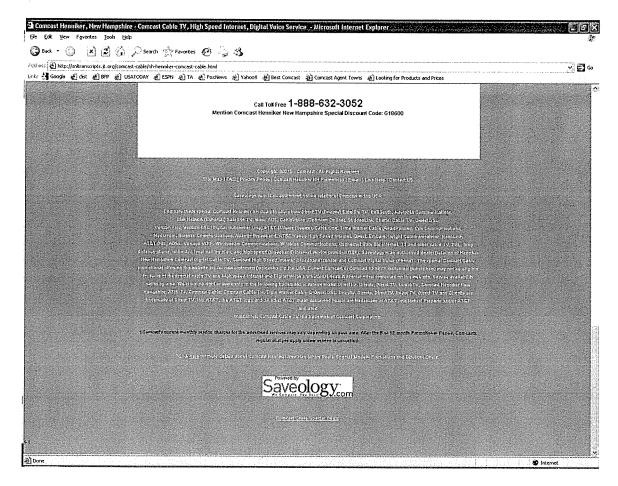
Comcast Authorized Dealer Web Site

Search Results for Services available at 200 Bacon Rd., 03242



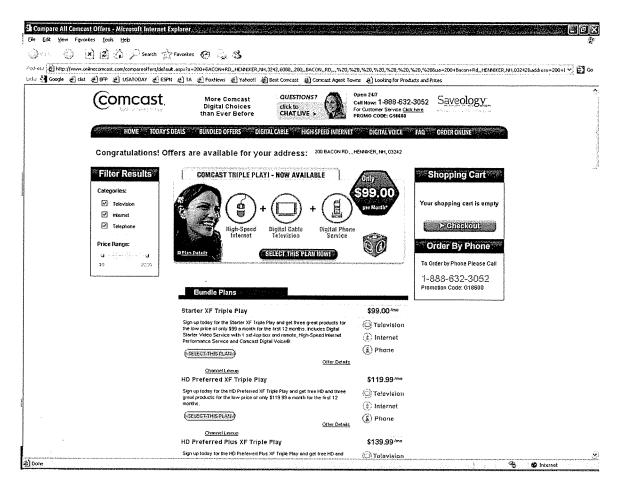
Note: The \$99 Triple Play Offer



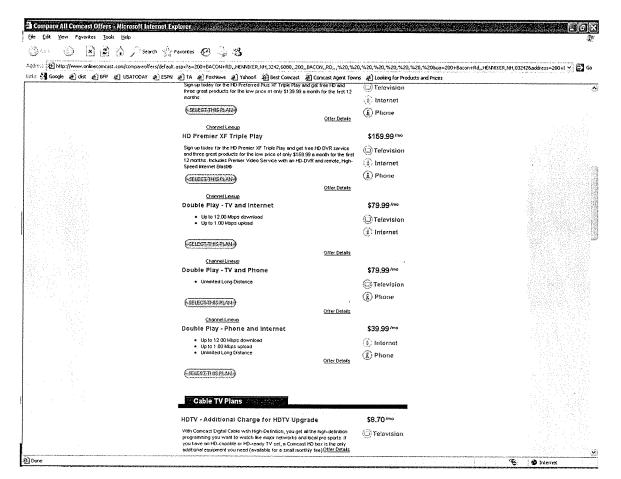


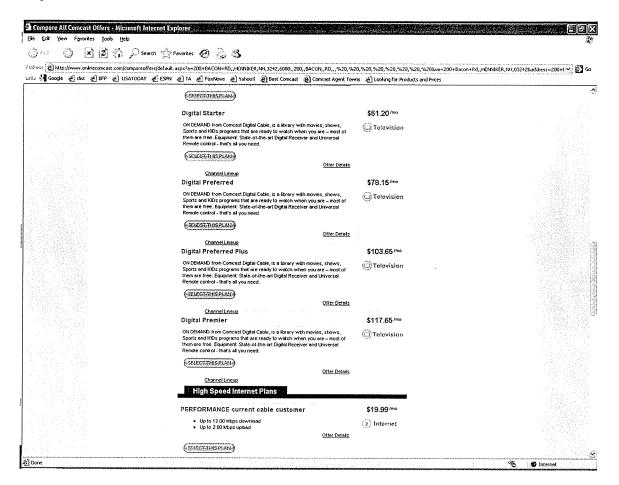
Click on "Get Comcast Now" at the top of this web page

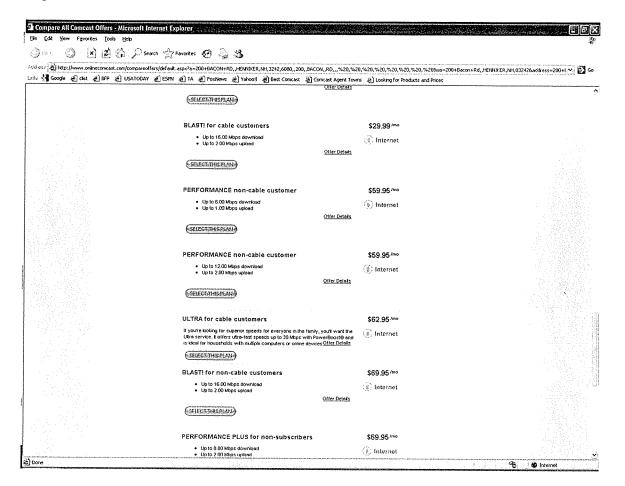
Results

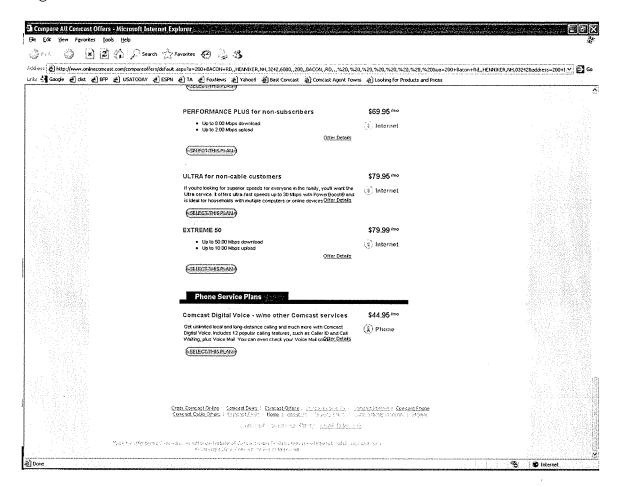


Note: The "Congratulations! Offers are available for your address: 200 Bacon Rd., Henniker, NH 03242", also note the \$99 offer.

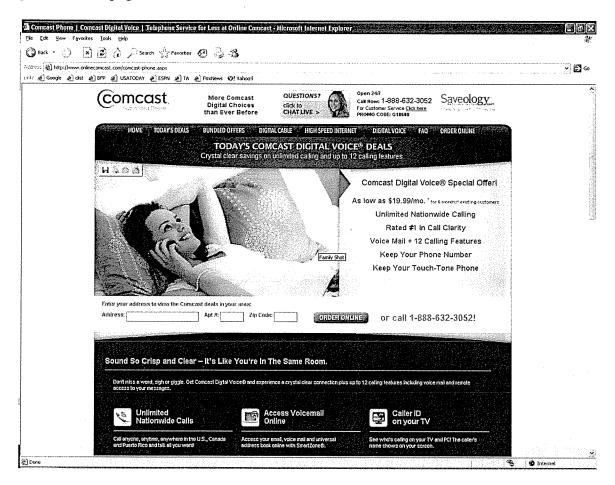




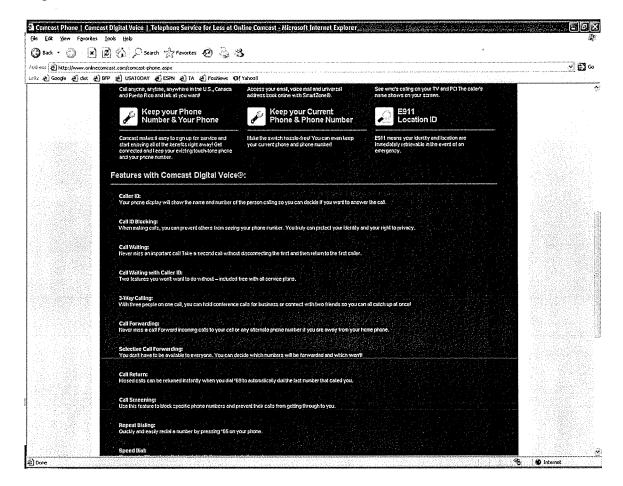


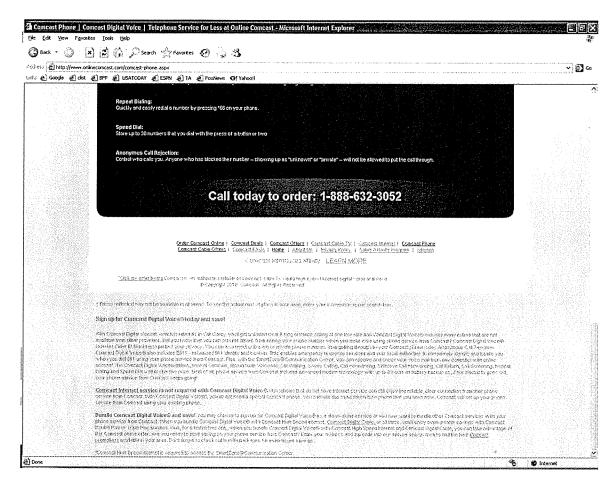


Comcast voice offers available by selecting the "digital voice" tab on the top of the previous web page.



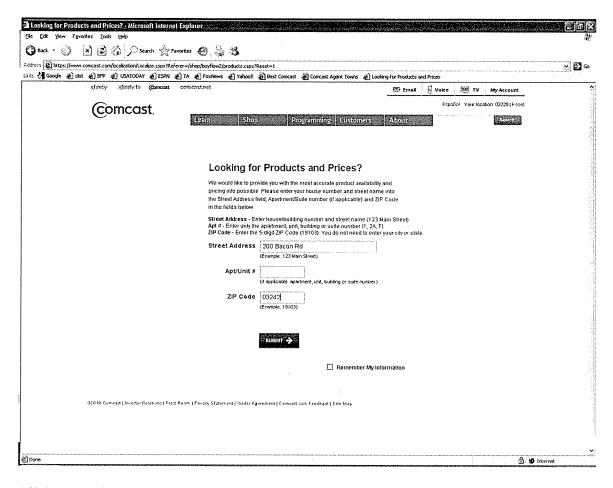
Note: The \$19.99 voice service offer.





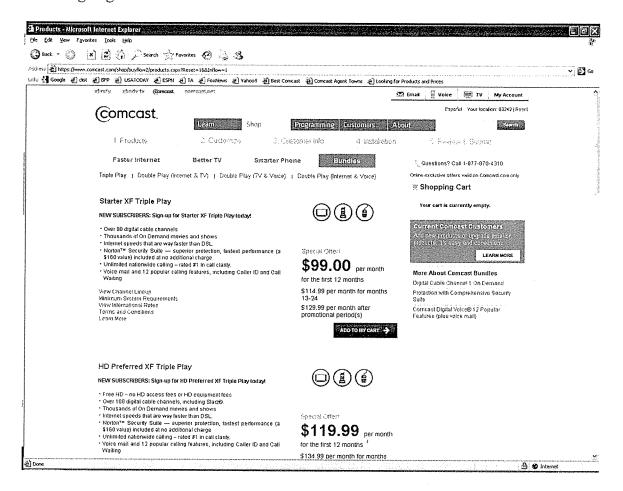
Comcast Web Site

Address Search for services available at 200 Bacon Rd., 03242

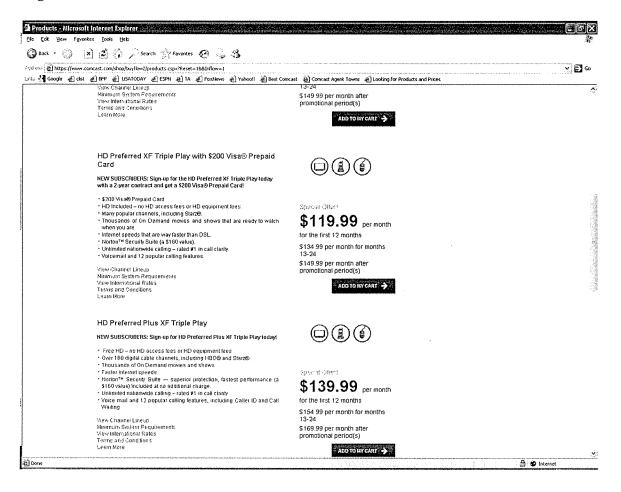


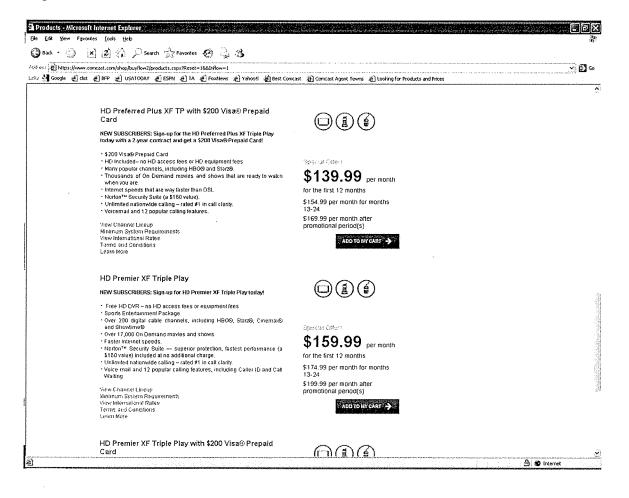
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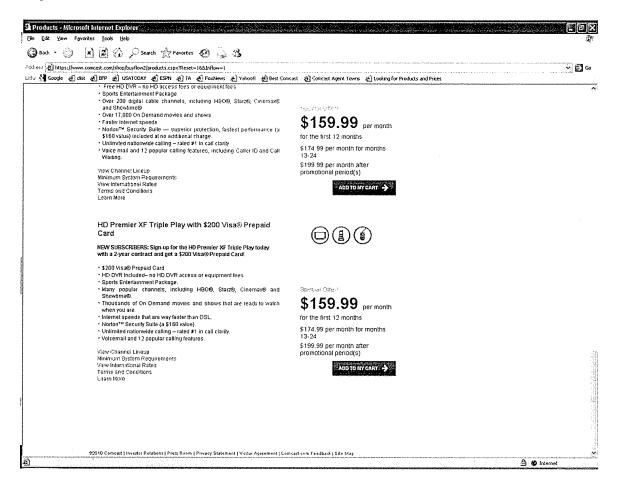
Resulting Page



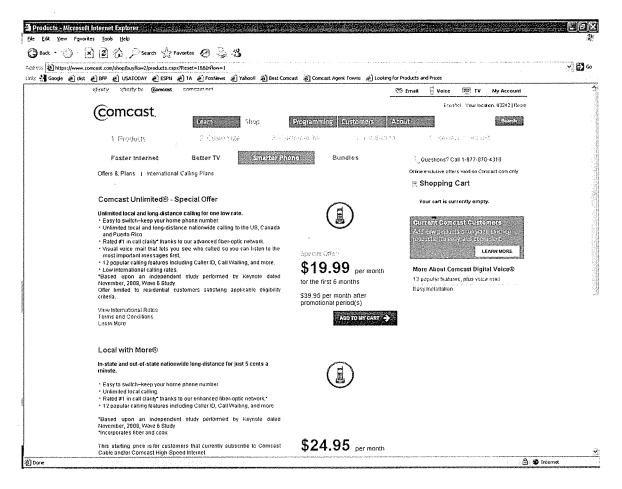
Note: The \$99 Triple Play price in the 03242 zip code in the upper right hand corner of this web page.



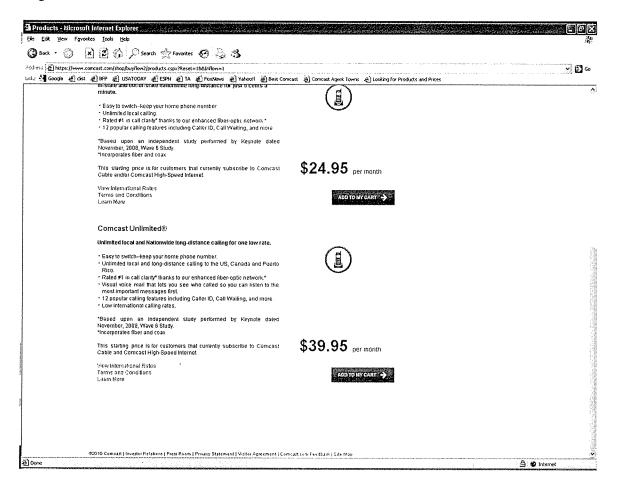




Same Address information under the "Smarter Phone" Tab

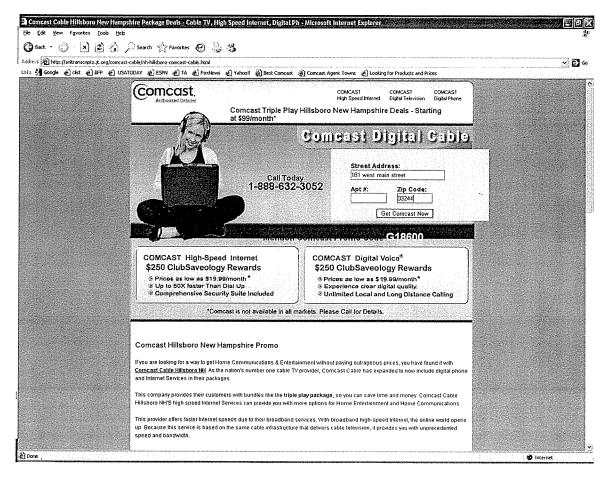


Note: The \$19.99 voice service offer in the 03242 zip code.

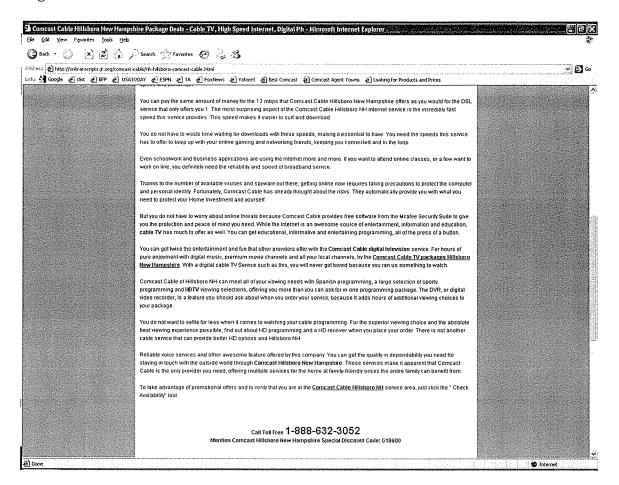


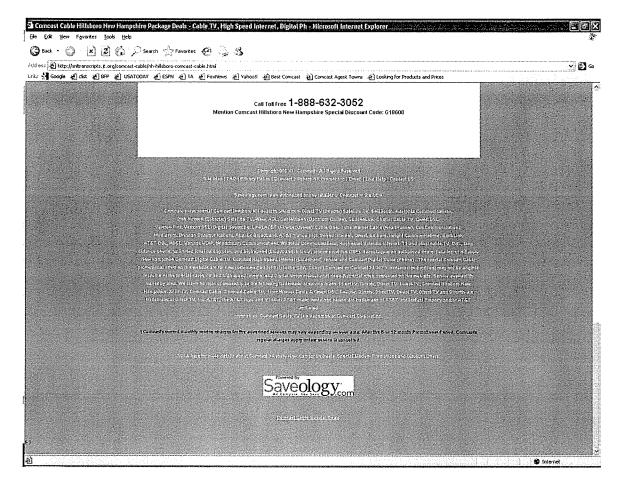
Comcast Authorized Dealer Web Site

Search Results for services available at 181 West Main Street, 03244



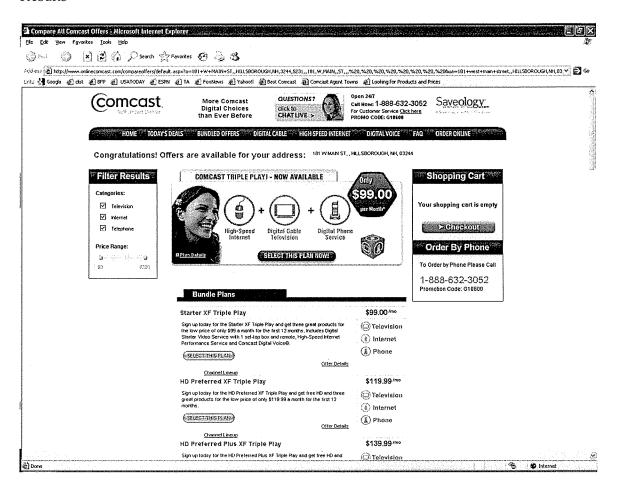
Note: The \$99 Triple Play Offer



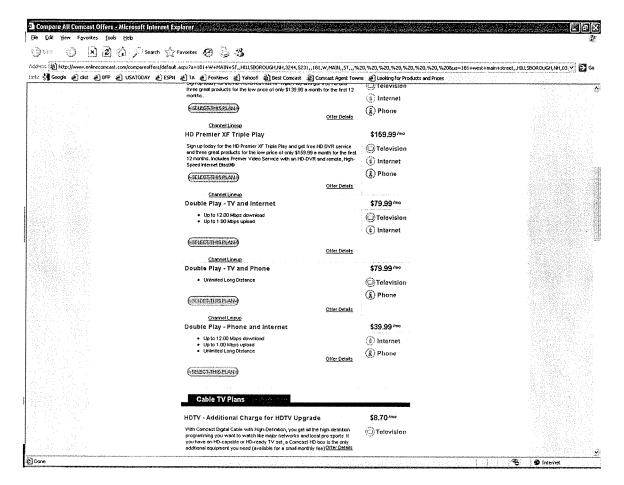


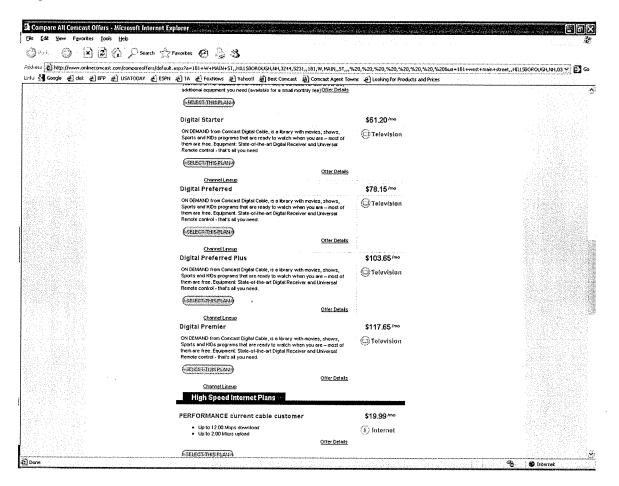
Click on "Get Comcast Now" at the top of this web page

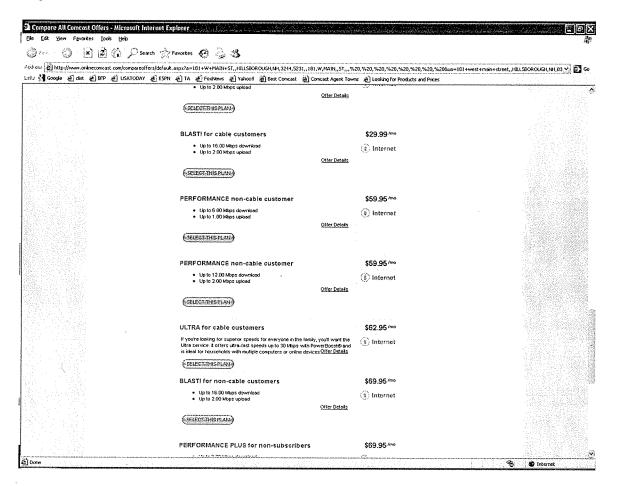
Results

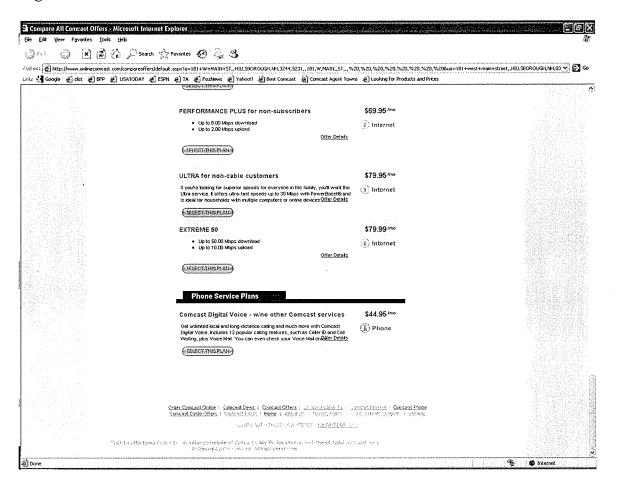


Note: The "Congratulations! Offers are available for your address: 181 W Main Street, Hillsborough, NH, 03244", also note the \$99 offer.

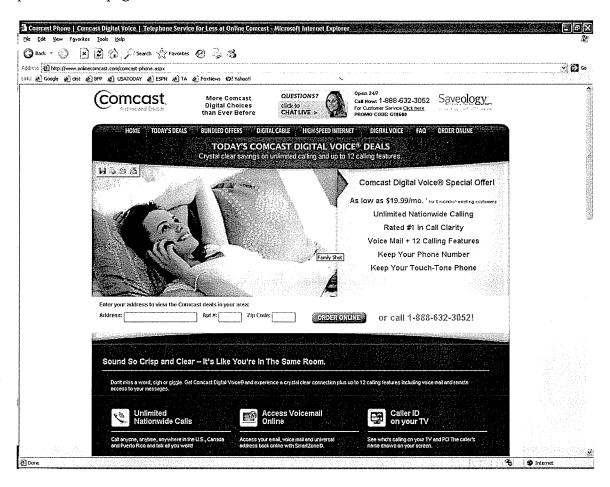




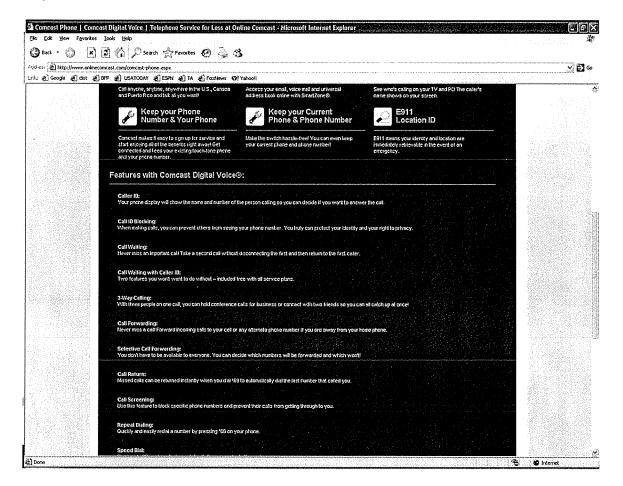


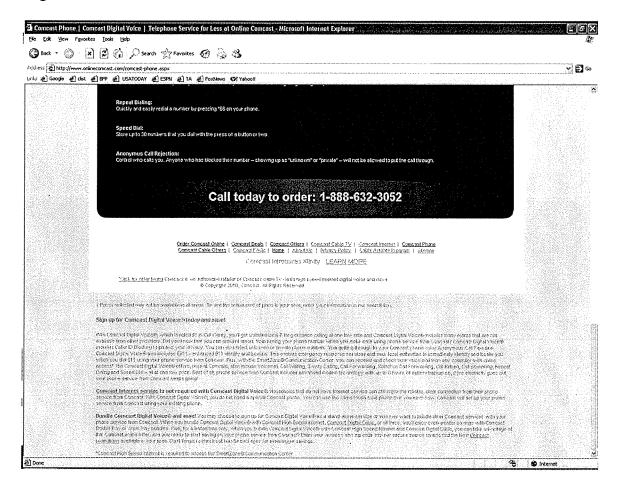


Comcast voice offers available by selecting the "digital voice" tab on the top of the previous web page.



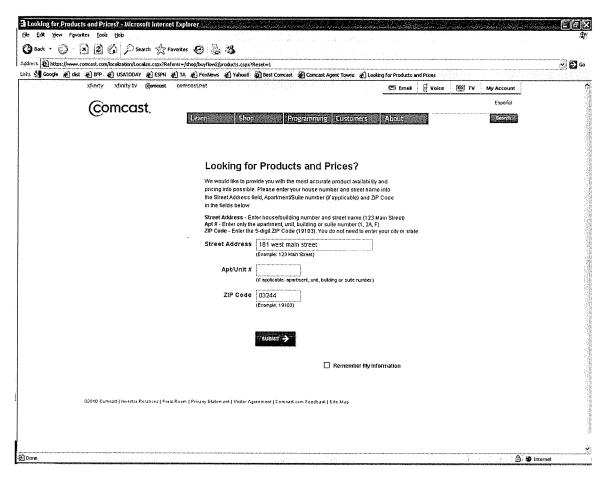
Note: The \$19.99 voice service offer.





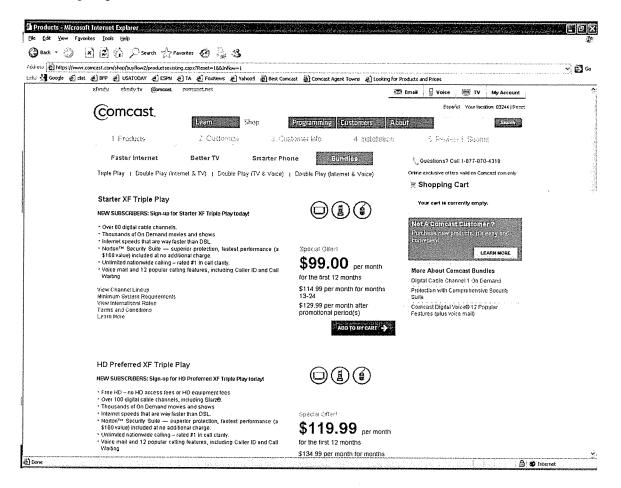
Comcast Web Site

Address Search for services available at 181 West Main Street, 03244

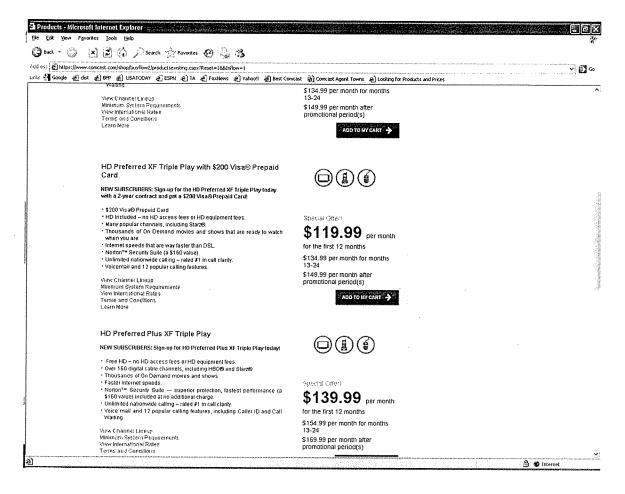


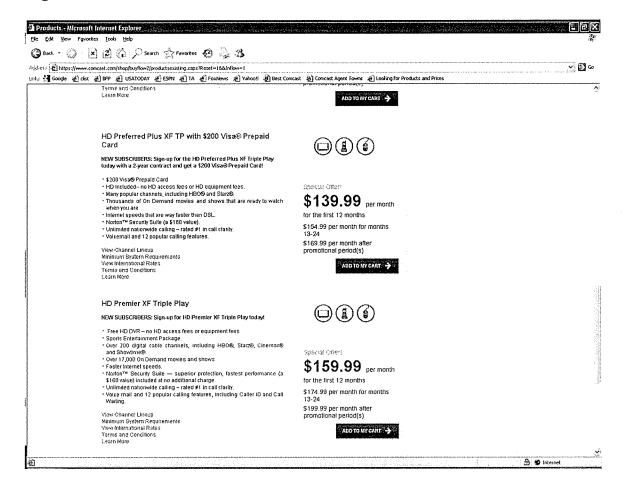
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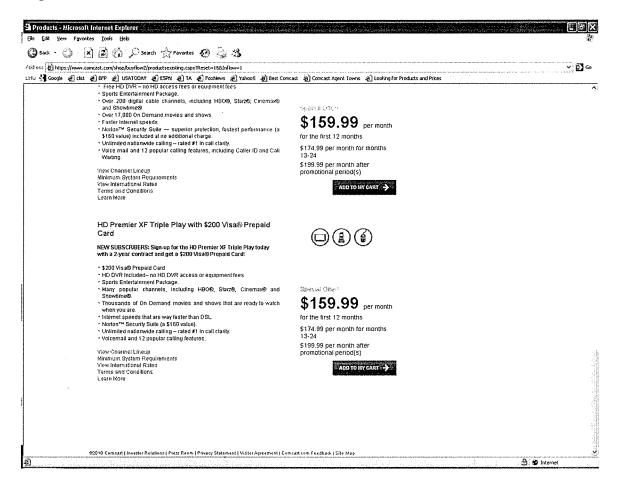
Resulting Page



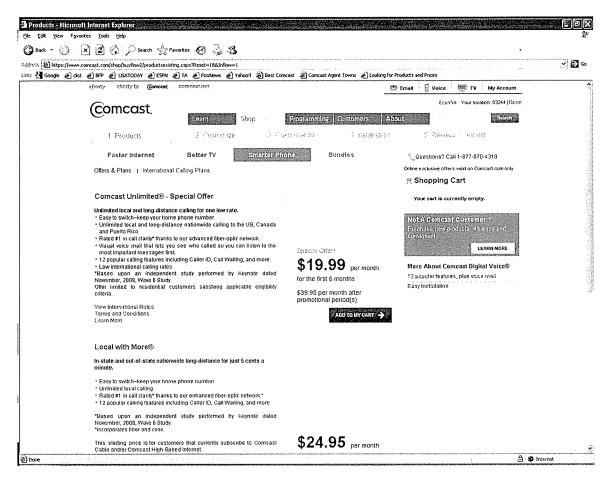
Note: The \$99 Triple Play price in the 03244 zip code in the upper right hand corner of this web page.



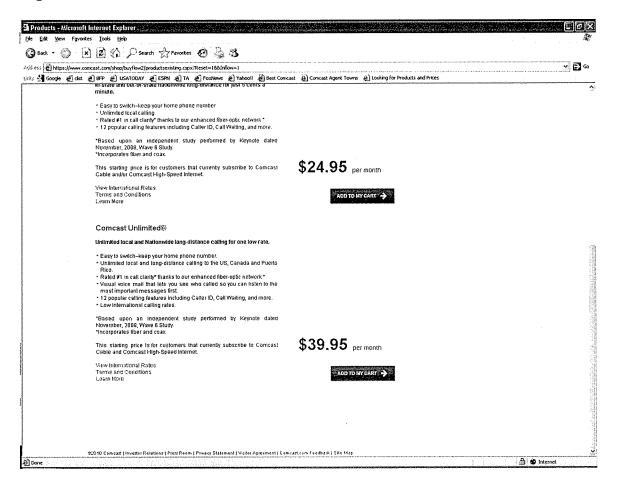




Same Address information under the "Smarter Phone" Tab



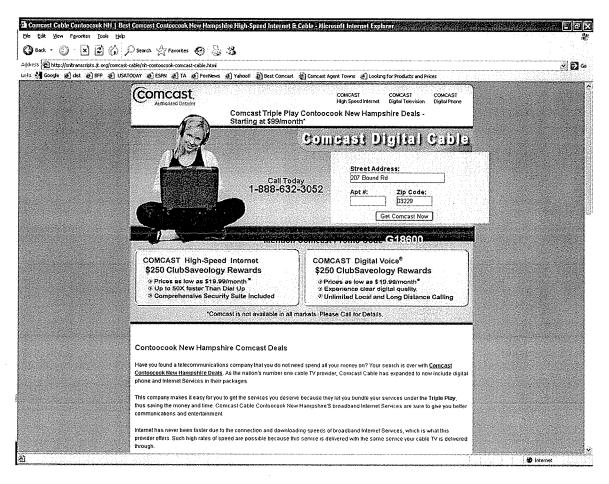
Note: The \$19.99 voice service offer in the 03244 zip code



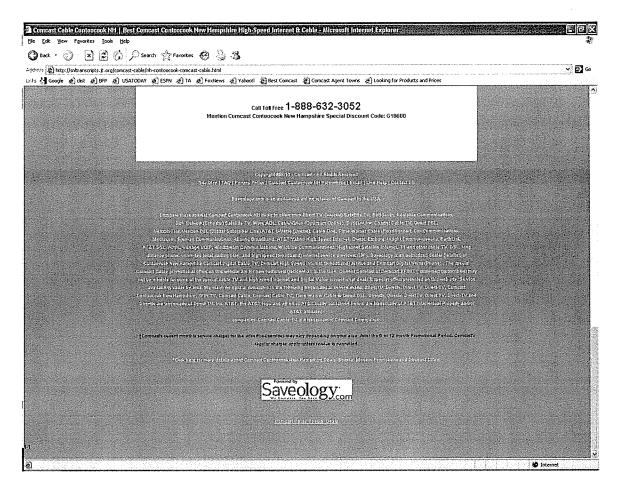
Comcast Authorized Dealer Web Site

Search Results for Services available at 207 Bound Rd., Contoocock, NH 03229

Note: This is an incorrect address, which will result in a service not available on this web site.

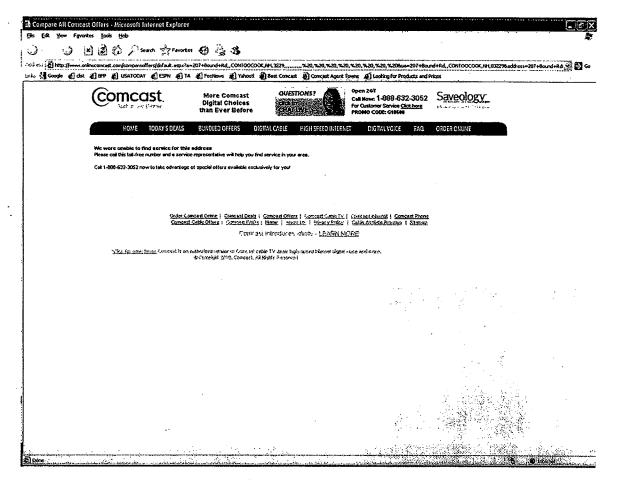


Note: The \$99 Triple Play Offer



Click on "Get Comcast Now" at the top of this web page

Results



Note: This incorrect address does not work.

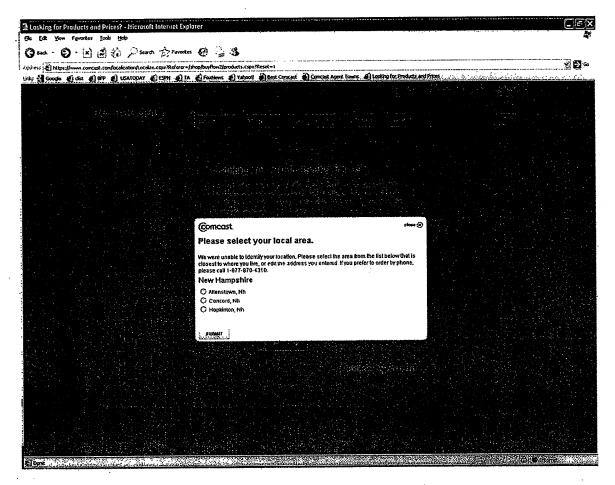
Comcast Web Site

Address Search for services available at 207 Bound Rd., Contoocock, NH, 03229

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Click on "Submit"

Resulting Page



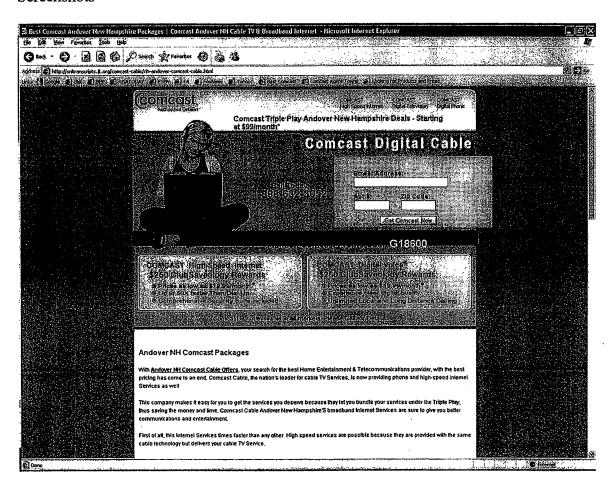
Note: This incorrect address fails.

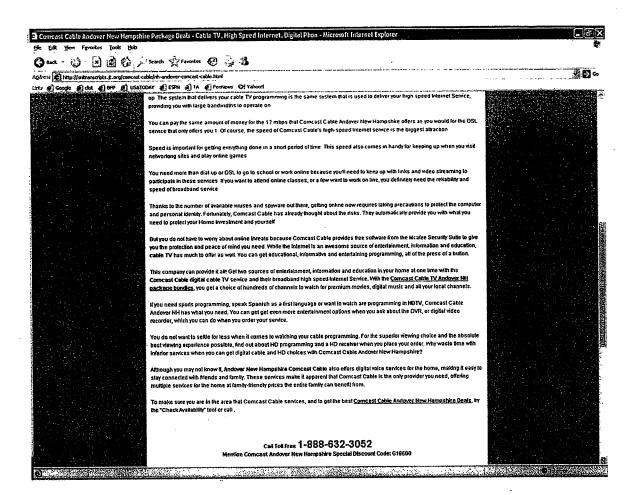
Comcast Authorized Dealer

Printout vs. Screenshot

This attachment is an example for one exchange (Andover) to display the insignificant differences between the Printouts submitted in the affidavits and the Screenshots.

Screenshots





Page continued

Exh. 16P 211

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This company makes it easy for you to get the services you deserve because they let you bundle your services under the Trip saving the money and time. Comcast Cable Andover New Hampshire'S broadband Internet Services are sure to give you bet communications and entertainment.

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You can pay the same amount of money for the 12 mbps that Comcast Cable Andover New Hampshire offers as you would for service that only offers you 1. The best part of the Andover New Hampshire Comcast Cable Internet service is the incredit of speed they can offer it at.

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Speed is essential that you want to actually get anything done while online these days without having to spend helf your time around. And, as Internet social sites and games to proliferate, effusion all have a connection with king of speed, you will be le white your friends get to play.

Even schoolwork and business applications are using the Internet more and more. With broadband Internet, you can work on online classes with ease. This hassle-free connection makes it possible for you to surf and download conveniently and quickly

Thanks to the number of available viruses and spyware out there, getting online now requires taking precautions to protect th and personal identity. However, Comcast also protects you against these threats.

Instead of taking the risk, Comcast Cable has already made a provision with free Security Software. They offer the Mcafee Si keep your computer virus and spyware free, leaving you to the enjoyment of online surfing and downloading. The World Wide wonderful sores of information and entertainment, however, cable TV Service offers a great venue for entertainment and inf

Comcast Cable can double your educational, informative and entertainment resources with the digital cable TV Service they the <u>Comcast Cable TV Andover NH package bundles</u>, you get a choice of hundreds of channels to watch for premium movimusic and all your local channels.

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You do not want to settle for less when it comes to watching your cable programming. For the superior viewing choice and the best viewing experience possible, find out about HD programming and a HD receiver when you place your order. You can no service would better pricing in Andover NH. For the superior service from the best provider, go with Comcast Cable.

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