

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Comcast Phone of Florida, LLC d/b/a Comcast Digital Phone for arbitration of an interconnection agreement with Quincy Telephone Company d/b/a TDS Telecom, pursuant to Section 252 of the Federal Communications Act of 1934, as amended, and Sections 120.57(1), 120.80(13), 364.012, 364.15, 364.16, 364.161, and 364.162, F.S., and Rule 28-106.201, F.A.C.

DOCKET NO. 080731-TP
ORDER NO. PSC-09-0546-PCO-TP
ISSUED: August 6, 2009

ORDER GRANTING IN PART AND DENYING IN PART COMCAST'S REQUEST FOR OFFICIAL RECOGNITION

On July 7, 2009, Comcast Phone of Florida ("Comcast Phone") filed its request for official recognition of following documents:

1. *Bright House Networks, LLC v. Verizon California, Inc.*, Memorandum Opinion and Order, 23 FCC Rcd 10704 (2008), *aff'd by Verizon California, Inc. v. FCC*, 555 F.3d 270, 2009 WL 304745 (D.C. Cir. 2009).
2. *Time Warner Cable Request for Declaratory Ruling that Competitive Local Exchange Carriers May Obtain Interconnection Under Section 251 of the Communications Act of 1934, as Amended, to Provide Wholesale Telecommunications Services to VoIP Providers*, Memorandum Opinion and Order, 22 FCC Rcd 3513 (2007).
3. *In re Telephone Number Requirements for IP-Enabled Services Providers*, 22 FCC Rcd. 19531 (2007).
4. *Cambridge Telephone Company, et al*, Order, Docket No. 05-0259, *et al*, 2005 WL 1863370 (Ill. Commerce Corn., July 15, 2005).
5. *In the Matter of the Petition of Communications Corporation of Michigan, d/b/a TDS Telecom, for Sections 251/252 arbitration of interconnection rates, terms and conditions with Comcast Phone of Michigan, d/b/a Comcast Digital Phone*, Order, Case No. U-15725, U-15730 (Mich. PSC, March 5, 2009), *aff'g In the Matter of the Petition of Communications Corporation of Michigan, d/b/a TDS Telecom. for Sections 251/252 arbitration of interconnection rates, terms and conditions with Comcast Phone of Michigan, d/b/a Comcast Digital Phone*, Decision of the Arbitrator, Case No. U-15725, U-15730 (Mich. PSC, Jan. 28, 2009).

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6. *Petitions of Vermont Telephone Company, Inc. and Comcast Phone of Vermont, LLC d/b/a Comcast Digital Phone, for Arbitration of an Interconnection Agreement Between VTel and Comcast, Pursuant to Section 252 of the Telecommunications Act of 1996, and Applicable State Laws*, Final Order, Docket No. 7469 (Vt. PSB, Feb. 2, 2009).
7. *Consolidated Comm Of Fort Bend Co. v Public Utility Commission of Texas*, Memorandum Opinion and Order, 497 F Supp 2d 836 (W.D. Tex 2007), *aff'g Petition of Sprint Comm Co. LP*, Order, Docket No. 32582, 2006 WL 2366391 (Tex. PUC, Aug 14, 2006).
8. *Iowa Telecomms. Servs., Inc. v Iowa Utils. Bd.*, 563 F.3d 743 (8th Cir. 2009), *aff'g Sprint Comm. Co. LP v ACE Comm Group, et al*, Order on Rehearing, Docket No. ARB-05-2, 2005 WL 3624405 (Iowa Util Bd, Nov 28, 2005).
9. *Berkshire Tel Corp v Sprint*, Case No. 05-CV-6502, 2006 WL 3095665 (WDNY, Oct.30,2006), *aff'g Sprint Comm. Co. LP*, Order Resolving Arbitration Issues, Cases 05-C-0170, -0183 (NY PSC, May 24, 2005) and *Sprint Comm. Co. LP*, Order Denying Rehearing, Cases 05-C-0170, -0183 (NY PSC, Aug 24,2005).
10. *Sprint Comm. Co. LP*, Order, App No. 310183F0002AMA, *et al*, 101 PaPUC 895,2006 WL 3675279 (Pa. PUC, Nov. 30, 2006).
11. *Re Sprint Comm Co., LP*, Order No. 4, Docket UT-073031, 2008 WL 227939 (Wash. Util. Trans. Comm., Jan. 24, 2008).
12. *Re The Champaign Tel Co.*, Case No. 04-1494-TP-UNC, *et al* (Ohio PUC, Apr. 13, 2005).
13. *Sprint Comm. Co. LP v Nebraska Pub. Serv. Co.*, Case No. 4:05CV3260, 2007 WL 2682181 (D. Neb., Sept. 7,2007), *rev 'g Re Sprint Comm. Co. LP*, Opinion and Findings, Appl No. C-3429,2005 WL 3824447 (Neb. PSC, Sept 13,2005).
14. *In the Matter of Sprint Communications Co. L.P.'s Petition for Arbitration Pursuant to Section 252(B) of the Communications Act of 1934, as Amended by the Telecommunications Act of 1996, and the Applicable State Laws for Rates, Terms and Conditions of Interconnection with Ligonier Telephone Company, Inc.*, Cause No. 43052-INT-01 (consolidated with 43053-INT-01 and 43055-INT-01), 2006 WL 2663730 (Indiana Util. Reg. Comm., Sept. 6, 2006).
15. *Sprint Comm. Corp. LP*, Recommended Arbitration Order, Docket No. P-294, Sub 30, 2008 WL 4123656 (North Carolina Util. Comm., Aug. 29,2008), *aff'd by Order Ruling on Objections and Requiring the Filing of a Composite Agreement*, Docket No. P-294, Sub 30,2008 WL 5456090 (North Carolina Util. Comm., Dec. 31, 2008).

16. *In re Comcast Phone of New Hampshire Application for Authority to Serve Customers in the TDS Service Territories*, Order Granting Authority No. 24,938 (NH PUC, Feb. 6, 2009).
17. Bell South Telecommunications, Inc., General Subscriber Service Tariff, Interconnection of Mobile Services, Section A35.1.4(K)(6), Third Revised Page 7.
18. Bell South Telecommunications, Inc., Access Services Tariff, Section E5.2, Fourth Revised Page 15 - First Revised Page 17.
19. Bell South Telecommunications, Inc., Access Services Tariff, Section E7.5.6, Second Revised Page 60
20. Bell South Telecommunications, Inc., Access Services Tariff, Section E7.4.4, Fifth Revised Page 39.
21. Frontier Communications of the South, Inc., Intrastate Access Tariff (adopting Florida Uniform Statewide Access Service Tariff (Bell South Tariff)).
22. Florida Public Service Commission 2009 Competitive Local Exchange Carrier (CLEC) Questionnaire.

Upon consideration, I hereby find that Documents 1-16, and 22 (decisions of the FCC and other state regulatory authorities, and a publication of this Commission) are documents for which this Commission may take official recognition pursuant to Sections 90.202 and 90.203, Florida Statutes. However, Documents 17-21 (tariffs) are documents for which this Commission cannot take official recognition. Although tariffs were filed with this Commission prior to July 1, 2009; by statute, we are precluded from officially recognizing these documents. Sections 90.202 and 90.203, Florida Statutes do not provide for official recognition of tariffs. Accordingly, I hereby grant in part and deny in part Comcast's Request for Official Recognition. Documents 1-16, and 22 are hereby granted official recognition.

Based on the foregoing, it is

ORDERED by Commissioner Nancy Argenziano, as Prehearing Officer, that Quincy Telephone Company, d/b/a TDS Telecom/Quincy Telephone's Motion for Official Recognition is granted as set forth in the body of this Order.

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By ORDER of Commissioner Nancy Argenziano, as Prehearing Officer, this 6th day
of August, 2009.



NANCY ARGENZIANO
Commissioner and Prehearing Officer

(S E A L)

TJB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.