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June 10, 2009

ELECTRONIC FILING

Ms. Ann Cole, Director
Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket No. 080731-TP

Dear Ms. Cole:

Enclosed for filing on behalf of Comcast Phone of Florida, L.L.C. d/b/a Comcast Digital Phone ("Comcast") is Comcast Phone of Florida, L.L.C. d/b/a Comcast Digital Phone's Prehearing Statement in the above referenced docket.

Thank you for your assistance with this filing.

Sincerely yours,


Floyd R. Self

FRS/amb
Enclosures

cc: Sam Cullari, Esq.
Parties of Record

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re:)	
Petition of Comcast Phone of Florida, LLC For)	
Arbitration of Rates, Terms and Conditions of)	
Interconnection with Quincy Telephone Company,)	DOCKET NO. 080731
Inc. d/b/a TDS Telecom Pursuant to)	Filed: June 10, 2009
Communications Act of 1934, as Amended.)	

**COMCAST PHONE OF FLORIDA, L.L.C.'S
PREHEARING STATEMENT**

Comcast Phone of Florida, L.L.C. d/b/a Comcast Digital Phone ("Comcast"), pursuant to the *Order Establishing Procedure*, Order No. PSC-09-0183-PCO-TP, issued March 27, 2009, hereby submits its Prehearing Statement.

A. WITNESSES

<u>WITNESS</u>	<u>SUBJECT MATTER</u>	<u>ISSUES</u>
Beth Choroser	Information regarding Comcast's service offerings; Negotiations between TDS and Comcast	Issue 1

B. EXHIBITS

<u>EXHIBIT NUMBER</u>	<u>WITNESS</u>	<u>DESCRIPTION</u>
BAC-1 (Composite)	Choroser	Comcast Price List Pages; NH Order Granting Authority; NH Order Denying Motion For Rehearing; FPSC CLEC Questionnaire; Michigan Arbitration Decision; Bellsouth Tariff Pages

C. BASIC POSITION

The Commission should grant Comcast's Petition and require TDS to enter into a Section 251 interconnection agreement with Comcast. Comcast clearly qualifies as a "telecommunications carrier" pursuant to 47 USC § 153(44). The Commission has issued Comcast a Certificate of Public Convenience and Necessity to provide telecommunications services in Florida and Comcast does, in fact, provide such services pursuant to its Florida service guides and price lists. TDS' contention that Comcast is not a telecommunications carrier is simply an attempt to keep Comcast out of TDS' local markets for as long as possible.

D. ISSUES AND POSITIONS

ISSUE 1: Is TDS required to offer interconnection to Comcast under Section 251 of the Act and/or Sections 364.16, 364.161, and 364.162, Florida Statutes?

COMCAST'S POSITION:

TDS is required to provide Comcast with an interconnection agreement pursuant to Section 251 of the Communications Act of 1934, as amended ("Act"), because Comcast is a telecommunications carrier under to Section 3(44) of the Act. 47 USC § 153(44). Comcast is therefore entitled to interconnection under Section 251. Comcast qualifies as a telecommunications carrier because it has received authority from the Commission to provide telecommunications services in Florida, and because it does, in fact, offer such services to the public. Comcast is authorized to provide local exchange, interexchange and other telecommunications services in Florida pursuant to Certificates 4404 and 7834. The Commission has recognized Comcast's telecommunications carrier status through its approval of Section 251 interconnection agreements with five other ILECs: AT&T/BellSouth, Embarq,

Northeast Florida Telephone Company, Inc., Verizon, and Windstream. Pursuant to these interconnection agreements, Comcast exchanges non-toll, locally rated traffic on a “bill-and-keep basis” pursuant with these and other local exchange carriers in Florida.

Among the services that Comcast offers to the public on a common carrier basis pursuant to its Florida price list is Comcast’s Local Interconnection Service (“LIS”). LIS consists of a suite of wholesale services, including two-way interconnection with the public switched telephone network (“PTSN”) for exchange of local and long-distance traffic (which qualify as local exchange carrier services under 47 U.S.C. § 153(26)), administration of numbering resources, local number portability, operator services, 911 emergency calling services, and directory listing and directory assistance services.

Comcast also offers a Schools and Libraries service to qualifying schools and libraries, which provides both networking services (which have been deemed “special access” services by the FCC) and local and long-distance calling capabilities that qualify as local exchange carrier services under the Act. Comcast also provides exchange access services to approximately 35 interexchange carrier (“IXC”) customers in the state, including TDS, to whom it provides either intrastate or interstate access services and to whom it pays and receives access charges.

In arguing that Comcast is not a telecommunications carrier TDS focuses solely on Comcast’s LIS offering. TDS claims that the offering is too narrow, such that it is only available to Comcast’s affiliates. TDS also claims that the service itself is an information service and that Comcast seeks to change exclusively information services traffic, contrary to applicable FCC

regulations. There is no truth to either contention. Numerous federal and state decisions support Comcast's position in this matter. In the FCC's *Time Warner* decision, the FCC affirmed that telecommunications carriers have a right to interconnection regardless of whether the carrier provides wholesale or retail services, and regardless of the nature of the service provided to the ultimate end user. In its *Bright House* decision, the FCC specifically found that identically situated Comcast affiliates are telecommunications carriers. Moreover, regulators and courts in at least ten states have specifically confirmed competitive carriers' right to interconnection in similar circumstances.

TDS' complaints about the terms and conditions of Comcast's offerings are likewise misplaced. The terms about which TDS complains are common ones found in many telecommunications carrier offerings, including TDS'. Moreover, as a regulated telecommunications carrier, prospective customers and other carriers are free to complain to the Commission if they believe that Comcast has violated its statutory obligation to provide services at just, reasonable and nondiscriminatory rates, terms and conditions.

E. PENDING MOTIONS

None at this time.

F. PENDING CONFIDENTIAL CLAIMS OR REQUESTS

None at this time.

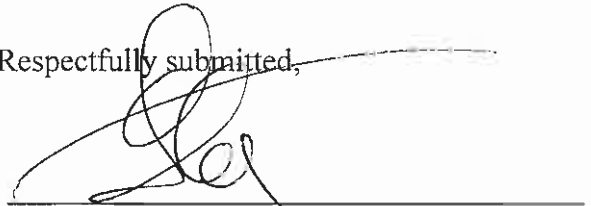
G. OBJECTIONS TO A WITNESSES QUALIFICATION AS EXPERT

None at this time.

H. ANY OTHER REQUIREMENTS THAT CANNOT BE COMPLIED WITH

None at this time.

Respectfully submitted,



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Counsel for Comcast Phone of Florida,
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on the following parties by Electronic Mail and/or U.S. Mail this 10th day of June, 2009.

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