

M C
S S

MESSER CAPARELLO & SELF, P.A.

Attorneys At Law

www.lawfla.com

June 24, 2009

RECEIVED-FPSC
09 JUN 24 PM 4:32
COMMISSION
CLERK

BY HAND DELIVERY

The Honorable Nancy Argenziano
Commissioner
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No. 080731-TP - *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.*

Dear Commissioner Argenziano:

I'm writing to follow up on a point that came up during last Thursday's pre-hearing conference (which I was unable to attend). You asked whether the parties had discussed stipulating the prefiled testimony and waiving cross-examination of witnesses and, therefore, waiving the hearing. At that time, counsel stated that they did, in fact, have cross-examination questions for each other's witnesses.

We failed to note, however, that Comcast previously asked TDS to agree to stipulate the record and waive cross-examination, as the parties have done in similar interconnection arbitrations between Comcast and TDS affiliates in New Hampshire, Washington, and Indiana. (The Michigan commission proceeded to decision without a hearing and without cross-examination, although it did so over TDS' objection.) Comcast's request was based on the assumption that any waiver of cross-examination would be mutual, so when TDS refused to waive cross-examination of Comcast's witness, Comcast did not pursue the matter further.

Comcast believes that the issues in this case are strictly legal and could be resolved without a hearing on the basis of the information already compiled in this docket if stipulated into the record. Upon further reflection, however, Comcast is now ready to move forward without cross-examination of the TDS witness regardless of whether TDS will do the same for Comcast's witness.

DOCUMENT NUMBER-DATE
06343 JUN 24 8
FPSC-COMMISSION CLERK

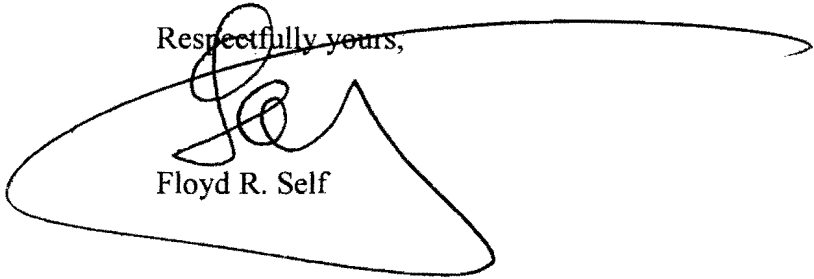
The Honorable Nancy Argenziano

June 24, 2009

Page 2

Such a stipulation is agreeable to Comcast provided the Staff and Commissioners do not have any cross-examination of the TDS witness. If the Commissioners and Staff have questions for the TDS witness, then Comcast would reserve the right to conduct cross-examination.

Respectfully yours,



Floyd R. Self

FRS/amb

cc: Mr. Larry Harris
Parties of Record
Commission Clerk

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 24th day of June, 2009.

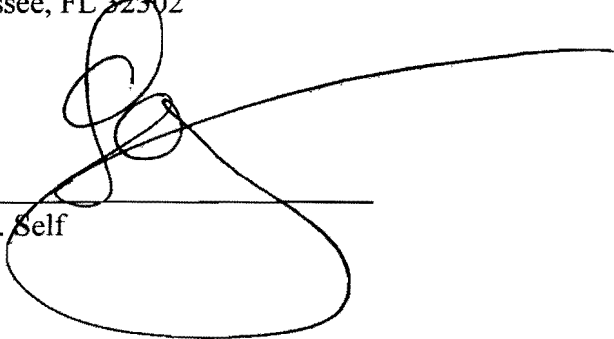
Timisha Brooks, Esq.
Charles Murphy, Esq.
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Samuel F. Cullari, Counsel
Comcast Cable
1701 John F. Kennedy Boulevard
Philadelphia, PA 19103

Mr. Thomas M. McCabe
Suite 3, Box 329
1400 Village Square Boulevard
Tallahassee, FL 32312-1231

David A. Konuch, Esq.
Florida Cable Telecommunications Association
246 E. 6th Avenue
Tallahassee, FL 32303

Jeffry Wahlen, Esq.
Ausley & McMullen
P.O. Box 391
Tallahassee, FL 32302



Floyd R. Self