

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**



**FILED**

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**A1901003**

Application of Comcast Phone of California, LLC (U-5698-C) to expand its existing Certificate of Public Convenience and Necessity to provide limited facilities-based telecommunication service in the service territory of Ponderosa Telephone Co.

A.19-

**APPLICATION OF COMCAST PHONE OF CALIFORNIA, LLC (U-5698-C)**

Suzanne Toller  
Michael Sloan (Washington D.C. Office)  
Zeb Zankel  
DAVIS WRIGHT TREMAINE LLP  
505 Montgomery St., Suite 800  
San Francisco, CA 94111  
Telephone: (415) 276-6500  
Facsimile: (415) 276-6599  
E-mail: [suzannetoller@dwt.com](mailto:suzannetoller@dwt.com)  
E-mail: [michaelsloan@dwt.com](mailto:michaelsloan@dwt.com)  
E-mail: [zebzankel@dwt.com](mailto:zebzankel@dwt.com)  
Attorneys for Comcast Corporation

January 4, 2019

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A.19-

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Pursuant to the Commission’s Rules of Practice and Procedure and pertinent Commission decisions, Comcast Phone of California, LLC (U-5698-C) (“Comcast Phone” or “Applicant”) submits this Application to expand the territorial scope of its Certificate of Public Convenience and Necessity (“CPCN”) to include the service territory of Ponderosa Telephone Co.

(“Ponderosa”).<sup>1</sup> In support of its application, Comcast Phone submits the following information:

**I. NAME OF APPLICANT [RULE 2.1(a)]**

The legal name of Applicant is Comcast Phone of California, LLC. Comcast Phone is a Delaware limited liability company with its principal place of business at 1701 John F. Kennedy Blvd., Philadelphia, PA 19103. Comcast Phone holds a CPCN (U-5698-C) from the Commission to provide facilities-based and resold local exchange and interexchange telecommunications services in California as a competitive local exchange carrier.<sup>2</sup>

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<sup>1</sup> Comcast Phone’s CPCN currently authorizes it to provide service in the territories of Pacific Bell Telephone Company (i.e., AT&T), Frontier California, Inc. (formerly Verizon California, Inc.), Citizens Telecommunications Company of California, Inc., and Consolidated Communications of California Co. (formerly SureWest Telephone). *See* Decision (D.) 05-12-031 (Comcast Phone CPCN).

<sup>2</sup> *See* D. 08-04-042, n.1 (detailing background of Comcast Phone’s CPCN).

**II. CORRESPONDENCE OR COMMUNICATIONS [RULE 2.1(B)]:**

All communications, filings, and related submissions in this proceeding, including but not limited to, correspondence, notices, inquiries, and orders, should be served upon the following designated contacts for Comcast Phone:

Suzanne Toller Michael Sloan Zeb Zankel Davis Wright Tremaine, LLP 505 Montgomery St., Suite 800 San Francisco, CA 94111 Tel: (415) 276-6500 Fax: (415) 276-6599 suzannetoller@dwt.com michaelsloan@dwt.com zebzankel@dwt.com	John Gutierrez Senior Director, Regulatory Affairs Comcast Corporation 3055 Comcast Place Livermore, CA 94551 Tel: (925) 424-0164 john_gutierrez@comcast.com	Richard Chapkis Senior Deputy General Counsel Robert Munoz Executive Director, Regulatory Affairs Comcast Corporation One Comcast Center, 55th Fl. Philadelphia, PA 19103 Tel: (215) 286-5237 richard_chapkis@comcast.com robert_munoz@comcast.com
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**III. ORGANIZATION AND QUALIFICATION TO TRANSACT BUSINESS [RULE 2.2]**

A Certificate of Formation issued by the State of Delaware, as amended, and a Certificate of Good Standing issued by the California Secretary of State are attached as **Attachment A** to this Application.

**IV. DESCRIPTION OF PROPOSED CONSTRUCTION [RULE 3.1]**

Comcast Phone anticipates that it will engage in minimal construction as it plans to rely largely on the facilities of its cable service provider affiliate to provide services. Comcast Phone expects that its construction activities will be limited to installation of equipment in existing buildings or structures, consistent with the “limited facilities based authority” that it currently holds elsewhere in the state. Comcast Phone seeks to have this authority extended to the Ponderosa service territory. If the construction of new facilities becomes necessary or desirable, Comcast Phone will seek to expand the scope of its authority accordingly.

## **V. CALIFORNIA ENVIRONMENTAL QUALITY ACT [RULE 2.4]**

Pursuant to the California Environmental Quality Act (“CEQA”) and Commission Rule 2.4, the Commission examines projects to evaluate and avoid negative environmental impacts and to maintain and restore environmental quality to the fullest extent possible. In 2005, the Commission found that Comcast Phone’s “local exchange services will not have a significant adverse effect upon the environment.”<sup>3</sup> That finding remains applicable today, as Comcast Phone’s construction activities remain largely unchanged since that time. Also, the scope of Comcast Phone’s potential activities in the Ponderosa service territory would be exempt from CEQA under the “Class 1 Exemption.”<sup>4</sup> Consequently, no Environmental Impact Report or Negative Declaration are required.

Should Comcast Phone need to perform activities that are not exempt from CEQA, it will seek additional authority and submit to any necessary CEQA review.

## **VI. FACTS SHOWING PUBLIC CONVENIENCE AND NECESSITY [RULE 3.1(e)]**

Granting Comcast Phone’s Application will serve the public interest. The Legislature has long promoted market competition to “encourage the ubiquitous availability of a wide choice of state-of-the-art [telecommunications] services.”<sup>5</sup> The Commission has likewise found that the presence of competition in local telecommunications markets leads to efficient pricing, improved

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<sup>3</sup> D.05-12-031 at 3, Conclusion of Law 9. *See also*, D.17-05-023 at 9, granting CPCN to California Internet, L.P.; D.13-07-039 at 3-4, granting CPCN to Synergy DAS, LLC.

<sup>4</sup> Pursuant to 14 CCR § 15301, projects qualifying for a Class 1 Exemption under CEQA include: “... the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.”

<sup>5</sup> *See* Pub. Util. Code § 709 (“The Legislature hereby finds and declares that the policies for telecommunications in California are as follows: ... (c) To encourage the development and deployment of new technologies and the equitable provision of services in a way that efficiently meets consumer need and encourages the ubiquitous availability of a wide choice of state-of-the-art services ... (g) To remove the barriers to open and competitive markets and promote fair product and price competition in a way that encourages greater efficiency, lower prices, and more consumer choice.”).

service quality, expanded product and service capabilities, greater reliability, and increased consumer choice.<sup>6</sup> Comcast Phone’s services advance these policies by enabling its wholesale customers to offer innovative IP-enabled and voice over Internet protocol services, as Comcast Phone’s experience in other markets in California and elsewhere demonstrates.

The Commission has historically insulated rural local exchange carriers (“RLECs”), such as Ponderosa, from wireline competition based on the concern that RLECs might be financially injured by competition.<sup>7</sup> However, the competition study recently issued in the High Cost Fund-A proceeding (R.11-11-007) should allay that concern, as it concluded that “[o]pening Small ILEC territories to wireline voice competition is not expected to have a significant direct impact on Small ILECs and their customers ....”<sup>8</sup> The Commission should endorse this finding and grant Comcast Phone’s request to enter Ponderosa’s service territory so that Californians living in that area can receive the benefits that accrue when companies compete for their business.

#### **VII. NAMES OF COMPETITORS AND NAMES OF COUNTIES [RULE 3.1(b)]**

Pursuant to D. 97-06-107, issued in Commission Proceeding R.94-02-003/ I.94-02-004, applications such as this one are exempt from rule 3.1(b).

#### **VIII. MAP OF SERVICE AREAS [RULE 3.1(c)]**

Comcast Phone seeks expanded authority to provide its services, as described herein, within the service territory of Ponderosa Telephone Co. reflected on the map attached as

**Attachment B.**<sup>9</sup>

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<sup>6</sup> See, e.g., D. 94-09-065, D. 95-07-054, D. 96-02-072, D. 96-03-020, D. 96-04-052, and D.16-12-025.

<sup>7</sup> See D.14-12-084 at 101-102, OP 7.

<sup>8</sup> Mission Consulting, LLC, *Broadband Internet and Wireline Voice Competition Study in Service Territories of Small Incumbent Local Exchange Carriers* at 47 (commissioned by D. 14-12-084).

<sup>9</sup> The service territory of Ponderosa Telephone Co. is also set forth on the Commission’s “Small ILEC Exchange Areas” Map, available at [http://www.cpuc.ca.gov/uploadedFiles/CPUC\\_Public\\_Website/Content/Utilities\\_and\\_Industries/](http://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/Utilities_and_Industries/)

**IX. FRANCHISES, HEALTH AND SAFETY PERMITS REQUIRED FOR CONSTRUCTION [RULE 3.1(d)]**

Comcast Phone will obtain any necessary local franchises or health and safety permits required for its activities in Ponderosa's service territory.

**X. ESTIMATED COST OF CONSTRUCTION [RULE 3.1(f)]**

The estimated cost of construction is expected to be *de minimis* since Comcast Phone does not anticipate constructing facilities. As described in this Application, Comcast Phone will rely on its cable affiliate's existing infrastructure.

**XI. FINANCIAL ABILITY AND RATES [RULE 3.1(g) AND (h)]**

Comcast Phone has the financial ability to provide service in the Ponderosa service territory, consistent with the Commission's findings in D. 05-12-031, and as demonstrated by its business activities since that time. Comcast Phone's annual fixed and operating costs are expected to be fully within the financial resources available to Comcast Phone and its corporate affiliates through existing resources and anticipated revenues. Comcast Phone has also filed a copy of its performance bond with the Commission, consistent with D. 13-05-035.

Comcast Phone will be offering service in competitive markets and its rates will be set accordingly. Comcast Phone's current tariff, which would apply to service offered in the Ponderosa territory, is on file with the Commission.

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Communications -  
\_Telecommunications\_and\_Broadband/Consumer\_Programs/Broadband\_Availability/CA%20Small%20ILEC%20Exchange%20Areas%202015.pdf.

**XII. STATEMENT OF MATERIAL FINANCIAL INTERESTS (GENERAL ORDER 104-A STATEMENT) [RULE 3.1(i)]**

Although Comcast Phone is not a publicly traded company, it is the indirect subsidiary of Comcast Corporation, and in satisfaction of Rule 3.1(i), incorporates by reference its Securities and Exchange Commission filings, including its proxy statements, 10-K, and Annual Reports.<sup>10</sup>

**XIII. ESTIMATED NUMBER OF CUSTOMERS FOR THE FIRST AND THE FIFTH YEAR [RULE 3.1(j)]**

Comcast Phone anticipates providing Local Interconnection Service<sup>11</sup> to its interconnected VoIP service provider affiliate. Comcast also anticipates serving an indeterminate number of interexchange carriers seeking to terminate calls to Comcast's VoIP provider affiliate's customers.

**XIV. MANAGERIAL AND TECHNICAL COMPETENCE [RULE 2.1(d) CERTIFICATION D. 13-05-035]**

Comcast Phone possesses significant managerial and technical expertise for providing services in the Ponderosa service territory, consistent with the Commission's requirements. Attached hereto as **Attachment C** are the biographies of key management and technical personnel.

Because this Application seeks authority to expand the scope of authority for an existing CPCN holder, Applicant respectfully submits that the certification under D. 13-05-035 is not required. However, out of an abundance of caution, Applicant provides the certification attached as **Attachment D**.

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<sup>10</sup> See *SEC Filings*, COMCAST, available at <https://www.cmcsa.com/financials/sec-filings>.

<sup>11</sup> Local Interconnection Service provides a connection between interconnected VoIP service provider facilities and the public switched telephone network, as well as related services. More information available at <https://www.xfinity.com/corporate/about/phonetermsofservice/circuit-switched/cdplocalinterconnectionservice>.



## **XV. DEMONSTRATION OF COMPLIANCE WITH COMMISSION RULES**

**Attachment E** to this Application is a schedule listing Comcast Phone's compliance with applicable Rules.

## **XVI. REQUEST FOR EXEMPTIONS**

Applicant respectfully requests that it be accorded the same streamlined regulatory treatment received by other CLECs (per D. 96-02-075) and other non-dominant interexchange carriers (NDIECs), including:

1. Applicant seeks exemption from the provisions of Pub. Util. Code sections 816-830 (pertaining to the issuance of stocks and securities) and Pub. Util. Code section 851 (pertaining to the transfer or encumbrance of utility assets when such transfer or encumbrance is for the purpose of securing debt). The Commission has previously concluded that NDIECs should be exempt from the provisions and requirements of Pub. Util. Code sections 816-830 and 851 (insofar as these sections pertain to the issuance of securities and transfer or encumbrance of utility property for purposes of securing debt) in D. 85-07-081, D. 85-11-044, and D. 86-08-057, as confirmed by D. 90-09-032. This exemption was extended to CLECs in D. 96-02-072, Ordering Paragraph 18.

2. Applicant further requests that it be exempted from any requirement to maintain its books and records in accordance with the Uniform System of Accounts specified in Title 47 I.E. Part 32 consistent with D. 99-02-038, which relieved CLECs that are not part of an ILEC corporate entity from the requirement to keep their books of account in conformance with the Uniform System of Accounts.

## **XVII. SCOPING MEMORANDUM INFORMATION [RULE 2.1(c)]**

In accordance with the Commission's Rules governing compliance with Senate Bill 960, Comcast Phone provides the following information:

1. Proposed Category: This Application should be categorized as ratesetting in accordance with Rule 7.1(e)(2) as it does not clearly fit into the categories defined in Rules 1.3(a) and (d).

2. Need for Hearing: No hearings are necessary to address the matters in this Application as the Application is non-controversial and does not raise any material issues of fact.

3. Issues to Be Considered: Whether the Commission should modify Comcast Phone's CPCN in the manner requested in the Application.

4. Proposed Schedule:

Comcast Phone requests that the Commission evaluate its Application for a CPCN on an expedited basis. Comcast Phone is eager to pursue opportunities to offer services in Ponderosa's service territory. Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure allows for the Commission to waive the period for public review and comment on proposed decisions in the event that a matter is uncontested and where the decision grants the relief requested. Assuming that no protests are filed, Comcast Phone requests that the Commission waive the period for public comment and process Comcast Phone's application according to the following schedule:

Application filed:	January 4, 2019
Protests Due	30 days after appearance of Application on Commission Daily Calendar
Prehearing Conference	30 days after protests are due
Scoping Memorandum and Ruling	30 days after Prehearing Conference
Proposed Decision	30 days after issuance of Scoping Memorandum and Ruling
Final Decision Adopted	15 days after submission (but no later than 4 months after filing date)

**XVIII. CONCLUSION**

WHEREFORE, Comcast Phone respectfully requests that the Commission enter an Order granting this Application.

Respectfully submitted,

\_\_\_\_/s/\_\_\_\_

Suzanne Toller

Michael Sloan

Zeb Zankel

DAVIS WRIGHT TREMAINE LLP

505 Montgomery St., Ste 800

San Francisco, CA 94111

Telephone: (415) 276-6500

Facsimile: (415) 276-6599

E-mail: [suzannetoller@dwt.com](mailto:suzannetoller@dwt.com)

E-mail: [michaelsloan@dwt.com](mailto:michaelsloan@dwt.com)

E-mail: [zebzankel@dwt.com](mailto:zebzankel@dwt.com)

*Attorneys for Comcast Phone of California, LLC*

Dated: January 4, 2019


## VERIFICATION

My name is John Gauder III. I am President of Comcast Phone of California, LLC. My personal knowledge of the facts stated herein has been derived from my employment with Comcast, Inc. I affirm that Comcast Phone:

- Certifies that all text in the attached Application for an expanded CPCN is true and correct; and
- Because Comcast Phone is an existing CPCN holder, it has already posted a continuous bond equivalent in the amount of \$25,000, issued by a corporate surety company authorized to transact surety business in California, and with the Commission listed as the obligee on the bond.

I affirm and declare under penalty of perjury under the laws of the State of California, including Rule 1.1 of the California Public Utilities Commission's Rules of Practice and Procedure, that, to the best of my knowledge, information and belief, all of the statements and representations made in this Application are true and correct.

Executed on this 4th of January 2019, at Livermore, California.

  
\_\_\_\_\_  
John Gauder III

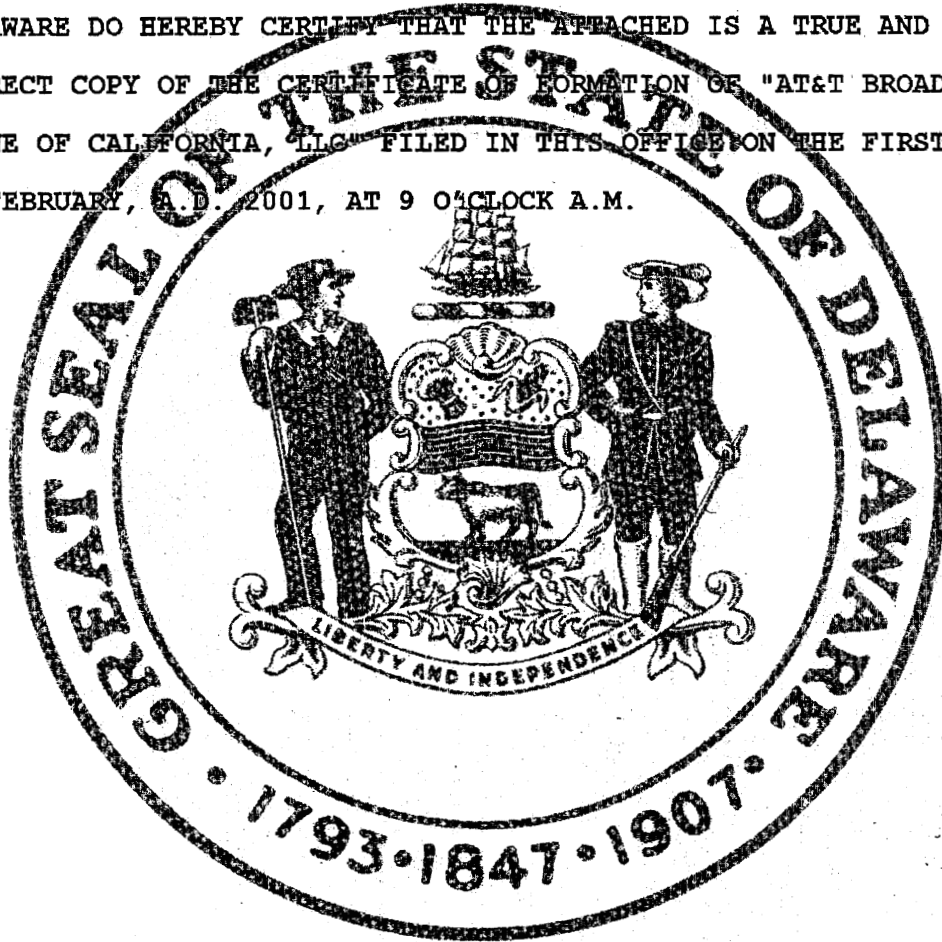
# **ATTACHMENT A**

## **Certificates**

State of Delaware  
Office of the Secretary of State

PAGE 2

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY THAT THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF FORMATION OF "AT&T BROADBAND PHONE OF CALIFORNIA, LLC" FILED IN THIS OFFICE ON THE FIRST DAY OF FEBRUARY, A.D. 2001, AT 9 O'CLOCK A.M.



*Harriet Smith Windsor*  
Harriet Smith Windsor, Secretary of State

3351807 8100V

AUTHENTICATION: 0950884

010054392

DATE: 02-01-01

CERTIFICATE OF FORMATION

OF

AT&T BROADBAND PHONE OF CALIFORNIA, LLC

1. **Name:** The name of the limited liability company (the "Company") is AT&T Broadband Phone of California, LLC.
2. **Registered Office; Registered Agent:** The address of the Company's registered office in the State of Delaware is Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801. The name of the Company's registered agent at such address is The Corporation Trust Company.
3. **Effective Time:** The effective time of the formation shall be February 1, 2001.

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Formation of AT&T Broadband Phone of California, LLC on February 1, 2001.

By: /s/ James N. Zerefos  
Authorized Person

Printed Name: James N. Zerefos

CERTIFICATE OF FORMATION

OF

AT&T BROADBAND PHONE OF CALIFORNIA, LLC

1. Name: The name of the limited liability company (the "Company") is AT&T Broadband Phone of California, LLC.
2. Registered Office; Registered Agent: The address of the Company's registered office in the State of Delaware is Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801. The name of the Company's registered agent at such address is CT Corporation System.
3. Effective Time: The effective time of the formation shall be February 1, 2001.

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Formation of AT&T Broadband Phone of California, LLC on February 1, 2001.

By: 

Authorized Person

Printed Name: James N. Zerefos





SECRETARY OF STATE

## AMENDED CERTIFICATE OF REGISTRATION

*I, BILL JONES, Secretary of State of the State of California, hereby certify:*

*That on the 13TH day of DECEMBER, 2002, there was filed in this office an Amended Application for Registration, Foreign Limited Liability Company whereby the name, under which the foreign limited liability company was registered and transacting business in California, as AT&T BROADBAND PHONE OF CALIFORNIA, LLC a limited liability company organized and existing under the laws of DELAWARE was changed to COMCAST PHONE OF CALIFORNIA, LLC.*

*This limited liability company complied with the requirements of California law in effect on that date for the purpose of registering to transact intrastate business in the State of California and as of the said date has been and is qualified and authorized to transact intrastate business in the State of California. Subject, however to any licensing requirements otherwise imposed by the laws of this State.*

IN WITNESS WHEREOF, I execute  
this certificate and affix the Great  
Seal of the State of California this  
19TH day of DECEMBER, 2002.



*Bill Jones*

BILL JONES  
Secretary of State



**SECRETARY OF STATE**

I, *BILL JONES*, Secretary of State of the State of California, hereby certify:

That the attached transcript of   1   page(s) has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.



***IN WITNESS WHEREOF***, I execute this certificate and affix the Great Seal of the State of California this day of

DEC 19 2002

Secretary of State



State of California  
 Bill Jones  
 Secretary of State

**ENDORSED - FILED**  
 in the office of the Secretary of State  
 of the State of California

DEC 13 2002

BILL JONES, Secretary of State

**LIMITED LIABILITY COMPANY  
 APPLICATION FOR REGISTRATION  
 CERTIFICATE OF AMENDMENT**

A \$30.00 filing fee must accompany this form.  
**IMPORTANT – Read instructions before completing this form.**

This Space For Filing Use Only

1. Secretary of State File Number 200107810084


2. Name under which this foreign limited liability company is conducting business in California:  
 AT&T Broadband Phone of California, LLC

3. **COMPLETE ONLY THE SECTIONS WHERE INFORMATION IS BEING CHANGED. ADDITIONAL PAGES MAY BE ATTACHED, IF NECESSARY. CONSULT THE INSTRUCTIONS BEFORE COMPLETING THIS FORM.**

- A. The name under which this foreign limited liability company conducts business in California. (End the name with the words "Limited Liability Company," or "Ltd. Liability Co.," or the abbreviations "LLC" or "L.L.C.")  
 Comcast Phone of California, LLC
- B. The name of the foreign limited liability company has been changed as follows and has been recorded in the home state or country:  
 Comcast Phone of California, LLC
- C. State or country of formation of the foreign limited liability company, if false or erroneous at time of registration.
- D. Date on which the foreign limited liability company was formed, if false or erroneous at time of registration.
- E. Address of the principal executive office: City State Zip Code
- F. Address of the principal office in California: City State CA Zip Code

4. Future effective date, if any: Month Day Year

5. Number of pages attached, if any: 0

6. **Declaration:** It is hereby declared that I am the person who executed this instrument, which execution is my act and deed.  
  
 Signature of Authorized Person  
 William E. Dordelman, Vice President of  
 AT&T Broadband NOC, LLC  
 Type or Print Name and Title of Authorized Person

November 4, 2002  
 Date

**RETURN TO:**

NAME   
 FIRM   
 ADDRESS   
 CITY/STATE   
 ZIP CODE



# Delaware

PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "AT&T BROADBAND PHONE OF CALIFORNIA, LLC", CHANGING ITS NAME FROM "AT&T BROADBAND PHONE OF CALIFORNIA, LLC" TO "COMCAST PHONE OF CALIFORNIA, LLC", FILED IN THIS OFFICE ON THE NINETEENTH DAY OF NOVEMBER, A.D. 2002, AT 8:30 O'CLOCK A.M.



*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

3351807 8100

AUTHENTICATION: 2097453

020710607

DATE: 11-19-02

CERTIFICATE OF AMENDMENT

OF

AT&T Broadband Phone of California, LLC

1. The name of the limited liability company is AT&T Broadband Phone of California, LLC.

2. The Certificate of Formation of the limited liability company is hereby amended to change the name and registered agent and office as follows:

1. The name of the limited liability company is Comcast Phone of California, LLC

2. The registered office of the limited liability company in the state of Delaware is 1201 North Market Street, #1405, in the City of Wilmington, County of New Castle.

The registered agent of the limited liability company is Comcast Capital Corporation, the business address of that is identical to the aforementioned registered office.

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Amendment of AT&T Broadband Phone of California, LLC this 18<sup>th</sup> day of November, 2002.

By: W. E. Dordel  
William E. Dordelman, Vice President/  
Authorized Person

**State of California**  
**Secretary of State**  
CERTIFICATE OF STATUS

ENTITY NAME: COMCAST PHONE OF CALIFORNIA, LLC

REGISTERED IN CALIFORNIA AS: COMCAST PHONE OF CALIFORNIA, LLC

FILE NUMBER: 200107810084  
REGISTRATION DATE: 03/14/2001  
TYPE: FOREIGN LIMITED LIABILITY COMPANY  
JURISDICTION: DELAWARE  
STATUS: ACTIVE (GOOD STANDING)

I, ALEX PADILLA, Secretary of State of the State of California,  
hereby certify:

The records of this office indicate the entity is qualified to  
transact intrastate business in the State of California.

No information is available from this office regarding the financial  
condition, business activities or practices of the entity.



IN WITNESS WHEREOF, I execute this  
certificate and affix the Great Seal  
of the State of California this day of  
December 11, 2018.

A handwritten signature in black ink, appearing to read "Alex Padilla".

ALEX PADILLA  
Secretary of State

NLH

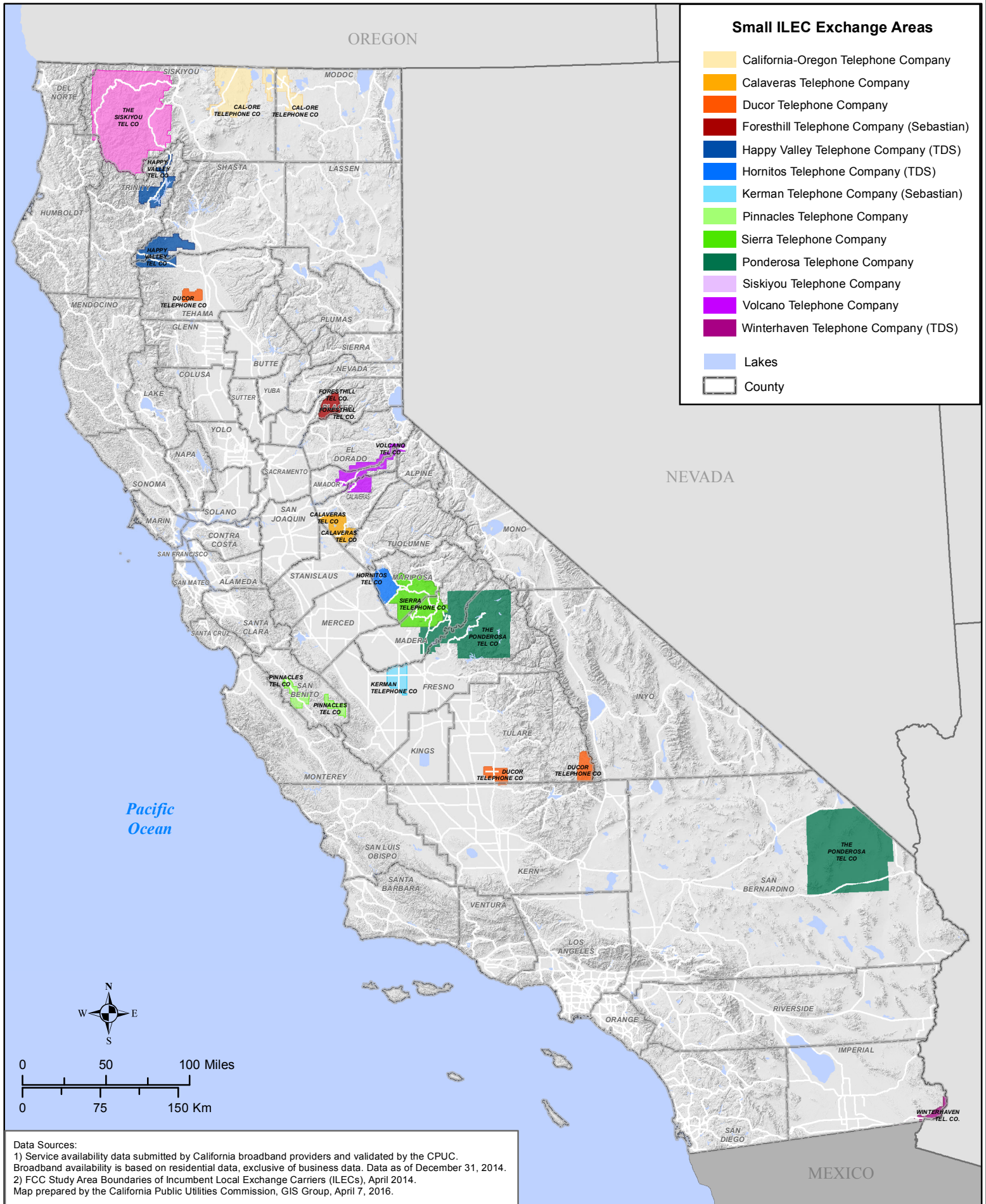
# **ATTACHMENT B**

## **Service Area Map**





# STATE OF CALIFORNIA





# **ATTACHMENT C**

## **Biographies**

## ATTACHMENT C

### **BIOGRAPHIES**

#### **Jeff Votaw, Regional Vice President of Engineering**

As Regional Vice President of Engineering for Comcast in California, Votaw is responsible for leading a team of approximately 300 people in the Engineering and Construction teams. Votaw is charged with setting the pace of deployment for next generation fiber infrastructure projects and oversees a capital budget of ~\$350 Million.

Previously, Regional Vice President of Technical Operations for California, Votaw oversaw all aspects of Comcast's technical operations in California and before that as Area Vice President, Field Operations for Sacramento Valley, Votaw oversaw all aspects of Comcast's operations in the greater Sacramento area as well as Stockton, Modesto, Tracy, Chico, Yuba City, Placerville and Sonora. Votaw also served as Vice President of Field Operations for South Valley.

A 35 year veteran of the cable industry, Votaw began his career in cable just after high school in an entry level position for Viacom Cable. During the next 14 years, he held various field positions until 1995 when he was promoted in to his first leadership role as Network Supervisor in San Rafael CA. A year later, he was promoted to Technical Operations Manager and then to Regional Construction Manager where he was responsible for building advanced networks in the San Francisco Bay Area. In 1997, Votaw relocated to Washington State where he put his years of experience to work designing, building and staffing a start-up telecommunications company for the City of Tacoma. In 1999 Votaw returned to Comcast as a Regional Construction Manager and in 2000 was promoted to Regional Director of Construction responsible for the construction of advanced fiber optic network capable of delivering high speed internet and home phone services to homes across the State of Washington.

Throughout Votaw's career with Comcast, he's held roles of increasing responsibility, including Director of Field Operations, both in Tacoma and Seattle and upon his return to California in 2012, he was promoted to Vice President of Field Operations for South Valley.

#### **John Gauder, Regional Vice President**

John Gauder has more than 34 years of experience in the telecommunications industry and has been with Comcast for 15 years. He has worked in system, area, region, division and corporate roles with various cable operators.

John currently serves as the Regional Vice President for Comcast in California. In this role, he is the senior executive responsible for all Comcast cable operations in California. He leads nearly 5,000 employees and serves more than two million customers, driving annual revenue of over \$4 billion.

Prior to his current role, he was the Vice President of Technical Operations. John's focus has been on improving the customer experience by driving the trouble call rate below 1%, and ensuring quality interactions with our customers.

Before joining the California Region, he served in the Comcast Washington Region for nearly two years as their RVP of Technical Operations, where he led the company in Technical Scorecard performance and Credo scores. John also served as Area Vice President for Nashville and Memphis, TN and had responsibility for all functions in the market.

John holds a Bachelor's degree in Communications from Purdue University, West Lafayette, Indiana. He completed the Comcast Executive Leadership Forum (ELF) and is certified from the Dartmouth, Tuck School of Business. John is an active member of Society of Cable Telecommunications Engineers (SCTE) and served as the Executive Sponsor of the Washington Region Women's Network employee resource group.

### **Jason Gumbs, Regional Vice President of Technical Operations**

As a Regional Vice President of Technical Operations, Gumbs is responsible for providing executive-level guidance for all Technical Operations and Technical Logistics Communications teams for the entire California Region. He leads the field fulfillment customer experience initiative, Commercial Business fulfillment activities, supervision of local dispatch and logistics operations, partners closely with Network Operations and Engineering team, and strategically work with other functional leaders.

Previously, Gumbs served as the Regional Vice President of Marketing and Sales for the Comcast Heartland Region.

Gumbs brings over 20 years of industry experience and extensive knowledge of the business to the Comcast California Region. He has led successful Technical Operations, Sales and Marketing, Customer Care teams, and spearheaded customer growth initiatives. Before Heartland, Jason spent ten years in the Comcast Greater Chicago Region in many roles with increasing responsibility, including Area VP/General Manager.

Gumbs holds a Bachelor of Science from Northwestern University, and has served on the boards of community programs City Year Detroit, Back On My Feet Chicago, and The Ted Fund. He was also named to Cablefax Magazine's "2018 Most Influential Minorities."

### **Michelle Wood, Vice President of Xfinity Internet and Communications (Consumer Services Business Unit)**

Michele Wood serves as Vice President of Xfinity Internet and Communications within the Consumer Services Business Unit. In this role, Michele has oversight of Xfinity Internet, Voice and Wi-Fi products. Michele's primary focus is to drive product development, launch new

product features / enhancements, and lead product deployment and operational execution in order to meet business objectives.

Michele joined Comcast in 2005 as a Director within the Comcast Assurance and Advisory Team, the corporate internal audit function for Comcast Corporation. In this role, Michele was responsible for the annual audit plan for Comcast Cable ensuring financial statement integrity and efficacy of business operations. In 2013, she was promoted to Vice President of Finance for the Communications and Data Business Unit and had responsibility for finance operations for Xfinity Internet, Voice, and Wi-Fi.

Michele has more than 18 years of financial, audit, and business operations experience. Prior to joining Comcast, Michele was an Advisory Manager at PricewaterhouseCoopers providing consulting and risk management services in the Cable, Telecommunications, and Technology industries. She has held other operational roles in the Telecommunications industry including at Qwest Communications.

Michele earned a BS in Biology from the University of Texas in San Antonio and a MS in Public Health from the University of Denver.

### **John Guillaume, Vice President of Voice & UC and Product Design**

In this role, Mr. Guillaume has management responsibility for the entire communications portfolio including VoIP, Cloud PBX, SIP, and Unified Communication. John is also responsible for creating great experiences for all of Comcast Business products our data, security, wifi, voice, and networking services. Through the use of modern design and development approaches, John's team is helping Comcast Business lead the industry with customer friendly products.

Mr. Guillaume has been involved in many successful technology and telecommunications ventures over the last 25 years. Most recently, he served as Senior Vice President of Sales, Product, and Marketing at New Global Telecom, the largest wholesale provider of VoIP and Unified Communications in the United States, before being acquired by Comcast. He also served in senior management roles at Level 3, Managed Storage International, Voyant Technologies, and Worldcom.

Mr. Guillaume received a B.S. degree in Business Administration and Marketing from the University of Washington.

**ATTACHMENT D**  
**CERTIFICATION**

Name of Applicant/Company: **Comcast Phone of California, LLC**

My name is Brian A. Rankin. I am Vice President, Senior Deputy General Counsel, and Assistant Secretary of Comcast Phone of California, LLC (“Applicant”) and am authorized to make this certification on Applicant’s behalf. This certification is made on information and belief after a reasonable investigation.

If granted the requested expanded CPCN, Applicant agrees to comply with all federal and state statutes, rules, and regulations.

Commission Decision 13-05-035 requires a broad certification not only from an applicant but also its “affiliates, officers, directors, partners, agents, or owners (directly or indirectly) of more than 10% of registrant, or anyone acting in a management capacity.” Given the size of Applicant’s parent company, Comcast Corporation, its numerous affiliates and the large number of employees who could potentially be deemed to be acting in a “management capacity,” it would be unreasonably burdensome for Applicant to make the certification for all affiliates and all those potentially acting in a management capacity. Applicant has used its best efforts to provide a certification that covers the last five years for Applicant, its officers (Applicant does not have any directors), Comcast Phone, LLC (Applicant’s immediate parent), Comcast Cable Communications, LLC (Applicant’s intermediate parent), Comcast Holdings Corporation (Applicant’s intermediate parent), Comcast Corporation (Applicant’s ultimate parent), and Comcast OTR1, LLC (U-4508-C) (Applicant’s California wireless registrant affiliate) (collectively the “Affiliates”). To the extent that Applicant cannot make one of the required averments, it has provided relevant documentation.<sup>1</sup>

All officers of Applicant have been employed by Comcast for more than the last five years and, to the best of their knowledge, none have personally (a) been found liable for fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; (b) been convicted of a felony; (c) been the subject of a criminal referral by judge or public agency; (d) entered into settlement of criminal or civil claims involving violations of sections 17000 *et seq.*, 17200 *et seq.*, or 17500 *et seq.* of the California Business & Professions Code, or of any other statute, regulation, or decisional law relating to fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; (e) been found to have violated any statute, law, or rule pertaining to public utilities or other regulated industries; (f) entered into any settlement agreements or made any voluntary payments or agreed to any other type of monetary forfeitures in resolution of any action by any regulatory body, agency, or attorney general; or (g) been investigated by the Federal Communications Commission (“FCC”) or any law enforcement or regulatory agency for failure to comply with any law, rule, or order.

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<sup>1</sup> See D.13-05-035 at 40.

Neither Applicant nor the Affiliates have (a) filed for bankruptcy; (b) been found liable for fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; (c) been convicted of a felony; (d) been the subject of a criminal referral by judge or public agency; or (e) had a telecommunications license or operating authority denied, suspended, revoked, or limited in any jurisdiction.

Applicant has been the subject of complaint and enforcement proceedings before this Commission alleging violations of the PU Code and/or the Commission Rules. Any decisions or settlements in those proceedings are known to the Commission.

Certain of the Affiliates have been investigated by and/or had complaints filed against them at the FCC for failure to comply with FCC Rules and/or provisions of the Communications Act. Certain of the Affiliates have also been subject to investigations and/or complaints by state attorneys general and other regulatory agencies.

Certain of the Affiliates have entered into settlement agreements that included voluntary payments or monetary forfeitures to resolve actions by federal and state regulatory agencies and attorneys general.

*Documentation:* Comcast Corporation is required to file annual and quarterly reports with the Securities and Exchange Commission ("SEC"). As required by applicable SEC rules, Comcast Corporation discloses material legal proceedings in these reports. The following link provides the Commission with filings dating back more than ten years:

<http://www.cmcsa.com/sec.cfm?DocType=&DocTypeExclude=&SortOrder=FilingsDate%20Descending&Year=&PageNum=1>. In addition, a list of key regulatory settlements and judgments for the last 5 years as shown below.

I declare under penalty of perjury under the laws of the State of California that, to the best of my knowledge and belief, all of the statements and representations made in this certification are true and correct.

Executed this 4<sup>th</sup> day of January 2019 at Philadelphia, Pennsylvania.



Brian A. Rankin  
Vice President

## Key Regulatory Settlements and Judgments

1. In 2015, Comcast Phone of California, LLC settled with the Commission and California Attorney General to resolve investigations into Comcast's inadvertent disclosure of non-published listing information for approximately 75,000 California non-pub customers during the period of July 2010 to December 2012. The settlement was approved in Commission Decision No. 15-09-009, and the final judgment and permanent injunction stipulated to by Comcast, the California Attorney General, and the Commission was entered by the Alameda Superior Court on September 17, 2015. Comcast paid a \$25 million fine and provided additional customer compensation totaling \$8.4 million. Comcast also agreed to certain operational concessions for a three-year period.
2. In 2015, Comcast Cable Communications, LLC entered into a settlement with the California Attorney General and Alameda County regarding the company's disposal of certain electronics, as well as an inquiry into the adequacy of Comcast's efforts to protect customer information during the disposition of certain customer records. The resulting settlement agreement and consent judgment did not include any admission of violation; however, Comcast agreed to pay the state of California \$25.95 million. Compliance and reporting obligations are ongoing.
3. In 2016, Comcast Corporation entered into a Consent Decree with the FCC to resolve an investigation regarding Comcast's compliance with the "negative option billing" statute and rule prohibiting cable operators from placing charges for products or services on subscribers' bills that they did not affirmatively request. Under the Consent Decree, there was no admission of liability, but Comcast agreed to implement and abide by a compliance plan for five years to improve its customer experience. Comcast made a \$2.3 million payment to the U.S. Treasury, but the FCC Enforcement Bureau and Comcast specifically acknowledged that no agreement was reached on the applicability of the Enforcement Bureau's interpretation of the "negative option billing" rules in this matter.
4. The Tennis Channel filed a complaint with the FCC alleging violation of 47 USC § 536 and the agency's program carriage rules by Comcast Cable Communications, LLC. An administrative law judge found a violation of 47 CFR § 1301, but the decision was appealed and overturned by the United States Court of Appeals for the District of Columbia in 2013. Petition for certiorari to the United States Supreme Court was denied. On remand to the FCC, The Tennis Channel requested the FCC to reevaluate its decision and affirm the prior decision on "new evidence"—the agency declined to do. Tennis Channel appealed again to the United States Court of Appeals which again rejected its appeal, ending the case in 2016.
5. In 2009, the West Virginia Attorney General filed a complaint in West Virginia state court, alleging that Comcast Corporation improperly "ties" the rental of set-top boxes to the provision of digital cable services. The Attorney General also alleged a claim for unjust enrichment/restitution. Comcast removed the case to the United States District Court for West Virginia, and it was subsequently transferred to the United States District Court for the Eastern District of Pennsylvania and consolidated with multidistrict litigation. After an

exhaustive procedural history, private plaintiffs entered into settlement with Comcast in 2018.

6. A settlement agreement with the Delaware Attorney General's (DE AG) Office was executed on September 19, 2017. The terms of the settlement required updating marketing language and a payment of \$5,000 to cover investigatory and legal costs relating to the subpoena.
7. An Assurance of Voluntary Discontinuance resolving the Massachusetts Attorney General's Office's (MA AG) investigation was filed with the Suffolk County Superior Court in Massachusetts on November 9, 2018. Comcast has agreed to a payment to the state of \$250,000; restitution in the amount of \$700,000 to be issued as refunds to customers who paid early termination fees; and forgiveness of debt for customers who were charged but did not pay early termination fees. Comcast also agreed to update its marketing language.