

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

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.19-01-003

**RESPONSE OF COMCAST PHONE OF CALIFORNIA, LLC (U-5698-C) TO
ADMINISTRATIVE LAW JUDGE’S RULING REQUESTING INFORMATION**

Comcast Phone of California, LLC (U-5698-C) (“Comcast”) hereby responds to the questions posed in the May 13, 2019 *Administrative Law Judge’s Ruling Requesting Information* (“Ruling”).

I. RULING QUESTIONS AND COMCAST’S RESPONSES

Question 1: Describe in detail the specific services Comcast proposes to provide in Ponderosa’s service territory.

Response 1:

Comcast will provide the same services in Ponderosa’s service territory as it does elsewhere in the state of California. These offerings include the following:

1. Local Interconnection Service (“LIS”). As Comcast has explained to the Commission previously,¹ LIS is a wholesale telecommunications service offering that enables facilities-based providers of retail interconnected voice over Internet protocol (“VoIP”) services to send voice calls to, and receive calls from, local exchange carriers (“LEC”) that serve customers via traditional circuit switched technologies. LIS provides the connection that makes it possible for the customers of VoIP providers to call the customers of traditional

¹ Comcast provided testimony and briefing on the LIS offering in I.13-10-003. See Exhibit A (excerpt from testimony of Comcast witness in I.13-10-003).

telecommunications carriers. The LIS offering is described in detail in the LIS Service Guide available on Comcast's web site.² As the LIS Guide explains:

LIS provides for the transport, termination and origination of a Customer's traffic to and from third-party telecommunications carriers on the public switched telephone network (PSTN), and related services described herein. In this arrangement, the Company serves as a carrier "partner" as described by the FCC in, among other places, FCC No. 07-188, *Telephone Number Requirements for IP Enabled Services Providers* (Nov. 8, 2007). Customer's facilities must consist of an IP-based, broadband network.³

LIS also provides certain ancillary services, such as access to 911 emergency calling and telephone numbers.⁴ Comcast currently has two LIS customers in California: an affiliate and a third-party provider of interconnected VoIP services, both of whom who utilize LIS to serve hundreds of thousands of end-user customers across the state.⁵

² The LIS Service Guide can be found at the following link: https://cdn.comcast.com/-/media/Files/FEDCM-MIG/Batch-3/PDF/pages/Corporate/About/PhoneTermsOfService/Circuit-Switched/CDPLocalInterconnectionService/Local_Interconnection_Service.pdf?rev=16b31b67-12c3-495b-8dd9-3d16ff37ee86&la=en.

³ LIS Guide § 3.A.

⁴ *Id.* § 3.D, F.

⁵ The fact that the LIS offering is available to only a limited number of potential customers does not undermine its status as a telecommunications service, as the Federal Communications Commission and state commissions in New Hampshire, Vermont, Florida, Michigan, Indiana, and Georgia (and others not listed here) have determined. *See, e.g., Bright House Networks LLC v. Verizon California, Inc.*, Memorandum Opinion and Order, 23 FCC Rcd 10704, ¶ 38 (2008); *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); *Comcast Phone of New Hampshire dba Comcast Digital Phone*, 94 N.H. P.U.C. 429, Docket No. DT-08-162, Order No. 25,005 (NH PUC Aug. 13, 2009); *Petitions of Vermont Telephone Company, Inc. ("VTel"), and Comcast Phone of Vermont, LLC, d/b/a Comcast Digital Phone ("Comcast"), for Arbitration of an Interconnection Agreement Between VTel and Comcast, Pursuant to Section 252 of the Telecommunications Act of 1996, and Applicable State Laws*, Order, Dkt. No. 7469 (Vt. PSB Feb. 2, 2009) (2009 WL 290190); *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, et al.*, Final Order on Arbitration, Docket No. 080731-TP, Order No. PSC-09-0839-FOF-TP (Fla. PSC Dec. 21, 2009) (2009 WL 5013586); *Petition of Communications Corporation of Michigan,*

2. Exchange Access Services. Comcast will provide both interstate and intrastate exchange access services to interexchange carriers on the same terms and conditions as it currently provides elsewhere in California, as provided in Comcast's applicable tariffs. URL links to Comcast's intrastate tariff and interstate tariffs are available on its website at:

<https://www.xfinity.com/corporate/about/phonetermsofservice/circuit-switched/cdpstatetariffs> (intrastate tariff); <https://www.xfinity.com/corporate/about/phonetermsofservice/circuit-switched/cdpfederaltariffs> (interstate tariff).

3. Transport services. As described in Comcast's Transport Service Guide,⁶ Comcast provides a variety of broadband telecommunications services, including Ethernet Network Service, Ethernet Private Line Service, and Ethernet Virtual Private Line, (collectively, "Metro E" services).⁷ These high bandwidth services are used by businesses, schools, libraries, government agencies and enterprise customers who need efficient and cost-effective networking options that enable reliable high-speed communications among different locations.⁸

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); Petition of Comcast Phone of Central Indiana, LLC for Arbitration of an Interconnection Agreement with Tri-County Tel. Co., Inc., et al., Final Order, Cause No. 43621 INT 01 (Ind. URC Sep. 3, 2008) (2008 WL 9832770); Petition of Comcast Phone of Georgia, LLC for Arbitration of Rates, Terms and Conditions of Interconnection with Camden Telephone and Telegraph Company, Inc. d/b/a TDS Telecom Pursuant to the Communications Act of 1934, as amended, Order on Disputed Issue, Dkt. No. 28670 (Ga. PSC Nov. 2, 2009) (2009 WL 3944457).

⁶ See: https://cdn.comcast.com/-/media/Files/FEDCM-MIG/Batch-3/PDF/pages/Corporate/About/PhoneTermsOfService/Circuit-Switched/CDPStateTariffs/California/CA_Ethernet_IXC_SG.pdf?rev=7e6356bc-428c-42a7-8ac2-5d7221a67cbf&la=en.

⁷ Transport Service Guide § 2.11.

⁸ See <https://business.comcast.com/ethernet>.

Question 2: Describe in detail any new facilities that Comcast intends to deploy?

Response 2:

Comcast does not anticipate deploying new facilities in Ponderosa's territory. Facilities will not be required to provide LIS because, while LIS provides a connection between the VoIP provider and third-party LECs, Comcast anticipates that the interconnection between itself and Ponderosa will be indirect – i.e., traffic will be routed through the AT&T Tandem, to which both Comcast and Ponderosa are currently directly connected. This pre-existing arrangement will make constructing new facilities unnecessary.

No new facilities will be required to provide exchange access services because Comcast is already interconnected with all of the interexchange carriers to whom it will be providing service.

Finally, Comcast will utilize the network of its cable affiliate to provide Metro E services. As Comcast has noted previously, Comcast's cable affiliate is currently constructing network facilities in the Tesoro Viejo development to provide cable television, broadband, interconnected VoIP, and other services. Any Metro E service offerings will utilize these facilities.

Question 3: If Comcast will not be offering any services in Ponderosa's service territory, then describe in detail for what purpose will it need to expand its existing CPCN.

Response 3:

Upon receiving authority to operate in Ponderosa's service territory, Comcast will provide the services described in its response to Question 1, including (i) the LIS offering, which will enable Comcast's affiliated VoIP service provider to provide interconnected VoIP services to consumers in Ponderosa's service territory, and (ii) exchange access services, which will

enable the VoIP affiliate to originate and terminate long-distance calls. Expanded operational authority will also enable Comcast to provide the Metro E services described above.

II. CONCLUSION

For the reasons explained above, Comcast requests that the Commission continue its review of the Application in the present proceeding and grant its Application.

Respectfully submitted,

/s/

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Dated: May 28, 2019

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LLC

EXHIBIT A

Docket No.: I.13-10-003
Exhibit No.: _____
Date: _____
Witness: _____
Commissioner: C. Peterman
ALJ: D. Burcham

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

Investigation on the Commission's Own
Motion into the Operations, Practices, and
Conduct of Comcast Phone of California, LLC
(U-5698-C) and its Related Entities
(Collectively "Comcast") to Determine
Whether Comcast Violated the Laws, Rules,
and Regulations of this State in the
Unauthorized Disclosure and Publication of
Comcast Subscribers' Unlisted Names,
Telephone Numbers, and Addresses.

Investigation 13-10-003
(Filed October 3, 2013)

DIRECT TESTIMONY OF ROBERT MUNOZ ON BEHALF OF COMCAST

(CORRECTED CONFIDENTIAL VERSION)

Dated: July 18, 2014
(Final Corrected Version: Re-served on September 28 2014)

CONFIDENTIAL VERSION
Submitted per PU Code Section 583 & NDA

1 services to each other does not mean that the actions of one entity can be attributed to the
2 other. In this instance, Comcast IP is the provider of XFINITY Voice services to retail
3 customers, while Comcast Phone is the underlying wholesale provider of interconnection
4 services to Comcast IP. Thus, issues pertaining to XFINITY Voice services and the
5 subscribers to those services involve Comcast IP –not the underlying wholesale provider.

6 **Q. PLEASE DESCRIBE THE “LOCAL INTERCONNECTION SERVICE” THAT
7 COMCAST PHONE PROVIDES TO COMCAST IP.**

8 A. As a LEC, Comcast Phone provides wholesale interconnection services to requesting
9 providers – such as Comcast IP – through its Local Interconnection Service (“LIS”) product.
10 This offering (in part) enables VoIP providers such as Comcast IP to transmit calls via an
11 Internet protocol platform to and from the PSTN. Comcast Phone provides such services to
12 Comcast IP through the LIS Agreement, which was executed on May 15, 2008, a copy of
13 which is attached hereto as **Exhibit C**. As set forth in that agreement, Comcast Phone
14 provides Comcast IP a connection between Comcast IP’s broadband platform and the PSTN
15 via Comcast Phone’s media gateway. Among other things, under the LIS Agreement,
16 Comcast Phone also provides “10-digit telephone numbers” to Comcast IP, which further
17 enables Comcast IP to “provide interconnected VoIP service to [Comcast IP’s] Subscribers.”
18 Exhibit C (Section 1.2(D) of LIS Agreement).⁶

19 **Q. WHY DOES COMCAST IP OBTAIN TELEPHONE NUMBERS FROM COMCAST
20 PHONE FOR PROVIDING VOIP SERVICE TO COMCAST IP’S CUSTOMERS?**

21 A. Comcast IP obtains telephone numbers through Comcast Phone because historically under
22 the rules of the Federal Communications Commission (“FCC”), the North American
23 Numbering Plan Administrator (“NANPA”) was permitted to provide telephone numbers
24 only to certificated telephone companies or wireless carriers.⁷ Under those rules, VoIP
25 service providers such as Comcast IP could not obtain numbers on their own.

26
27 ⁶ A “Subscriber” is defined in the agreement to mean an “individual, end-user or telephone device
28 assigned a DID/DOD.” A “DID/DOD” is a telephone number that is “assigned by Comcast to Customer
for use by a Subscriber.” Section 1.1 of LIS Agreement.

⁷ 47 C.F.R. § 52.15(g)(2)(i).

1 **Q. PURSUANT TO THE LIS AGREEMENT, WHAT ARE COMCAST IP'S**
2 **RESPONSIBILITIES?**

3 A. The LIS Agreement reflects that the Customer – Comcast IP – is responsible “for providing
4 all equipment, software, facilities and IP connectivity (including connectivity to Subscribers)
5 necessary for the Customer VoIP Application” – in this case, XFINITY Voice. Exhibit C,
6 Section 1.5). The LIS Agreement additionally establishes that Comcast IP:

7 “has the duty to *input, validate, and maintain accurate*
8 *subscriber information* (as discussed further below) so
9 that Comcast Phone can provide such information to
10 “applicable national databases, including Automatic
Local Identification (ALI) Database, Directory Listing
Information, Lind Information Database (LIDB) and
Caller ID with NAME Database (CNAM).”

11 **Q. IF THE CONTRACT ESTABLISHES THAT COMCAST PHONE PROVIDES**
12 **COMCAST IP'S CUSTOMERS' DIRECTORY LISTINGS TO NATIONAL**
13 **DATABASES, DOESN'T THAT MEAN THAT COMCAST PHONE IS**
14 **RESPONSIBLE FOR THE RELEASE?**

15 A. No. The LIS Agreement makes clear that the Customer (*Comcast IP*) has the responsibility
16 for the accuracy and validity of the subscriber information that Comcast Phone may submit
17 to national databases. (Section 1.5(B)). Accordingly, even assuming for the sake of
18 argument that Comcast Phone provided the non-published listings that ultimately were
19 released, the LIS Agreement makes it clear that Comcast Phone's role in providing
20 interconnection service is simply that of providing the listings and not of validating or
21 ensuring the accuracy of such listings. The responsibility for the accuracy of the Non-
22 Published Listings was and remains that of the customer - Comcast IP in this case.

23 **Q. IS THE RELATIONSHIP BETWEEN COMCAST PHONE AND COMCAST IP**
24 **UNUSUAL?**

25 A. No. Other interconnected VoIP providers obtain access to numbers and interconnection to
26 the PSTN in a similar manner as Comcast IP – that is, they rely on a certificated
27 telecommunications carrier to provide them underlying network elements of service in order
28 to provide service to their end-user customers. The FCC has recognized that a CLEC may
provide wholesale telecommunications services to a VoIP service provider, which enables