

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition for Arbitration)
of an Interconnection Agreement Between)
)
COMCAST PHONE OF WASHINGTON,) DOCKET NO. UT-083025
LLC,)
)
with)
)
UNITED TELEPHONE COMPANY OF)
THE NORTHWEST, INC. d/b/a EMBARQ)
)
Pursuant to 47 U.S.C. Section 252(b).)
.....)
.....)

THIRD NOTICE OF SUPPLEMENTAL AUTHORITY

Comcast Phone of Washington, LLC (“Comcast”), through undersigned counsel, submits this Third Notice of Supplemental Authority in response to a request made by Judge Torem at the August 19, 2008 hearing about the status of the “other arbitrations” between Embarq and Comcast involving the same disputed directory listing and storage and maintenance charge at issue in this proceeding.¹

¹ See August 19 Transcript at 92:24.

As Comcast has noted in its briefing and prior Notice of Supplemental Authority, on August 27, 2008, the Texas Arbitrators issued their Initial Proposal for Award in the Texas case.² The Initial Proposal for Award agreed on every point with Comcast's position in this case and recommended adoption of Comcast's proposed contract language. On September 22, 2008 the Texas Arbitrators issued The Final Arbitration Award, which incorporated in total the Initial Proposal for Award, again ruling in Comcast's favor on all issues. In previous filings, Comcast provided the Commission with copies of both the Proposal for Award as well as the Final Arbitration Award.

The deadline for Embarq to file exceptions to the Texas Final Arbitration Award was October 13, 2008, which passed without Embarq doing so or otherwise contesting the Arbitration Award. On October 15, 2008, Comcast and Embarq executed an Interconnection Agreement containing Comcast's proposed interconnection language on the directory listing issue. On October 21, 2008 Embarq and Comcast jointly filed the Interconnection Agreement with the Texas Commission. Within thirty (30) days of filing the Public Utility Commission of Texas may formally approve the agreement or may allow the agreement to go into effect by operation of law. The effective date will be ten days thereafter. Texas P.U.C. Proc. R. 21.99. In other words, the Texas case has been resolved in Comcast's favor.³

² TX PUC Docket No. 35403, *Petition of Comcast Phone of Texas, LLC for Arbitration of An Interconnection Agreement with United Telephone Company of Texas, Inc. d/b/a Embarq and Central Telephone Company of Texas, d/b/a Embarq Pursuant to Section 252 of the Federal Telecommunications Act of 1934, As Amended and Applicable State Laws.*

³ The Minnesota case has also been settled in Comcast's favor. Embarq and Comcast have agreed upon interconnection agreement language for Minnesota that reflects Comcast's position on the directory listing issue.

WHEREFORE, Comcast respectfully requests that the Commission take notice of the latest developments in the Texas arbitration in the Commission's adjudication of this proceeding.



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**COUNSEL FOR COMCAST PHONE OF
WASHINGTON, LLC**