

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition for Arbitration of an)
Interconnection Agreement Between)
)
COMCAST PHONE OF WASHINGTON, LLC,) DOCKET NO. UT-083025
)
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 Judge Torem’s request that he be kept apprised of developments in the “other arbitrations” between Embarq and Comcast involving the same directory listing charge at issue in this proceeding.¹ In this third such filing we provide notice of three recent developments:

First, as a follow-up to Comcast’s Second Supplemental Notice, Comcast is pleased to report that the Pennsylvania commission recently voted to adopt the arbitrator’s recommendation rejecting Embarq’s proposed directory listing charge. A copy of the Pennsylvania Public Utility Commission’s December 18, 2008 decision denying Embarq’s exceptions to the arbitrator’s Recommended Decision, and ordering the parties to execute and file a conforming

¹ See August 19 Transcript at 92:24.

interconnection agreement (without the directory listing charge) by no later than January 18, 2000, is attached as Exhibit 1.²

Second, although not arising from an arbitration between Embarq and Comcast, attached as Exhibit 2 is an excerpt from a recent decision of the Wisconsin commission which likewise rejected an incumbent local exchange carrier's attempt to impose a monthly recurring directory listing charge on a facilities-based CLEC. The Wisconsin commission specifically found that the proposed charge was discriminatory in violation of Section 251(b)(3) of the Communications Act of 1934, as amended.³

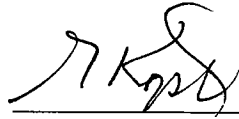
Third, Comcast provides notice of a recent development in the Indiana case. On November 12, 2008, Embarq asked that the Commission take official notice of the November 6, 2008 decision of the Indiana Utility Regulatory Commission. (Of the eight states which have addressed this issue, Indiana is the only one that has permitted the imposition of a separate directory listing charge on facilities-based CLECs only.) Comcast has since filed a Petition for Reconsideration of that decision (which Comcast will provide the Commission upon request).

WHEREFORE, Comcast respectfully requests that the Commission take notice of the Pennsylvania Public Utility Commission's *Opinion and Order* and the Wisconsin Public Service Commission's Arbitration Award in its adjudication of this proceeding.

² *Opinion and Order, Petition of Comcast Business Communications, LLC d/b/a Comcast Long Distance for Arbitration of an Interconnection Agreement with The United Telephone Company of Pennsylvania, Inc. d/b/a Embarq Pennsylvania, Pursuant to 47 U.S.C. §252(b)*, Docket No. A-310190 (Pennsylvania Public Utility Commission Dec. 18, 2009).

³ *See Arbitration Award, Petition for Arbitration of Interconnection Rates, Terms and Conditions Between Charter Fiberlink, LLC and Wood County Telephone Co. d/b/a Solarus*, Docket 5-MA-147 (Wisconsin Public Service Commission Oct. 23, 200) at 17-19.

Respectfully submitted:



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**COUNSEL FOR COMCAST PHONE OF
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