

**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,  
and  
LEWIS RIVER TELEPHONE COMPANY, D/B/A  
TDS TELECOM  
Pursuant to 47 U.S.C. Section 252.

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) DOCKET NO. UT-083055  
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) STIPULATED FACTS  
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I. Preliminary Statement.

In an effort to streamline the process in this Docket, Comcast Phone of Washington, LLC (“Comcast Phone”) and Lewis River Telephone Company, d/b/a TDS Telecom (“TDS”) have worked together to develop a set of agreed facts. As used herein, Comcast and TDS may be referred to individually as a “Party” and collectively as “Parties.”

Comcast and TDS agree that the following are facts that may be used by either or both Parties in this Docket as a basis for arguments that they may advance to the Commission for resolution of this Docket. Because this document is a result of negotiation and compromise between the Parties, the facts that are set out below may be used only for purposes of this Docket and may not be used in any other docket or proceeding of any kind whether in this State or another state or federal proceeding. Neither Party may use any statement set forth below as a means to assert that the other Party has agreed to any particular fact or facts outside of this Docket. Nor may this

document be used as a basis to establish any argument of estoppel or waiver as to any fact or statement contained herein. Further, neither Party necessarily agrees that each fact set out below is relevant, but each Party has agreed that each fact may be admitted into the record for purposes of this Docket.

II. Statement of Facts.

The Parties hereby agree that the following facts may be used for purposes of this Docket:

1. Comcast Phone is registered as a telecommunications company with the Washington Utilities and Transportation Commission (“Commission”).

2. Comcast Phone has executed a Washington Universal Service Fund (“USF”) Administration Agreement with the Washington Exchange Carrier Association (“WECA”), which was filed with the Commission on June 9, 2008. A copy of that agreement is attached as Exhibit 1. To date, Comcast has remitted **BEGIN**

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surcharges for terminating intrastate switched access from July 2008 through February 2009 pursuant to that agreement.

3. In May of 2008, Comcast Phone requested interconnection with TDS. In the period between April and July 2008, Comcast affiliates in five other states requested interconnection with nine other affiliates of TDS in those five states.

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4. Comcast Phone affiliates currently have interconnection agreements with TDS affiliates in Vermont (effective May 1, 2008), Tennessee (effective May 1, 2006) and Indiana (effective October 1, 2006).

5. As a competitively classified company, Comcast Phone does not file tariffs or price lists with the Commission, but maintains service guides for the services it asserts that it offers in Washington and makes those service guides available for public inspection on its web site. Copies of the current service guides for each of the following three services are attached as Exhibits 2-4, respectively: (1) Schools and Libraries Network Service (“Schools and Libraries”); (2) exchange access service to interexchange carriers; and (3) Local Interconnection Service (“LIS”) to qualifying interconnected Voice over Internet Protocol (“VoIP”) service providers.

6. Comcast Phone sends carrier access bills (“CABs”) to an average of approximately 12-18 carrier customers each month for terminating interexchange traffic.

7. Comcast Phone’s affiliate, Comcast IP Phone II, LLC (“Comcast IP”), provides retail, interconnected VoIP service as that term is defined by the Federal Communications Commission (see 47 C.F.R. § 9.3) to end user customers in Washington. The service is marketed to the public under the brand name, “Comcast Digital Voice” (“CDV”). Comcast IP is not registered as a telecommunications company with the Commission.

8. Comcast Phone provides LIS service to Comcast IP pursuant to an agreement, which includes an amendment. A copy of that agreement, including the amendment, is attached as Exhibit C-5 (the “C” designation is to denote the document is to be treated as confidential pursuant to the protective order issued in this Docket).

9. Comcast IP is currently the only customer receiving LIS service from Comcast Phone in the state of Washington.

10. Comcast Phone does not currently provide Schools and Libraries service to any customers in Washington.

11. Comcast Phone previously offered a retail, circuit switched telephone service offering in Washington, which was marketed to the public under the brand-name Comcast Digital Phone (“CDP”). Comcast Phone discontinued CDP on November 28, 2007 but retained its authority to provide other telecommunications services in the state.

12. CDV customers access the service using the “last mile” facilities provided by Comcast Phone’s local franchise cable television operating affiliate.

13. In Washington, Comcast Phone currently has Commission-approved interconnection agreements with the following incumbent local exchange carriers: Qwest Corporation (originally approved on February 6, 2004); CenturyTel (specifically with CenturyTel of Washington Inc., CenturyTel of Inter Island, Inc., and CenturyTel of Cowiche, Inc., all of which are in one agreement) (approved on October 12, 2005); Embarq (*i.e.*, United Telephone Company of the Northwest d/b/a Embarq) (approved on February 25, 2009); Verizon (*i.e.*, Verizon Northwest Inc.) (originally approved on January 8, 2003); and Fairpoint (*i.e.*, YCOM Networks, Inc. d/b/a FairPoint Communications) (approved on April 22, 2008).

14. Pursuant to these interconnection arrangements, Comcast Phone exchanges locally-rated traffic with Qwest, CenturyTel, Embarq and YCOM on a bill-and-keep basis so long as traffic remains roughly balanced. The Verizon agreement

requires the payment of reciprocal compensation for the transport and termination of locally rated traffic.

15. Comcast Phone seeks an interconnection agreement with TDS pursuant to Section 251 of the Communications Act of 1934, as amended. With this interconnection agreement in place, Comcast Phone would offer its LIS service to Comcast IP so that Comcast IP may offer CDV to end user customers in the TDS serving area. Specifically, the interconnection agreement would make it possible for CDV end-users to place calls to TDS end-users within TDS local calling areas, and *vice versa*.

16. An affiliate of Comcast Phone offers cable television service in the TDS service area. That affiliate of Comcast Phone is the only cable service provider in the TDS service area.

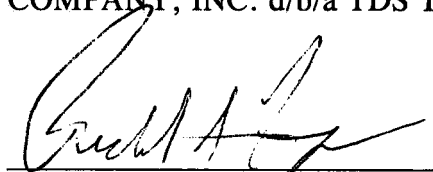
DATED this 30<sup>th</sup> day of March, 2009.

COMCAST PHONE OF  
WASHINGTON, LLC



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Gregory J. Kopta

LEWIS RIVER TELEPHONE  
COMPANY, INC. d/b/a TDS TELECOM



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Richard A. Finnigan