

June 8, 2009

Via Federal Express

David W. Danner
Executive Director & Secretary
Washington Utilities & Transportation Commission
1300 S. Evergreen Park Drive SW
Olympia, WA 98504

Re: *In re Petition for Arbitration between Comcast Phone of Washington, LLC and Lewis River Telephone Company, D/B/A TDS Telecom*; Docket No. UT-083055

Dear Mr. Danner:

To foster compliance with RPC 3.3 and to ensure that the record in this proceeding is accurate, Comcast Phone of Washington, LLC (“Comcast Phone”) provides the following correction to a portion of the Reply Brief of Lewis River Telephone Company d/b/a TDS Telecom (“TDS”) filed on May 28, 2009.

As the Commission is aware from the parties’ briefing, the Michigan Public Service Commission (“PSC”), in its March 5, 2009 *Order*, ruled that Comcast Phone’s Michigan affiliate is a telecommunications carrier entitled to a Section 251 interconnection agreement with TDS-Michigan. TDS argues that the Commission should disregard the Michigan PSC’s *Order*, citing, among other grounds, a statement in the Michigan Arbitrator’s Recommended Decision that incorrectly referred to a letter from two FCC officials to the Comcast Corporation as a “private letter ruling.” See TDS Reply Brief at 5-6, ¶ 13 (quoting Michigan Recommended Decision). In fact, that FCC letter was not a “private letter ruling,” but simply a request for information, as Comcast Phone of Michigan’s Objections filing to the Michigan PSC explained.

While it is true that the Michigan Arbitrator mistakenly characterized the FCC’s letter, TDS is wrong to claim that this error “underscores the confusion in the Michigan Decision.” See TDS Reply Br. ¶ 13. On the contrary, in the Michigan *Order* that otherwise adopted the Arbitrator’s recommendation, the Michigan PSC stated specifically that “The Commission agrees [with Comcast Phone of Michigan’s Objection] that footnote 6 is not necessary to the decision reached in this case and *forms no part of the basis for the Commission’s decision.*” Michigan Decision at 5 (emphasis added).

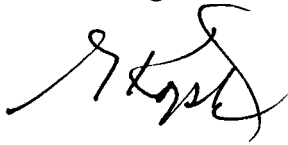
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Thus, it is not accurate to claim that the Michigan PSC committed the error that TDS attributes to it. On the contrary, the Michigan PSC recognized the Arbitrator's error and corrected it. (Copies of the Michigan PSC *Order*, the Michigan arbitrator's recommendation, as well as Comcast Phone of Michigan's Objection to the arbitrator's recommendation, are enclosed).

Please contact me if you have any questions about this information.

Very truly yours,

Davis Wright Tremaine LLP

A handwritten signature in black ink, appearing to read "G. Kopta", written over a white background.

Gregory J. Kopta
Encls.

cc: Richard Finnigan