

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the Petition of )  
COMMUNICATIONS CORPORATION OF )  
MICHIGAN, d/b/a TDS TELECOM, for )  
Sections 251/252(b) arbitration of )  
interconnection rates, terms, and conditions )  
with COMCAST PHONE OF MICHIGAN, )  
d/b/a COMCAST DIGITAL PHONE. )

Case No. U-15725

In the matter of the Petition of COMCAST )  
PHONE OF MICHIGAN, LLC, for Arbitration )  
pursuant to Section 252(b) of the )  
Telecommunications Act of 1996 to establish an )  
Interconnection Agreement with TDS )  
TELECOM/COMMUNICATIONS )  
CORPORATION OF MICHIGAN. )

Case No. U-15730

LIMITED OBJECTION TO DECISION OF ARBITRATION PANEL  
OF COMCAST PHONE OF MICHIGAN, LLC

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February 9, 2009

**LIMITED OBJECTION TO DECISION OF ARBITRATION PANEL  
OF COMCAST PHONE OF MICHIGAN, LLC**

The well reasoned decision of the Arbitrator correctly found that Comcast is entitled to interconnection by virtue of its status as a telecommunications carrier. Indeed, the Vermont Public Service Board just reached the same conclusion as the Arbitrator did here in a final order<sup>1</sup> resolving an arbitration between Comcast's Vermont affiliate and another incumbent carrier..

Comcast, however, is concerned about footnote 6 in the Decision of the Arbitrator ("DAP"), specifically the incorrect statement that "on page 2 of its January 18, 2009 private letter ruling issued in File No. EB-08-IH-1518, WC Docket No. 07-52, the FCC specifically ruled that 'Comcast's VoIP service is a telecommunications service subject to regulation under Title II of the Communications Act of 1934, as amended.'" This statement fundamentally mischaracterizes the referenced document. The referenced document is not a "private letter ruling" of the Federal Communications Commission ("FCC") or, indeed, a ruling of any kind. Rather it is merely a letter from Dana R. Shaffer, the Chief of the FCC's Wireline Competition Bureau and Matthew Berry, the FCC's General Counsel, requesting additional information from Comcast Corporation in connection with a filing Comcast Corporation made in an FCC docket that has nothing to do with the appropriate regulatory classification of interconnected voice over Internet protocol ("VoIP") services. The letter does not purport in any way to declare or otherwise state a position of the Wireline Competition Bureau, much less of the FCC, on the regulatory classification of interconnected VoIP.

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<sup>1</sup> *Petitions of Vermont Telephone Company, Inc. ("VTel"), 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, Vermont Public Service Board Docket No. 7469, Final Order issued Feb 2, 2009* <<http://www.state.vt.us/psb/orders/2009/files/7469final.pdf>>.

Therefore, since the text in footnote 6 in the DAP is inaccurate and not necessary to the outcome or rationale of the DAP, it should be omitted from the Commission's final decision.

Respectfully Submitted,

CLARK HILL PLC



By: \_\_\_\_\_

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