

Law Office of
Richard A. Finnigan
2112 Black Lake Blvd. SW
Olympia, Washington 98512
Fax (360) 753-6862

Richard A. Finnigan
(360) 956-7001
rickfinn@localaccess.com

Kathy McCrary, Paralegal
(360) 753-7012
kathym@localaccess.com

December 9, 2008

VIA E-MAIL AND HAND DELIVERY

Administrative Law Judge Ann Rendahl
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive SW
Olympia, WA 98504-7250

Re: Docket No. UT-083055

Dear ALJ Rendahl:

Pursuant to your request to provide you with some advance information on the items that would come before you in the Discovery Conference scheduled for December 10, 2008, this letter will set out the issues that will need to be addressed as they are known to Lewis River Telephone Company d/b/a TDS Telecom ("TDS") as of this date.

Perhaps the most important of the questions is a request for production which was identified as Number 2-1 and requested a true and correct copy of "Any contract between Comcast Phone and Comcast II." Comcast Phone is the entity that is registered as a competitive local exchange carrier (CLEC) in the state of Washington. Comcast II is identified as the company that TDS believes, based on what it knows to date, is the entity that offers the Voice over Internet Protocol (VoIP) service in the state of Washington. It is very important to understand the contractual relationship between those two entities. If there is no contract, that fact should be identified. If there are one or more contracts, those documents should be produced. While TDS recognizes that there may be some need for confidentiality as to the contents of the documents, there is a Protective Order entered in this matter.

TDS will now set out the data requests in sequential order to identify those that need discussion at the Discovery Conference.

The first of these is 1-16 which reads as follows:

- 1-16 Does any Comcast Company contribute to the federal Universal Service Fund? If so, please identify each of the Comcast Companies, and provide the amount of contributions by company for the years 2005, 2006, and 2007. For each Comcast Company, please indicate whether the company bases its estimate of VoIP-based service revenues on the FCC proxy percentage of traffic in the interstate jurisdiction, or provides a traffic study to justify the interstate traffic amounts.

The reason this information is sought is twofold. First, if there is a traffic study to justify the interstate traffic amounts, that study would provide information related to the extent of service offered in the state of Washington. Secondly, whether Comcast does make contributions to the federal universal service fund does have at least some bearing on the question of whether it is providing telecommunications. The scope of this question can be narrowed to the Comcast entities operating in the state of Washington.

The next item is Data Request 1-18, which reads as follows:

- 1-18 For the Comcast Company or Companies identified in Interrogatory 1-17, has the Comcast Company or Companies paid any access bill rendered concerning the state of Washington? If not, has the Comcast Company or Companies ever disputed payment of an ILEC access bill on the grounds that the service in question utilizes VoIP or for any other reason? If yes, please provide a description of the dispute and resolution for each Comcast Company. For purposes of this question, "Comcast Company" includes any affiliate of Comcast or a business partner of an affiliate of Comcast that was, is or may be involved directly or indirectly in the provision of voice or data services to customers outside the state of Washington.

The extent to which Comcast is paying or not paying access bills in the state of Washington is an important consideration in determining the nature of the service sought. For example, if Comcast is disputing payment of access bills on the theory that what it provides is an information service, that would be an

important fact.

The next item is Data Request 1-20, which reads as follows:

1-20 Please state how each Comcast Company provides or plans to provide IP-based service to its residential and business customers. Specifically which Comcast Company provides dial tone, features, high speed data, Intralata long distance and interLATA long distance services? If any element is provided by a third party, please identify the third party and describe how/where the Comcast Company interconnects with the third party provider.

This information is needed to understand the way in which Comcast's service is provisioned and the nature of that service.

The next item is Data Request 1-30. That Data Request reads as follows:

1-30 Attached is a diagram (Diagram 1) depicting, TDS's understanding of the Comcast network. Please refer to this diagram and answer the following:

- i. Telephone Symbol
 - a. Are the telephones analog telephones?
 - b. Can a SIP phone be used?
 - c. Are there any restrictions on the types of telephones that can be used with the Comcast "CDV" service?
 - d. Who owns the telephone?
 - e. Please define "CDV."
- ii. EMTA
 - a. Please define "EMTA."
 - b. What functions does the EMTA provide?
 - c. Where is the EMTA located?
 - d. Does Comcast consider the EMTA customer premise equipment or CPE?
 - e. Can a customer choose its own EMTA?
 - f. Who owns the EMTA?
 - A. If Comcast owns the EMTA, which Comcast Company owns the asset?

- B. Is Comcast owns the EMTA, which Comcast Company controls the EMTA?
 - g. Who installs the EMTA? If Comcast, which Comcast Company?
 - h. Who maintains the EMTA? If Comcast, which Comcast Company?
- iii HFC Network
- a. Please define the term "HFC Network."
 - b. What functions dos the HFC facilities provide?
 - c. Which Comcast Company owns the HFC facilities (coax, nodes, fiber)? If more than one Comcast Company owns the physical facilities please list all entities that have ownership and identify which Comcast Company owns which asset.
 - d. Which Comcast Company controls the HFC facilities (coax, nodes, fiber)? If more than one Comcast Company owns the physical facilities please list all entities that have ownership and identify which Comcast Company owns which asset.
 - e. Who installs the HFC facilities? If Comcast, which Comcast Company?
 - f. Who maintains the HFC facilities? If Comcast, which Comcast Company?
 - g. When a new CDV customer is added to the network, what Comcast Company makes the provisions to the HFC facilities to enable service provisioning to the end user customer?
- iv. CMTS
- a. Please define "CMTS."
 - b. What functions dose the CMTS provide?
 - c. Which Comcast Company owns the CMTS? If more than one Comcast Company owns the physical facilities please list all entities that have ownership and identify which Comcast Company owns which asset.
 - d. Which Comcast Company controls the CMTS? If more than one Comcast Company owns the physical facilities please list all entities that have ownership and identify which Comcast Company owns which asset.
 - e. How many CMTS devises serve the state of Washington?
 - f. What city and state are the CMTS(s) that serve Washington located?

- v. Router 1
 - a. What functions does the Router 1 provide?
 - b. Which Comcast Company owns the Router 1? If more than one Comcast Company owns the physical facilities please list all entities that have ownership and identify which Comcast Company owns which asset.
 - c. Which Comcast Company controls the Router 1? If more than one Comcast Company owns the physical facilities please list all entities that have ownership and identify which Comcast Company owns which asset.
 - d. How many Router 1's serve the state of Washington?
 - e. Where are the Router 1's located that serve the state of Washington?

- vi. IP Data Transport
 - a. What functions does the IP Data transport provide?
 - b. What physical plant routes the IP Data from Router 1 to Router 2?
 - c. Does this data transport use the same physical cables as the HFC network?
 - d. Does the data transport use separate dedicated transport facilities?
 - e. Does the data transport use leased facilities to connect the two routers?
 - f. Which Comcast Company owns the transport if the answer to b or c is yes? If more than one Comcast Company owns the physical facilities please list all entities that have ownership and identify which Comcast Company owns which asset.
 - g. Which Comcast Company controls the IP data transport? If more than one Comcast Company owns the physical facilities please list all entities that have ownership and identify which Comcast Company owns which asset.
 - h. If a combination of transport types in b, c, and d, above, are used in the state of Washington, please identify the approximate split between the transport types used. A percentage or mileage can be used to answer this question.

- vii. Router 2
 - a. Does Router 2 provide the same functions as Router 1?
 - b. Are the answers to v a-e, above, the same for Router 2? If no, please respond to sub-requests v. a-e, above, with respect to Router 2.

- viii. Media Gateway
 - a. What functions does the media gateway provide? Is the media gateway part of the soft switch? Are the vendors of the media gateway and the soft switch the same?
 - b. Which Comcast Company owns the Media Gateway? If more than one Comcast Company owns the physical facilities please list all entities that have ownership and identify which Comcast Company owns which asset.
 - c. Which Comcast Company controls the Media Gateway? If more than one Comcast Company owns the physical facilities please list all entities that have ownership and identify which Comcast Company owns which asset.
 - d. How many Media Gateway's serve the state of Washington?
 - e. Where are the Media Gateway's located that serve the state of Washington?

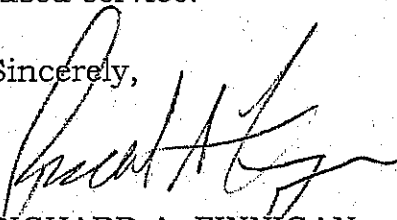
- ix. Soft switch
 - a. What functions does the Soft switch provide?
 - b. Which Comcast Company owns the Soft switch? If more than one Comcast Company owns the physical Soft switch please list all entities that have ownership and identify which Comcast Company owns which asset.
 - c. Which Comcast Company controls the Soft switch? If more than one Comcast Company owns the physical Soft switch please list all entities that have ownership and identify which Comcast Company owns which asset.
 - d. How many Soft switch's serve the state of Washington?
 - e. Where are the Soft switch's located that serve the state of Washington?

- x. Connection to the PSTN
 - a. In Washington, does any Comcast Company own the physical facilities used to interconnect with the PSTN?

- A. If yes, which Comcast Company owns the physical facility? If more than one Comcast Company owns the physical Soft switch please list all entities that have ownership and identify which Comcast Company owns which asset. Does the same entity control the facilities from a provisioning and engineering perspective? If not, please identify the Comcast Company that control the facilities from a provisioning and engineering perspective.
- B. If no, are the facilities leased?
 1. If yes, which Comcast Company leases the facilities?

The diagram referenced in the data request is attached. It is TDS' understanding that the diagram depicts the operation and configuration of Comcast's network. The content of the diagram should be fully explained to have a full understanding of Comcast's IP-based service.

Sincerely,



RICHARD A. FINNIGAN

RAF/km
Enclosure

cc: Parties of Record (via e-mail and U.S. mail)
Clients (via e-mail)