

**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,)
)
with) DOCKET UT-083025
)
)
UNITED TELEPHONE COMPANY OF)
THE NORTHWEST, INC. d/b/a EMBARQ)
)
Pursuant to 47 U.S.C. Section 252(b).)
.....)
.....)

NOTICE OF SUPPLEMENTAL AUTHORITY

Comcast Phone of Washington, LLC (“Comcast”), through undersigned counsel, submits this Notice of Supplemental Authority in response to a request made by Judge Torem at the August 19, 2008 hearing about the status of the “other arbitrations” between Embarq and Comcast involving the same disputed directory listing and storage and maintenance charge at issue in this proceeding.¹

On August 27, 2008, the arbitrators for the Texas Public Utility Commission in the Texas “version” of this case issued the *Proposal for Award*, a copy of which is attached to this Notice.²

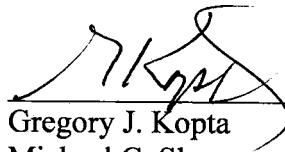
¹ See August 19 Transcript at 92:24.

² *Petition of Comcast Phone of Texas, LLC for Arbitration of an Interconnection Agreement with United Telephone Company of Texas, Inc. d/b/a Embarq and Central Telephone Company of Texas, Inc. d/b/a Embarq Pursuant to Section 252 of the Federal Communications Act of 1934, as amended, and Applicable State Laws, Proposal for Award* (Tex. PUC Aug. 27, 2008) (attached).

While the *Proposal for Award* is not a final order of the Texas PUC, Comcast believes that it is a highly persuasive analysis of the identical issues disputed in this case. The Texas arbitrators summarized their findings as follows:

The Arbitrators find that the non-discriminatory access requirement in § 251(b)(3) of the Federal Telecommunications Act of 1996 precludes Embarq from charging Comcast a monthly charge for the maintenance and storage of Comcast's customer directory listings information when Comcast is not purchasing UNE loops or resold services from Embarq. The Arbitrators also find that Embarq is sufficiently compensated for maintaining and storing Comcast customer directory listings by other revenue sources.³

WHEREFORE, Comcast respectfully requests that the Commission take notice of Texas Arbitrators' Proposal for Award.



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Dated: September 15, 2008

³ *Id.* at 1.