

December 18, 2013

Chairman Robert Kenney
Missouri Public Service Commission
Post Office Box 360
Jefferson City, MO 65102

Re: Documentation of Oral Conversation: TX-2013-0324 MO.USF Rulemaking Regarding High
Cost Support (4 CSR 240-31.040)

Dear Chairman Kenney:

In accordance with 4 CSR 240-4.020(8)(B)(1), this letter shall serve as documentation of our recent conversation regarding the pending rulemaking referenced above.

Participants: Chairman Robert Kenney and Susan Cunningham
Date/Time: 4:00 p.m. on December 17, 2013
Means: Electronic mail w/attachment
Subject: Comcast's concerns regarding the billing requirements in the proposed
4 CSR 240-31.040.

Pursuant to 4 CSR 240-4.020(8)(B)(1), no further disclosure, filing or actions are required.

Sincerely,

/s/ Susan B. Cunningham

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December 17, 2013

Via email: robert.kenney@psc.mo.gov

Dear Chairman Kenney:

Regarding the proposed rule under consideration in docket number TX-2013-0324, Comcast has an important concern I would like to bring to your attention.

Under the proposed 4 CSR 240-31.060(4)(B), the rule would require the surcharge for the Missouri Universal Services Fund to appear as a separate line item on a customer's bill.

This addition to current billing requirements is unnecessary. Under 47 C.F.R. 64.2401(b), Comcast is already required to include a "brief, clear, non-misleading, plain language description of the service or services rendered." Comcast already ensures that its billing practices comply with federal truth-in-billing requirements. An additional line item on a customer's bill is duplicative and burdensome.

Importantly, Comcast also believes that, under Section 392.550.4, the Commission is granted only specific authority over Voice Over Internet Protocol (VoIP) providers, and that authority does not extend to billing practices. The Commission is thus without jurisdiction to promulgate a rule requiring modifications to a VoIP provider's bill, and should consider removing this section from the proposed rule.

Comcast's current billing practice provides full disclosure to customers. Comcast explains that a fee is assessed by Comcast to recover its contributions to various federal, state and local programs, and that such fee is neither government mandated nor a tax. Comcast includes these fees in a separate line item labeled a "Regulatory Recovery Fee." In its Missouri Residential Service Price List, Comcast clearly lists each of the fees included in this line item, and how each fee is determined.

Comcast operates in 39 states and thousands of municipalities, adding up to a very burdensome regulatory structure. Certain Comcast markets cross state lines and the billing formats in one state can then affect the format in other states that encompass the same market. One example of such a market is the Kansas City metropolitan area.

Because the statute grants only certain, limited authority to the Commission regarding VoIP providers, the proposed billing requirements should be dropped for Comcast and other VoIP companies.

In the alternative, in an effort to reduce the regulatory strain to customers and providers, we ask that the Commission consider a change to the proposed rules. As proposed in the comments filed by the Missouri Cable Telecommunications Association, the Commission should change the proposed language in 4 CSR 240-31.060(4)(B) to require that "The surcharge shall be [appear as a separate line item] detailed as a 'Missouri Universal Service Fund[.]' or otherwise identified as a state regulatory fee or charge on the

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customer's bills." This will allow companies the freedom to provide more detail if they wish, but will also not bind carriers operating in several states to a superfluous requirement.

Thank you for your consideration, and please feel free to contact me with any questions or concerns.

Best regards,

/s/ Susan Cunningham

Susan Cunningham
Attorney