

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of a Proposed Rulemaking to)
Establish 4 CSR 240-33.170, Relay Missouri) Case No. TX-2008-0392
Surcharge Billing and Collection Standards)

COMMENTS OF COMCAST PHONE OF MISSOURI, LLC

COMES NOW Comcast Phone of Missouri, LLC (“Comcast”) on its own behalf and on behalf of its unregulated affiliate Comcast IP Phone of Missouri, LLC d/b/a Comcast Digital Voice, and states the following:

I. Is a Rule Necessary?

1. As a preliminary matter, Comcast does not believe that there has been a sufficient showing of necessity for the proposed rule. The Commission’s July 17, 2008 Notice in this docket indicated that companies are currently remitting the Relay Missouri Surcharge in compliance with statutory requirements. If the statutory requirements are being met without a rule, Comcast questions the need for this rulemaking. The Commission notes certain “uncertainties and inconsistencies” caused the Commission to determine that a rule was necessary, but without any explanation as to the nature of those problems. It is difficult for Comcast, and for any other provider, to comment substantively on the need for the rule, without understanding why the Commission is proposing the rule in the first place. Comcast believes that the Commission should further study these issues so that other solutions -- other than rulemakings -- may also be considered by the Commission.

II. The Commission Lacks Authority to Mandate the Content of a VoIP Provider’s Bill.

2. Assuming the Commission goes ahead and reviews the substance of the proposed rule (and Comcast does not believe that the requisite finding of necessity has been shown),

Comcast takes issue with the requirement in Paragraph 1 of the proposed rule that interconnected Voice over Internet protocol (“VoIP”) provider shall label the Relay surcharge as the “Relay Missouri Surcharge.” The Commission lacks the authority to mandate the format and appearance of the content of bills prepared by an entity not subject to its regulations, such as an interconnected VoIP provider which, under Sec. 386.020(54) RSMo, does not provide a telecommunications service. Therefore, the Commission cannot mandate that interconnected VoIP providers conform their bills in any way, including for a Relay surcharge.

3. To the extent the Commission finds that a label requirement is necessary for regulated entities, Comcast suggests that the rule be rewritten so that the surcharge must be labeled as a separate line item on a *telecommunications bill* using a non-misleading description. Even if the Commission had the requisite authority to dictate billing requirements for interconnected VoIP providers, the Commission would be imposing unnecessary costs on Comcast’s VoIP affiliate and its customers as it utilizes billing systems on a nationwide basis. The company would incur substantial cost in customizing its billing systems for specific state requirements.

III. Other Comments.

4. Comcast believes that the proposed rule must contain a provision for the confidential treatment of information submitted to the Commission or any other third party in compliance with the rule. Information submitted under the proposed rule should not be used for any purpose unrelated to the administration of the Relay fund.

5. Comcast suggests that the rule should define “interconnected VoIP service provider” in the same manner as defined in the Missouri statutes (Sec. 386.020 (23) RSMo).

6. Comcast believes that Paragraph 8 of the proposed rule conflicts with Sec. 392.550 RSMo which allows interconnected Voice-over-Internet Protocol providers to file annual reports through an affiliated competitive local exchange carrier. Comcast suggests that the Commission change that paragraph of the rule to reconcile the inconsistency with the statute, and to allow annual report filings by any entity authorized by the statute.

Respectfully submitted,

SONNENSCHN NATH & ROSENTHAL LLP

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ATTORNEYS FOR COMCAST PHONE OF
MISSOURI, LLC

VERIFICATION

STATE OF MISSOURI)
)
COUNTY OF JACKSON) ss.

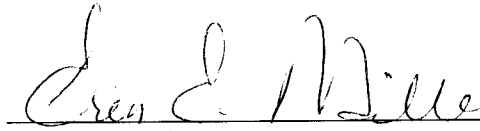
Comes now Mark Johnson, being of lawful age and duly sworn, who swears and affirms that he is an attorney for Comcast Phone of Missouri, LLC, that he is authorized to verify the foregoing on behalf of Comcast Phone of Missouri, LLC and that the foregoing is true and accurate to the best of his knowledge and belief.

Further Affiant sayeth not.



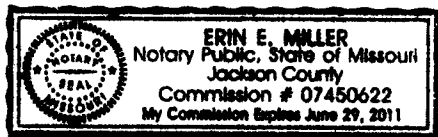
Mark P. Johnson

Subscribed and sworn to before me this 3rd day of December, 2008.



Notary Public

My commission expires:



CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been transmitted electronically on this 3rd day of December, 2008, to:

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/s/ Mark Johnson
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