

# DEVINE MILLIMET

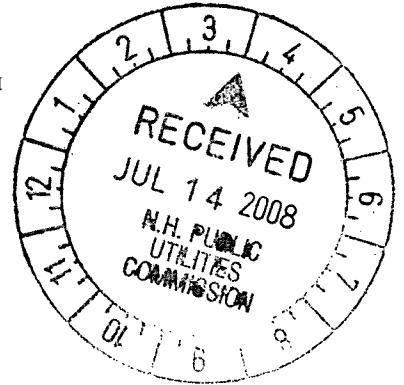
ATTORNEYS AT LAW

July 14, 2008

PATRICK C. MCHUGH  
T 603.695.8572  
PMCHUGH@DEVINEMILLIMET.COM

## BY HAND DELIVERY

Debra A. Howland  
Executive Director & Secretary  
New Hampshire Public Utilities Commission  
21 S. Fruit Street, Suite 10  
Concord, NH 03301



Re: DT 08-013 Comcast Phone of New Hampshire, LLC Request for Authority to  
Provide Local Telecommunications Service (this "Docket")

Dear Ms. Howland:

This letter filing is submitted in lieu of a Reply Brief on behalf of New Hampshire Telephone Association, Merrimack County Telephone Company and Kearsarge Telephone Company (collectively, the "RLEC Representatives") in connection with the above-captioned Docket. On behalf of the RLEC Representatives, the undersigned offers this abbreviated filing in lieu of the Reply Brief, as the Initial Brief filed on behalf of Comcast Phone of New Hampshire, LLC ("Comcast Phone") warrants little response.

The RLEC Representatives agree with certain of the statements made on page 4 of Comcast Phone's Initial Brief – that is, this Docket should be limited to whether Comcast Phone's registration application as a CLEC should be approved. *See* Initial Brief of Comcast Phone, p. 4. Thus, all of the facts alleged by Comcast Phone on page 1 of its Initial Brief, none of which are within the record evidence in this docket, should be ignored by the Public Utilities Commission (this "Commission").

Second, Comcast Phone can not in one instance stipulate to "facts" and then simply reserve its right to refuse to comply with its own stipulation. Local Interconnection Service ("LIS"), by Comcast Phone's own admission, is not a service to be relied upon in deciding this case. *See* Stipulated Facts, #6. The RLEC Representatives therefore believe that Comcast Phone's reservation of rights to "... assert LIS also qualifies the company for certification as a CLEC ..." is disingenuous at best and should be ignored by the Commission.

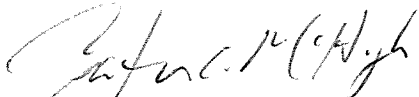
Debra A. Howland  
July 14, 2008  
Page 2

Lastly, Comcast Phone argues that its unregulated services will benefit customers in the service territory of the TDS Companies. *See* Initial Brief of Comcast Phone, Section II. None of the RLEC Representatives seek anything from this Commission which would hinder fair competition. Yet Comcast Phone does not appear to seek fair competition. Comcast Phone apparently seeks to provide a service, on an un-regulated basis, without complying with applicable administrative rules. As Comcast Phone has not complied with applicable rules of this Commission, the CLEC-10 Application, as modified, ought to be denied.

In all other respects, the RLEC Representatives rely on their Initial Brief, filed on June 26, 2008. In the event the Commission disagrees with the RLEC Representatives position, then the Commission ought to impose the conditions set forth within the RLEC Representatives Initial Brief, at page 10 (noting that the Commission ought to impose conditions relating to (i) requiring Comcast Phone to file a new CLEC-10 Application, under oath, with all representations made in this Docket included therein, (ii) requiring Comcast Phone to submit to the Commission and its Staff, on a highly confidential basis, the business plan(s) to provide the services Comcast Phone claims that it will provide, and (iii) the opening of a generic docket to investigate the issues listed in the RLEC Representative's Initial Brief).

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Patrick C. McHugh".

Patrick C. McHugh

PCM:kaa

cc: Electronic Service List