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TELECOMMUNICATIONS & CABLE  
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April 11, 2014

**By Hand Delivery**

Catrice C. Williams, Secretary  
Dept. of Telecommunications and Cable  
1000 Washington Street, 8th Fl., Suite 820  
Boston MA 02118-6500

Re: Comcast's Opposition to Competitive Carriers' Motion for Summary  
Judgment — DTC Docket No. 13-6

Dear Ms. Williams:

On behalf of Comcast Phone of Massachusetts, Inc., enclosed please find *Comcast's Opposition to Competitive Carriers' Motion for Summary Judgment* for filing in the above-referenced matter.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Thad A. Heuer", written over a horizontal line.

Thaddeus A. Heuer

Enclosure

cc: ✓ Michael Scott, Hearing Officer (2 copies via Hand Delivery)  
Service List (via U.S. Mail)

**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

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DEPARTMENT OF  
TELECOMMUNICATIONS & CABLE

Investigation by the Department on its Own Motion to Determine whether an Agreement entered into by Verizon New England Inc., d/b/a Verizon Massachusetts is an Interconnection Agreement under 47 U.S.C. § 251 Requiring the Agreement to be filed with the Department for Approval in Accordance with 47 U.S.C. § 252

DTC 13-6

**COMCAST'S OPPOSITION TO COMPETITIVE CARRIERS'  
MOTION FOR SUMMARY JUDGMENT**

Comcast Phone of Massachusetts, Inc. ("Comcast") opposes the Competitive Carriers' Motion for Summary Judgment and supports Verizon's Opposition thereto. Comcast submits this Opposition to briefly address particular assertions made in the Motion regarding Comcast.

First, and contrary to the Competitive Carriers' suggestion, Mot. Summ. J. 7-8, Comcast did not take the position in the Federal Communications Commission's ("FCC") rulemaking on intercarrier compensation reform<sup>1</sup> that VoIP service is subject to Section 251(b)(5) for all purposes, including Internet protocol ("IP") IP to IP exchanges. Rather, Comcast's position was that Section 251(b)(5) provides the FCC with the legal authority to adopt a compensation regime that treats all telecommunications traffic exchanged in time-division multiplexing ("TDM") format—including interconnected VoIP traffic—in a uniform fashion, so as to remove the disincentive to transition from TDM to IP technology. Comments of Comcast Corporation, WC Docket No. 10-90, at 3-4, 6 (Apr. 18, 2011).

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<sup>1</sup> See *Connect America Fund*, WC Docket No. 10-90, GN Docket No. 09-51, WC Docket No. 07-135, WC Docket No. 05-337, CC Docket No. 01-92, CC Docket No. 96-45, and WC Docket No. 03-109, Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking, FCC 11-13 (rel. Feb. 9, 2011).

Second, the Competitive Carriers' effort to cast doubt on the propriety of Comcast's relationship with its VoIP affiliates also fails. Mot. Summ. J. at 14-15. The FCC has long approved the use of VoIP affiliates by CLECs. See, e.g., *In re Bright House Networks v. Verizon Calif., Inc.*, 23 F.C.C.R. 10,704 (2008), *aff'd sub nom. Verizon Calif., Inc. v. FCC*, 555 F.3d 270, 276 (D.C. Cir. 2009); *In re Time Warner Cable*, 22 F.C.C.R. 3513, ¶ 1 (2007). State regulators have likewise approved such use. See, e.g., *Consol. Commc'ns of Fort Bend Co. v. Pub. Util. Comm'n of Texas*, 497 F. Supp. 2d 836 (W.D. Tex. 2007), *aff'g Petition of Sprint Commc'ns Co., LP*, Docket No. 32582, 2006 WL 2366391 (Tex. Pub. Util. Comm'n, Aug. 14, 2006); *Sprint Commc'ns Co., LP v. Ace Commc'ns Group, et al.*, Docket No. ARB-05-2, 2005 WL 3624405 (Iowa Util. Bd., Nov. 28, 2005); *Cambridge Tel. Co., et al.*, Docket No. 05-0259, *et al.*, 2005 WL 1863370 (Ill. Commerce Comm'n, July 15, 2005).

For the above reasons, the Motion for Summary Judgment should be denied.

Respectfully submitted,  
COMCAST PHONE OF  
MASSACHUSETTS, INC.

By its attorneys,




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April 11, 2014

CERTIFICATE OF SERVICE

I certify that on April 11, 2014, I served the foregoing document on the Service List in DTC Docket No. 13-6 in accordance with 220 C.M.R. 1.00 *et seq.*

A handwritten signature in black ink, appearing to read 'Thaddeus Heuer', written over a horizontal line.

Thaddeus Heuer