

March 19, 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 Response to Competitive Carriers' Second Set of Information
Requests to Comcast

Dear Ms. Williams:

On behalf of Comcast Phone of Massachusetts, Inc., enclosed please find Comcast's Responses to Competitive Carriers' Second Set of Information Requests to Comcast for filing in the above-referenced matter.

Thank you for your attention to this matter.

Sincerely,


Thaddeus A. Heuer

Enclosure

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

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND 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 RESPONSE TO COMPETITIVE CARRIERS' SECOND SET OF
INFORMATION REQUESTS TO COMCAST**

Pursuant to M.G.L. c. 30A, 220 C.M.R. §§ 1.00 *et seq.* and the November 29, 2013 Procedural Schedule and Notice for the above-referenced matter, Comcast Phone of Massachusetts, Inc. hereby responds and objects to the Competitive Carriers' Second Set of Information Requests to Comcast (the "Requests") as follows:

PRELIMINARY STATEMENT

The entity responding to these requests is Comcast Phone of Massachusetts, Inc. ("Comcast"). Comcast's affiliate, Comcast IP Phone II, LLC ("Comcast IP"), offers retail interconnected voice over internet protocol ("VoIP") services not subject to regulation by the Department of Telecommunications and Cable ("Department") pursuant to M.G.L. c. 25C, § 6A. Comcast IP offers retail VoIP services in Massachusetts under the names XFINITY Voice for residential, and Comcast Business for business services.¹

¹ CIMCO Communications, Inc., which has since been acquired by Comcast and its competitive local exchange carrier ("CLEC") affiliates, offered IP Talk which is an interconnected VoIP service for business customers. That service is provided to a very limited number of customers and has been grandfathered via commercial agreement.

Comcast's responses to the Requests are based on information known to it at this time and are set forth without prejudice to its right to supplement these responses or to assert additional objections should it discover additional information or grounds for objection at any time before the above-referenced matter is adjudicated. These responses are made without in any way waiving or intending to waive: (a) any objections as to the competency, relevancy, materiality, privilege or admissibility as evidence, for any purpose, of any answer provided in response to the Requests; (b) the right to object on any ground to the use of the answers provided in response to the Requests at any hearing or adjudicatory proceeding; or (c) the right to object on any ground at any time to a demand for further responses to the Requests.

Comcast's objections and responses to the Requests are not intended to imply that Comcast has information responsive to the Requests. Additionally, nothing in Comcast's responses to the Requests is intended to mean that Comcast agrees with any implicit or explicit characterization of any facts, events, circumstances or issues in the Requests.

Disclosure of any information that is privileged, that was prepared in anticipation of litigation, or that is otherwise legally protected from disclosure, is inadvertent and not intended to and does not constitute a waiver of any privilege or of any other ground for objection to the discovery of such information or of Comcast's right to object to the use of such information.

I. GENERAL OBJECTIONS

Comcast's responses are made subject to the following General Objections, which apply to each Information Request as if incorporated and set out in full in response to each:

1. Comcast objects to the Requests to the extent that they seek information that is protected from discovery by the attorney-client privilege, the joint defense privilege, the work product doctrine, or any other applicable privilege, rule or duty of confidentiality that precludes

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or limits production or disclosure of information, including, without limitation, disclosures of documents that contain or reflect information obtained from confidential sources, the disclosure of which would be contrary to public policy.

2. Comcast objects to the Requests on the grounds that they are not reasonably calculated to lead to the discovery of admissible evidence to the extent that they seek information that is irrelevant to the determination of whether the Agreement 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.

3. Comcast objects to the Requests to the extent that they are vague, ambiguous, or do not describe the information sought with reasonable particularity.

4. Comcast objects to the Requests to the extent that they seek information in the possession, custody, or control of entities other than Comcast.

5. Comcast objects to the Requests to the extent that they seek information that has already been provided to the Competitive Carriers or information that is equally available to the Competitive Carriers and Comcast, including, but not limited to, material that is publicly available, because such requests would impose an undue burden and expense upon Comcast.

6. Comcast objects to the Requests to the extent that they assume disputed facts or legal conclusions in defining the information sought. Comcast hereby denies any such disputed facts or legal conclusions. Any information provided by Comcast with respect to any such request is without prejudice to this objection and Comcast does not, by responding to any request, adopt or agree with such disputed facts or legal conclusions.

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7. Comcast objects to the Requests to the extent that they seek to require the review of documents and data that are not reasonably accessible and likely are duplicative of data available from other more readily accessible sources.

8. Comcast objects to the Instructions and Definitions in the Requests to the extent the Instructions and Definitions exceed the scope of Rules 26, 33 and 34 of the Massachusetts Rules of Civil Procedure or attempt to place greater burdens or obligations on Comcast than those required by Massachusetts Rules of Civil Procedure 26, 33 and 34.

II. SPECIFIC OBJECTIONS

Comcast's objections to specific Requests are made subject to and without waiver of the foregoing General Objections. Comcast reserves the right to revise, supplement or clarify any of the responses set forth below.

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Information Request CC-C-2-1

Please identify each and every Comcast affiliate that provides numbering resources (e.g., telephone numbers) to Comcast IP Phone, LLC, and/or its VoIP subsidiaries and affiliates, for the provision of VoIP service to Comcast customers in Massachusetts.

Response to Information Request CC-C-2-1

Comcast objects to this Request on the grounds that Comcast IP is not subject to regulation by the Department pursuant to M.G.L. c. 25C, § 6A.

Comcast further objects to this Request on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence. The Department Order opening this investigation provides that the Department "OPENS an investigation, Docket No. 13-6, into whether the IP Agreement, entered into by Verizon MA, is an interconnection agreement that must be filed with the Department for approval pursuant to 47 U.S.C. § 252," and states that the "the central question presented to the Department is whether the identified agreement is an interconnection agreement under 47 U.S.C. § 251." See *Order Opening an Investigation, Declining to Issue an Advisory Ruling, and Denying Verizon MA's Motion to Dismiss or Staying the Proceeding*, May 13, 2013, p. 9 & 14. The information sought regarding "numbering resources" is not relevant to determining the legal nature of the IP Agreement.

Person who will support response: Counsel

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Information Request CC-C-2-2

Please describe in full detail all arrangements under which each such Comcast affiliate provides numbering resources to Comcast IP Phone, LLC, and/or its VoIP subsidiaries and affiliates, for the provision of VoIP service to Comcast customers in Massachusetts.

Response to Information Request CC-C-2-2

Comcast refers to and incorporates its Response to Information Request CC-C-2-1.

Person who will support response: Counsel

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Information Request CC-C-2-3

Please produce copies of all documents that describe, set forth, or relate to the provision by each such Comcast affiliate of numbering resources to Comcast IP Phone, LLC, and/or its VoIP subsidiaries and affiliates, for the provision of VoIP service to Comcast customers in Massachusetts.

Response to Information Request CC-C-2-3

Comcast refers to and incorporates its Response to Information Request CC-C-2-1.

Person who will support response: Counsel

Information Request CC-C-2-4

Does any Comcast affiliate provide any other facilities and/or services to Comcast IP Phone, LLC, and/or its VoIP subsidiaries and affiliates, for the provision of VoIP service to Comcast customers in Massachusetts. If so:

(a) Please identify each and every Comcast affiliate that provides such facilities and/or services to Comcast IP Phone, LLC and/or its VoIP subsidiaries and affiliates.

(b) Please identify all such facilities and/or services provided by the Comcast affiliate(s) to Comcast IP Phone, LLC and/or its VoIP subsidiaries and affiliates.

(c) Please describe in full detail all arrangement under which Comcast affiliates provide any other facilities and/or services to Comcast IP Phone, LLC, and/or its VoIP subsidiaries and affiliates, for the provision of VoIP service to Comcast customers in Massachusetts.

(d) Please produce copies of all documents that describe, set forth, or relate to the provision by Comcast affiliates of any other facilities and/or services to Comcast IP Phone, LLC, and/or its VoIP subsidiaries and affiliates, for the provision of VoIP services to Comcast customers in Massachusetts.

Response to Information Request CC-C-2-4

Comcast objects to this Request on the grounds that Comcast IP is not subject to regulation by the Department pursuant to M.G.L. c. 25C, § 6A.

Comcast further objects to this Request on the grounds that “any other facilities and/or services” is vague and ambiguous because the request does not clarify the reference to “other”. Comcast further objects to this Request on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and is unduly burdensome. The Department Order opening this investigation provides that the Department “OPENS an investigation, Docket No. 13-6, into whether the IP Agreement, entered into by Verizon MA, is an interconnection agreement that must be filed with the Department for approval pursuant to 47 U.S.C. § 252,” and states that the “the central question presented to the Department is whether the identified agreement is an interconnection agreement under 47 U.S.C. § 251.” See *Order Opening an*

*Comcast's Response to Competitive Carriers' Second Set of Information Requests to Comcast
D.T.C. Docket No. 13-6*

Investigation, Declining to Issue an Advisory Ruling, and Denying Verizon MA's Motion to Dismiss or Staying the Proceeding, May 13, 2013, p. 9 & 14. The information sought regarding "other facilities and/or services" is not relevant to determining the legal nature of the IP Agreement.

Person who will support response: Counsel

Information Request CC-C-2-5

Please refer to Comcast's response to Verizon's first set of information requests to Comcast, request 1.

(a) Is any of the features described in the response necessary for the Comcast customer to place or receive voice calls?

(b) If your answer is other than "no," please explain your answer in full detail.

Response to Information Request CC-C-2-5

Comcast objects to this Request on the grounds that Comcast IP is not subject to regulation by the Department pursuant to M.G.L. c. 25C, § 6A. Comcast further objects to this Request on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence.

Notwithstanding and without waiving the foregoing, Comcast states that the features, functions and capabilities described in Comcast's response to Verizon's Information Request 1 are integrated into XFINITY Voice and may be used at the customer's discretion when placing or receiving calls.

Person who will support response: Robert Munoz, Senior Director – Regulatory Affairs

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Respectfully submitted,
COMCAST PHONE OF
MASSACHUSETTS, INC.

By its attorneys,



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CERTIFICATE OF SERVICE

I certify that on March 19, 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.*



Thaddeus Heuer