

**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

D.T.C. Docket No. 13-6

**COMCAST'S RESPONSE TO
VERIZON'S FIRST 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 Verizon's First 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

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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

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.

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.

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 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 Verizon or information that is equally available to Verizon and Comcast, including, but not limited to, material that is publicly available, because such requests would impose an undue burden and expense upon Comcast.

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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.

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 1

Please describe the features, functions and capabilities of XFINITY Voice service offered by Comcast IP Phone II, LLC, in Massachusetts and the extent to which they are integrated and intertwined with one another.

Response to Information Request 1

Comcast objects to this Request on the grounds that neither Comcast IP Phone II, LLC ("Comcast IP") nor XFINITY Voice is subject to regulation by the Department pursuant to M.G.L. c. 25C, § 6A.

Notwithstanding and without waiving the foregoing objection, Comcast states that Comcast IP's XFINITY Voice service offers features, functions and capabilities that go well beyond those available with traditional circuit-switched telephone services. For example, XFINITY Voice is tightly integrated with Comcast's XFINITY CONNECT Communications Center, an online web portal that integrates subscribers' voice calling features with their Comcast email account(s), online calendars, and other features associated with Comcast's high-speed Internet and cable video offerings. XFINITY CONNECT allows users to configure their account settings, set up call forwarding, and to view and listen to voicemails as computer files that can be attached to emails and forwarded to others. In addition, XFINITY CONNECT also includes "readable voicemail" – that is, voice-to-text functionality that transcribes an XFINITY Voice subscriber's voicemail into text form so that subscribers can read voicemail online without listening to it as an audio file. All XFINITY Voice subscribers have access to XFINITY CONNECT.

XFINITY Voice includes the ability to send and receive text messages to and from the subscriber's XFINITY Voice telephone number, a service that Comcast

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provides over a software app that subscribers can obtain and use over any Internet connection (including an Internet connection provided by a third party) using their mobile phone or tablet computer.

In addition, XFINITY Voice includes Universal CallerID, a feature that provides the capability to display incoming caller data not only on a user's home phone, but also at the same time on their television if the user obtains their video from Comcast and uses a Comcast cable box, or on their computer screens if the user obtains home internet service from Comcast. Video and internet services are provided by Comcast affiliates that are different from Comcast IP Phone II, LLC.

XFINITY Voice also includes a "Voice 2go" feature. Voice 2go allows users, using an app installed on their mobile devices, to place calls from their Comcast-assigned telephone numbers, including the number associated with the voice line at their residence, remotely on a mobile device connected to the internet, including via third party internet connections and Wi-Fi hotspots. It also allows users to add additional phone numbers for outgoing calls made through the application.

When used in conjunction with another XFINITY Voice feature, "Advanced Call Forwarding," Voice 2go makes a customer's home phone number mobile. Advanced call forwarding allows XFINITY Voice subscribers to simultaneously receive calls to their Comcast-assigned telephone numbers at multiple locations and on multiple devices, including a Comcast software app downloaded on devices such as mobile phones and tablets through iTunes or Android stores. Calls to XFINITY Voice customers who have enabled "advanced call forwarding" are transmitted over internet connections, including third party connections and Wi-Fi. Thus, with the addition of Voice 2go and advanced

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call forwarding functionality, subscribers can access XFINITY Voice's voice calling feature either through their Comcast-provided connection at their residence or over a third-party connection to the internet, while using (if desired) the same telephone number for both incoming and outgoing calls. For instance, an XFINITY Voice subscriber, while vacationing away from his or her residence in a different state, could make and receive calls using their same Comcast-provided home telephone number over a third-party connection, such as the Wi-Fi in their hotel room – while appearing, to anyone they call or receive calls from, as though they had never left the house.

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

Respectfully submitted,
COMCAST PHONE OF
MASSACHUSETTS, INC.

By its attorneys,



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February 6, 2014

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CERTIFICATE OF SERVICE

I certify that on February 6, 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 A. Heuer