

BEFORE THE PUBLIC UTILITIES COMMISSION

OF OREGON

Docket No. _____

In the Matter of the)
)
Petition of Comcast Phone of Oregon, Inc., for) PETITION
Waiver of OAR 860-032-0020(11)(b))
)

Pursuant to OAR 860-032-0020(16), Comcast Phone of Oregon, LLC d/b/a Comcast Digital Phone (“Comcast”) hereby submits this Petition for OAR 860-032-0020(11)(b). As grounds for the Petition, Comcast states as follows:

PETITION

Comcast intends to discontinue its provision of Comcast Digital Phone (“CDP”) telecommunications service in Oregon on or after November 13, 2007. Comcast is discontinuing this service because it is provided via a legacy service platform that Comcast does not intend to support in the future. Comcast, however, will continue to provide other telecommunications services in Oregon.

On August 6, 2007, Comcast notified affected customers of its intent to discontinue the CDP service and subsequently mailed copies of this notification to the Commission as required by OAR 860-032-0020. Enclosed as Exhibit A is a copy of the notification that Comcast mailed to the Commission. Comcast, however, sent only the original hard copy of this notice and did not provide an electronic copy to the Commission. Representatives of Comcast also had telephonic conversations and a meeting with Commission Staff to discuss Comcast’s discontinuance of CDP service.

On or about September 26, 2007, Comcast filed an application with the Federal Communications Commission (“FCC”) seeking authorization pursuant to Section 214(a) of the Communications Act of 1934 and Section 63.71 of the FCC’s rules to discontinue its provision of CDP service to customers in Oregon. Enclosed as Exhibit B is a copy of that application. Comcast also provided a copy of this filing to the Commission.

Commission Staff contacted Comcast after the Commission received the copy of the FCC filing to notify the company that it needed to comply with the Commission’s rules. Commission Staff represented to Comcast that the Commission has no record of receiving the notice in Exhibit A.

OAR 860-032-0020(11)(a) requires a competitive provider to notify affected customers at least 90 days in advance of abandoning service, and subsection (b) of that rule provides, “At the time it mails notification to affected customers, the competitive provider shall file a copy of the notification with the Commission.”¹ Comcast mailed notification letters to affected customers more than 90 days in advance of November 13, 2007, the date on which Comcast intends to discontinue its CDP service, and samples of those letters are included in Exhibit B.² Comcast fully intended to provide copies of those notifications to the Commission as required in OAR 860-032-0020(11)(b), and Comcast believed that it had provided those copies. Comcast now understands, however, that the Commission did not receive the notifications as required by the Commission rule.

¹ Subsection (b) further provides that “the competitive provider shall inform the Commission of the number of customers and the number of other providers affected by the proposed abandonment.” As of the date of this Petition, Comcast has 2,671 CDP customers in Oregon, and Comcast does not believe that any other providers will be significantly affected by discontinuance of Comcast’s CDP service.

² Copies of these same samples were included in the notification mailed to the Commission but are not included in Exhibit A to avoid duplication.

Comcast takes its legal obligations seriously. Comcast has provided at least 90 days notice to affected customers of its intent to discontinue its CDP service in Oregon, and with the exception of the unintentional failure to comply with subsection (11)(b), Comcast has complied in all other respects with OAR 860-032-0020. Comcast thus has complied with the spirit of the rule to ensure that those directly affected by a discontinuance of service have adequate notice and but for a ministerial error would have complied with the letter of the rule as well. Accordingly, Comcast requests that the Commission waive OAR 860-032-0020(11)(b) under these unique circumstances.

REQUEST FOR RELIEF

WHEREFORE, Comcast requests the following relief:

- A. An order from the Commission waiving the provisions of OAR 860-032-0020(11)(b) and permitting Comcast to provide the Commission with copies of its notification letters to customers of its intent to discontinue services and related information 36, rather than 90, days in advance of that planned discontinuance; and
- B. Such other or further relief as the Commission finds fair, just, reasonable, and sufficient.

Respectfully submitted this 8th day of October, 2007.

DAVIS WRIGHT TREMAINE LLP
Attorneys for Comcast Phone of Oregon,
LLC d/b/a Comcast Digital Phone

By: 

Mark Trincherro, OSB No. 88322
Gregory J. Kopta, WSBA No. 20519

August 10, 2007

PUBLIC UTILITY COMMISSION OF OREGON

Attn: Filing Center
550 Capitol Street N.E., Suite 215
Salem OR 97301 -2551

Re: Comcast Phone of Oregon, LLC

Dear Sir or Madam:

Pursuant to Oregon Administrative Rule 860-032-0020, Comcast Phone of Oregon, LLC is hereby providing the Public Utility Commission of Oregon notification that it will discontinue provision of service to Oregon customers effective on or after November 13, 2007.

Comcast Phone of Oregon, LLC sent the attached notification to Oregon customers on August 7, 2007. Customers were informed that they must take action and switch to a new provider of their choice or to an alternative Comcast service. Customers who do not take action by November 13, 2007, will be placed into "soft disconnect" status, meaning that customers will be able to call emergency services ("911") and the Comcast Call Center until December 13, 2007.

Should you have any questions regarding this matter, please contact me at (360) 357-1215.

Sincerely,

Rhonda Weaver
Director, State Government Affairs

2. Date of Planned Service Discontinuance

Comcast Phone plans to discontinue its provision of telecommunications service in the Service Areas on or after November 13, 2007, but no earlier than 31 days after the Commission releases public notice of this filing. Further, the proposed November 13, 2007 disconnection will be a “soft disconnect” only. Customers will continue to be able to call emergency services (“911”) as well as the Comcast Phone call center until December 13, 2007 (or one month after the authorized disconnection date).

3. Points of Geographic Areas of Service Affected

Comcast Phone currently provides interstate (and intrastate) telecommunications service throughout Oregon and Washington. Through this Application, Comcast Phone seeks authority to discontinue providing services to customers in Oregon and the Washington communities of Vancouver and Clark County. Comcast Phone is following the appropriate Oregon and Washington state laws for discontinuance of the applicable intrastate telecommunications services. Comcast Phone will assist affected customers during their transition to new carriers.

4. Description of Type of Service Affected

The services that Comcast Phone seeks authority to discontinue pursuant to this application are: local exchange, interexchange, and international telephone services.

II. Notice to Customers

In accordance with 47 C.F.R. § 63.71(a), Comcast Phone has notified all affected customers of the planned discontinuance of service. Specifically, Comcast Phone sent letters via first class U.S. Mail to each of the affected customers on August 7, 2007, which included all the information required by 47 C.F.R. § 63.71(a)(1) – (a)(4), as well as the statement applicable to non-dominant carriers set forth in 47 C.F.R. § 63.71(a)(5)(i). Copies of the notification letters

are provided as Attachments 1 and 2. Attachment 2 was mailed to customers in the Service Areas who have asked that Comcast not send them any solicitations. Attachment 1 was sent to all other Comcast Digital Phone customers in the Service Areas.

III. Notice to States and the Dept. of Defense

In accordance with 47 C.F.R. 63.71(a), Comcast Phone has mailed a copy of this Application to the Governor of Oregon, the Oregon Public Utility Commission, the Governor of Washington, the Washington Utilities and Transportation Commission, and the Secretary of Defense.

IV. Non-Dominant Status

Comcast Phone is a non-dominant carrier in the local exchange, interstate, and interexchange services markets.

V. Designated Contacts

Correspondence concerning this Application should be directed to:

Michael C. Sloan
Davis Wright Tremaine, LLP
1919 Pennsylvania Avenue, N.W.
Suite 200
Washington, DC 20006
(202) 973-4227
michaelsloan@dwt.com

WHEREFORE, Comcast Phone of Oregon, LLC respectfully requests that the Commission authorize it to discontinue service in the Service Areas on or after November 13, 2007, or 31 days after the Commission releases public notice of this filing, whichever date is earlier.

Respectfully submitted:

By:

Michael C. Sloan
Brian J. Hurh
Davis Wright Tremaine, LLP
1919 Pennsylvania Ave., N.W., Suite 200
Washington, D.C. 20006
Telephone: (202) 973-4200
Facsimile: (202) 973-4499

Counsel for Comcast Phone of Oregon, LLC

Dated: September 26, 2007

Attachment 1
Sample Customer Notification Letter

EXHIBIT

B

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OF

9



9605 SW Nimbus Ave.
Beaverton, OR 97008

Sample A. Sample
Sample Address
Sample Address 2
City, ST Zip

August 6, 2007

YOU MUST CHOOSE A NEW LOCAL AND LONG DISTANCE TELEPHONE SERVICE

Dear Valued Comcast Customer,

Thank you for being a valued Comcast Digital Phone customer. This letter is to inform you that Comcast is changing its telephone service offerings and that **effective on November 13, 2007, Comcast will no longer be providing its current Digital Phone service in your community.**

Your action is required! Because Comcast will discontinue all Digital Phone service in Oregon and SW Washington as of November 13, 2007, you need to select a new telephone service plan as soon as possible if you wish to retain your current telephone number and assure continuity of service. (Note: Comcast Digital Voice is a separate and different service and will continue to be provided.) You must also select a new long distance provider if you use Comcast Digital Phone for your long distance service.

You also have the opportunity to experience the simplicity, convenience and value of our new and improved residential home phone service, **Comcast Digital Voice**, for just \$19.99 a month for the first twelve months. With Comcast Digital Voice service, you won't have to worry about complicated calling plans or calling rates that fluctuate based on the time of day. You'll enjoy unlimited calling to anyone, anytime, anywhere throughout the U.S., Canada and Puerto Rico.

With Comcast Digital Voice you will enjoy all these benefits:

- 12 popular calling features such as Caller ID, Call Waiting, Three-way calling and Voice Mail!
- **Free and easy installation**—works with existing phones and jacks
- Keep your current phone number
- 30-day **money-back guarantee**
- No contract requirement
- **Enhanced 9-1-1**, which means your home address and telephone number are automatically sent to your local emergency services dispatcher if you call 9-1-1

We are confident you'll agree that Comcast Digital Voice is a simple and easy solution to your local, in-state and long distance calling needs. If you switch to Comcast Digital Voice, you will also have the added convenience of receiving one bill for all of your Comcast service. **Make the easy switch to Comcast Digital Voice** and start enjoying unlimited calling and the unique benefits of Comcast's service offerings today. You may transfer your current service to the digital voice service today by calling Comcast at 1-866-202-2164.

EXHIBIT B
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You do have the option to purchase local and long distance telephone service from other service providers in your area. A list of alternative service providers may be found in the front of your local telephone directory.

We urge you to act quickly to select Comcast Digital Voice or another new service provider in order to retain an active phone service.

This proposed discontinuance of your local telephone service is subject to regulatory approval by the Federal Communications Commission (FCC). The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments as soon as possible, but no later than 15 days after the Commission releases public notice of the proposed discontinuance. Address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20054, and include in your comments a reference to the 63.71 application of Comcast Phone of Oregon, LLC or the 63.71 application of the Comcast Phone of Washington, LLC, as applicable. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.

TAKE ACTION NOW

Please take immediate action to select a telephone service of your choice. **If you do not switch your service before November 13, 2007, your service will be terminated and you may not be able to retain your current telephone number.** Please take action **NOW** to avoid interruption in your service.

If you have any questions, please call Comcast Customer Service at: 1-866-202-2164.

Sincerely,

Comcast

Offer expires 11/13/07. Offer may not be combined with any other offers. Comcast Digital Voice® offer available to residential customers only in Comcast serviceable areas (and may not be transferred), located at wired and serviceable locations. The Comcast Unlimited™ Package applies to direct-dial calls from your home to locations in the United States, Canada, Puerto Rico, US Virgin Islands, Guam and Saipan/N.Mariana Islands. No separate long distance carrier connection available. Plan does not include international calls. An EMTA (which may also be used for Comcast High-Speed Internet service) is required; Comcast's current monthly fee is \$3.00. Equipment fees are additional. After 12-month promotion, regular rates apply unless service is canceled by calling Comcast. Current monthly rate for Comcast Digital Voice varies from \$39.95-\$44.95 depending on other Comcast services subscribed to, if any. Installation offer limited to standard installation. Custom installation charges are additional. Pricing shown does not include federal, state or local taxes and fees; our Regulatory Recovery Fee, which is not a tax or government required, or other applicable charges (e.g., per-call charges or international calling). Comcast Digital Voice® service (including 911/emergency service) may not function during an extended power outage. Certain customer premises equipment may not be compatible with Comcast Digital Voice services. Detailed account summary online is available through Comcast's monthly billing and not available as a special offered feature. Services are subject to terms and conditions of Comcast's subscriber agreements and other applicable terms and conditions. Restrictions apply. Call 1-866-202-2164 for details. ©2007 Comcast. All rights reserved.

EXHIBIT B
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Attachment 2
Sample Customer Notification Letter

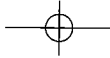


EXHIBIT B
PAGE 9 OF 9



9605 SW Nimbus Ave.
Beaverton, OR 97008

Sample A. Sample
Sample Address
Sample Address
City, ST Zip

August 6, 2007

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TAKE ACTION NOW

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Sincerely,

Comcast

