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May 1, 2009

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Ms. Ann Cole, Director
Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket Nos. 080731-TP

Dear Ms. Cole:

Enclosed for filing on behalf of Comcast Phone of Florida, L.L.C. d/b/a Comcast Digital Phone ("Comcast") are an original and 15 copies of the direct testimony of Beth Choroser.

Please acknowledge receipt of this letter by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely yours,

Floyd R. Self

FRS/amb
Enclosure

cc: Parties of Record

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on the following parties by Electronic Mail and/or U.S. Mail this 1st day of May, 2009.

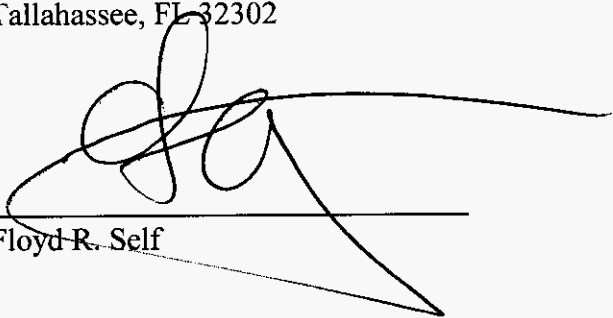
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Floyd R. Self

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**IN RE PETITION OF COMCAST PHONE OF
FLORIDA , LLC D/B/A COMCAST DIGITAL
PHONE FOR ARBITRATION OF AN
INTERCONNECTION AGREEMENT WITH
QUINCY TELEPHONE COMPANY D/B/A TDS
TELECOM PURSUANT TO SECTION 252 OF
THE FEDERAL COMMUNICATIONS ACT OF
1934, AS AMENDED, AND SECTIONS
120.57(1), 120.80(13), 364.012, 364.15, 364.16,
364.161, AND 364.162, F.S., AND RULE 28-
106.201, F.A.C.**

DOCKET NO. 080731-TP

Filed: May 1, 2009

**DIRECT TESTIMONY OF BETH CHOROSER
ON BEHALF OF COMCAST PHONE OF FLORIDA, LLC
D/B/A COMCAST DIGITAL PHONE**

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1 **Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS, EMPLOYER AND**
2 **CURRENT POSITION.**

3 A. My name is Beth Choroser. My business address is One Comcast Center, 50th Floor,
4 Philadelphia, PA 19103. I am employed as Executive Director of Regulatory
5 Compliance for Comcast Cable Communications, LLC. I submit this testimony on
6 behalf of Comcast Phone of Florida, LLC d/b/a Comcast Digital Phone ("Comcast")
7 in support of Comcast's positions in this interconnection arbitration with Quincy
8 Telephone Company d/b/a TDS Telecom ("TDS").
9

10 **Q. PLEASE SUMMARIZE YOUR EDUCATIONAL AND PROFESSIONAL**
11 **BACKGROUND.**

12 A. I received a Bachelor of Arts degree from Pennsylvania State University and a Master
13 of Business Administration from Syracuse University. I have worked in various
14 capacities in both the communications and the electric utility industries. My
15 experience includes rates, billing, taxation, regulatory reporting, tariffs,
16 interconnection, numbering, and overall regulatory compliance. From 1985 to 1988,
17 I worked for New England Electric System as a rate analyst and later as staff assistant
18 to the Chief Operating Officer. In those roles I performed cost of service studies and
19 fuel cost studies, and testified before the state commission on fuel cost charges. I also
20 oversaw budgeting for the Chief Operating Officer. From 1997 to 1999, I was with
21 ATX Telecommunications, where initially I had responsibility for billing
22 specifications and revenue assurance, and subsequently managed the end-user

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1 taxation and regulatory functions. I have been with the Comcast Corporation and its
2 various affiliates since 2000. From 2000 to 2003, I was the Manager of Regulatory
3 Compliance for the company's start-up commercial voice business, Comcast Business
4 Communications, LLC. I had responsibility for tariffs, billing compliance,
5 interconnection, regulatory reporting, end-user taxation, and surcharging. From 2003
6 to the present, I have held positions of increasing responsibility in the company's
7 voice communications business, which includes responsibilities for both with
8 telecommunications carrier ("CLEC") and interconnected VoIP service provider
9 affiliates. My duties include overseeing negotiations of Section 251 interconnection
10 agreements with incumbent local exchange carriers ("ILECs"). I have been involved
11 in over 100 such negotiations for various Comcast CLEC affiliates. I participated in
12 and generally supervised Comcast's attempts to negotiate a multi-state agreement
13 with TDS, which culminated in the initiation of this proceeding (and others like it in
14 Indiana, Michigan, New Hampshire, Georgia, and Washington).

15
16 **Q. PLEASE DESCRIBE THE BUSINESS OF COMCAST?**

17 A. Comcast is a Delaware limited liability company with its principal place of business
18 at One Comcast Center, Philadelphia, PA 19103. It is a telecommunications carrier
19 authorized to provide service to retail and wholesale customers in Florida. The
20 Commission has recognized that Comcast is a telecommunications carrier entitled to
21 interconnection, as it has authorized Comcast to provide local exchange,
22 interexchange and other telecommunications services in Florida pursuant to

1 Certificates No. 4404 and 7834.¹ In addition, the Commission has approved Section
2 251 Interconnection Agreements between Comcast and five other ILECs in Florida:
3 BellSouth/AT&T, Embarq Florida, Northeast Florida Telephone Company, Inc.,
4 Verizon, and Windstream.

5
6 **Q. PLEASE SUMMARIZE THE NEGOTIATIONS WITH TDS.**

7 A. Comcast requested negotiation for an Interconnection Agreement with TDS in Florida
8 by letter dated July 23, 2008 (attached to Comcast's Petition as Exhibit A), as part of
9 multi-state negotiations between Comcast and TDS affiliates in 5 other states
10 (Washington, Michigan, New Hampshire, Georgia and Indiana). Comcast and TDS
11 managed to resolve all of the technical issues associated with establishing
12 interconnection and negotiated the otherwise acceptable agreement that was attached
13 to Comcast's Petition for Arbitration as Exhibit C. TDS has refused to execute that
14 agreement, however, because it claims that Comcast is not a telecommunications
15 carrier entitled to interconnection. Comcast filed the Petition for Arbitration that
16 initiated this proceeding in December 2008. The sole disputed issue is whether
17 Comcast qualifies as a telecommunications carrier entitled to interconnection under
18 Section 251 of the Act.

¹ Comcast was originally granted Certificate No. 4404 to provide local exchange services as Continental Florida Telecommunications, Inc., PSC-96-0293-FOF-TX, Feb. 27, 1996. Comcast was granted authority under Certificate No. 7834 to provide interexchange service as AT&T Broadband Phone of Florida d/b/a AT&T Digital Phone, PSC-01-1218-PAA-TI, May 30, 2001. The Commission approved a name change request for Certificates No. 4404 and 7834 to Comcast Phone of Florida, LLC d/b/a Comcast Digital Phone by Order No. PSC-03-0124-FOF-TP, Jan. 22, 2003.

1 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

2 A. The Parties have identified only one disputed requiring resolution by the
3 Commission: Is TDS required to offer interconnection to Comcast under Section 251
4 of the Telecommunications Act of 1996 and/or Sections 364.16, 364.161, and
5 364.162, Florida Statutes? I am not an attorney and therefore will not address the
6 legal arguments associated with this single issue. I do, however, address the relevant
7 and undisputed facts that establish Comcast's telecommunications carrier status. I
8 also briefly review several recent regulatory decisions from other states that establish
9 Comcast's entitlement to Section 251 interconnection with TDS as a matter of law.

10

11 **Q. IS COMCAST A TELECOMMUNICATIONS CARRIER?**

12 A. Yes. Comcast qualifies as a carrier by virtue of the certificate of public convenience
13 and necessity it has received from the Commission to provide services in the state.
14 *See Florida Statute 364.02(16).* Comcast also offers and provides various
15 telecommunications services in the state.

16

17 **Q. WHAT SERVICES DOES COMCAST OFFER?**

18 A. Comcast's offerings in Florida currently include a Schools and Libraries Network
19 Service, a Local Interconnection Service ("LIS"), and various exchange access
20 service offerings. These services are offered in Florida pursuant to price lists and
21 service schedules that Comcast files with the Commission and posts on the

1 "Comcast.com" website.² These offerings are generally the same as those offered by
2 Comcast's telecommunications carrier affiliates in other states.

3
4 **Q. WHAT IS SCHOOLS AND LIBRARIES NETWORK SERVICE?**

5 Schools and Libraries Network Service is a high-speed data service that uses point to
6 point T-1 circuits for the interconnection of local area networks ("LANs") across the
7 customer's physical locations. Subject to facility and system availability, this service
8 also includes a channelized exchange service, which delivers the functional
9 equivalent of 24 voice grade facilities providing local and long distance calling
10 capability to the Public Switched Telephone Network ("PSTN").

11
12 **Q. WHAT IS LIS?**

13 A. As the LIS service schedule explains, LIS is available to qualified providers of
14 interconnected VoIP services, as defined in 47 CFR § 9.3. LIS provides
15 interconnected VoIP service providers with a two-way interconnection with the PSTN
16 for the exchange of voice traffic. In addition, LIS provides interconnected VoIP
17 service providers with various other services, including access to and administration
18 of numbering resources, local number portability, operator services, 911 emergency
19 calling services, directory listing and directory assistance services, and other
20 telecommunications and telecommunications-related functions necessary for

² See <http://www.comcast.com/corporate/about/phonetermsofservice/circuit-switched/statetariffs/florida.html>. Comcast incorporates its online tariffs and service guides by reference and will electronic and / or paper copies upon request.

1 interconnected VoIP service providers to serve their customers. These services are
2 functionally identical to those that Sprint and MCI provide to Time Warner as the
3 FCC described them in its *Time Warner Declaratory Ruling*.

4
5 **Q. WHAT DOES “INTERCONNECTION WITH THE PSTN” MEAN?**

6 A. Both LIS and the calling feature of the Schools and Libraries offering make it
7 possible for end-users to place and receive calls. Both services constitute local
8 exchange carrier service as defined in 47 U.S.C. § 153(26). In particular, they
9 provide Telephone Exchange Services and interexchange calling, enabling customers
10 to complete and receive locally-rated and long-distance (both intra-state and
11 interstate) calls to and from end-users on the public switched telephone network and
12 other networks with which Comcast is interconnected and exchanges traffic. LIS also
13 provides Exchange Access Services to interexchange carrier customers pursuant to
14 the terms and conditions of Comcast’s access service offerings. Comcast provides
15 exchange access services pursuant to its federal and state tariffs to interexchange
16 carriers (“IXCs”) that request the service. Comcast has over 35 exchange access
17 service customers in Florida who purchase either intrastate or interstate terminating
18 access services from Comcast.³ Moreover, Comcast pays terminating access charges

³ Upon request, Comcast will submit evidence of its CABs bills into the record of this cause, under seal, following the execution of an appropriate protective order with TDS.

1 to numerous other carriers in Florida and elsewhere.⁴ Likewise, Comcast makes and
2 receives reciprocal compensation payments to other local exchange carriers pursuant
3 to its Section 251 Interconnection Agreements in the state. Based on its interstate
4 telecommunications services revenues, Comcast also makes appropriate contributions
5 to the federal universal service fund.
6

7 **Q. HAS TDS PREVIOUSLY RECOGNIZED COMCAST'S STATUS AS A**
8 **TELECOMMUNICATIONS CARRIER FOR PURPOSES OF SECTION 251**
9 **INTERCONNECTION AGREEMENT NEGOTIATIONS?**

10 A. Yes, TDS has recognized Comcast's status as a Telecommunications Carrier.
11 Comcast requested interconnection with TDS pursuant to Section 251 of the Act, and
12 TDS participated in interconnection negotiations under the Act. As evidenced by the
13 communications between Comcast and TDS, attached to Comcast's Petition as
14 Exhibits A and B, TDS agreed that it was engaging in negotiations with Comcast for
15 purposes of establishing an Interconnection Agreement under Section 251 of the Act
16 pursuant to the process outlined in Section 252. Likewise, TDS affiliates have
17 entered into interconnection agreements with Comcast's competitive local exchange
18 carrier affiliates in Tennessee (effective May 1, 2006), Indiana (effective October 1,

⁴ *See id.* Comcast is prepared to submit additional evidence of its reciprocal compensation bills and receipts upon request, subject to the execution of an appropriate protective order with TDS.

1 2006), Vermont (effective May 1, 2008), and most recently in Michigan.⁵ The
2 Vermont agreement, which the Vermont Public Service Board approved in August
3 2008, states expressly that it was entered into pursuant to Section 251 of the Act.
4 Thus, TDS has already stipulated that Comcast is a telecommunications carrier
5 entitled to interconnection and Comcast has taken actions in reliance on that
6 stipulation.

7
8 **Q. HAS THE FEDERAL COMMUNICATIONS COMMISSION RECOGNIZED**
9 **LOCAL INTERCONNECTION SERVICE AS A TELECOMMUNICATIONS**
10 **SERVICE?**

11 A. Yes it has. The FCC has recognized this type of arrangement, in which a state-
12 licensed CLEC “partner” provides telecommunications services to an interconnected
13 VoIP service provider and has previously concluded that a CLEC has full
14 interconnection rights and obligations to provide PSTN connectivity to such
15 providers.⁶ In fact, in its recent order extending FCC numbering obligations to
16 interconnected VoIP service providers, the FCC noted that such action “may spur
17 consumer demand for [VoIP] service, in turn driving demand for broadband

⁵ The Michigan Public Service Commission (“Michigan PSC”) recently affirmed that Comcast’s Michigan CLEC affiliate is a common carrier for purposes of Section 251 interconnection with TDS’ affiliate in Michigan. *See infra* notes 10 and 11. On April 2, 2009, the Michigan parties executed an interconnection agreement per the Michigan PSC’s Order, which is now pending before the Michigan PSC for approval.

⁶ *Time Warner Cable Request for Declaratory Ruling that Competitive Local Exchange Carriers May Obtain Interconnection Under Section 251 of the Communications Act of 1934, as Amended, to Provide Wholesale Telecommunications Services to VoIP Providers*, Memorandum Opinion and Order, 22 FCC Rcd 3513 (2007).

1 connections and consequently encouraging more broadband investment and
2 deployment.”⁷ The FCC has specifically found that Comcast’s provision of its
3 interconnection services to its interconnected VoIP affiliate qualified it as a
4 telecommunications carrier under Section 222(b) of the Act.⁸

5
6 **Q. HAVE OTHER STATE COMMISSIONS OR FEDERAL COURTS**
7 **RECOGNIZED LOCAL INTERCONNECTION SERVICE AS A**
8 **TELECOMMUNICATIONS SERVICE?**

9 A. Yes. At least a dozen state and federal authorities have affirmed the common carrier
10 nature of local interconnection service offerings and affirmed CLECs’
11 interconnection rights in order to provide interconnection services to interconnected
12 VoIP service providers.⁹ While some of these cases involved Comcast (discussed

⁷ *In re Telephone Number Requirements for IP-Enabled Services Providers*, 22 FCC Rcd 19531, 19548 at ¶ 29 n.102 (2007).

⁸ *See Bright House Networks, LLC v Verizon California, Inc*, Memorandum Opinion and Order, 23 FCC Rcd 10704 at ¶¶ 37-41(2008) and *Verizon California, Inc. v. Federal Communications Commission*, No. 08-1234 at 10, 2009 WL 304745 at 4 (D.C. Cir., Feb. 10, 2009).

⁹ *See, Consolidated Comm Of Fort Bend Co v Public Utility Commission of Texas*, Memorandum Opinion and Order, 497 F Supp 2d 836 (W.D. Tex 2007), *aff’g Petition of Sprint Comm Co LP*, Order, Docket No. 32582, 2006 WL 2366391 (Tex. PUC, Aug 14, 2006); *Sprint Comm. Co LP*, Order, App No. 310183F0002AMA, *et al*, 101 PaPUC 895, 2006 WL 3675279 (Pa PUC, Nov 30, 2006); *Sprint Comm. Co LP v ACE Comm Group, et al*, Order on Rehearing, Docket No. ARB-05-2, 2005 WL 3624405 (Iowa Util Bd, Nov 28, 2005); *Sprint Comm. Co. LP v. Nebraska Pub. Serv. Co.*, Case No. 4:05CV3260, 2007 WL 2682181 (D. Neb., Sept. 7, 2007), *rev’g Re Sprint Comm. Co LP*, Opinion and Findings, Appl No. C-3429, 2005 WL 3824447 (Neb PSC, Sept 13, 2005); *Cambridge Telephone Company, et al*, Order, Docket No. 05-0259, *et al*, 2005 WL 1863370 (Ill CC, July 15, 2005); *Re The Champaign Tel Co*, Case No. 04-1494-TP-UNC, *et al* (Ohio PUC, Apr. 13, 2005); *Berkshire Tel Corp v Sprint*, Case No. 05-CV-6502, 2006 WL 3095665 (WDNY, Oct. 30,

1 below), others involved the rights of carriers like Sprint and MCI to provide PSTN
2 interconnection services for Time Warner cable's interconnected VoIP service.
3 Comcast provides a functionally identical service to that which MCI and Sprint
4 provide to Time Warner.

5 Comcast has also obtained interconnection rights with a TDS affiliate in
6 Michigan. On March 5, 2009, the Michigan Public Service Commission ("Michigan
7 PSC") confirmed an arbitrator's decision that rejected TDS' concerns regarding
8 Comcast's status as a telecommunications carrier.¹⁰ Just as TDS has done here in
9 Florida, TDS' Michigan affiliate questioned whether Comcast Phone of Michigan,
10 LLC ("Comcast Phone of Michigan"), was a telecommunications carrier entitled to
11 Section 251 interconnection rights under the Act.¹¹

12 Approximately one month earlier, the Vermont Public Service Board
13 ("Vermont PSB") similarly found that because Comcast Phone of Vermont, LLC
14 offers LIS service to all eligible customers, in accordance with the Vermont PSB's

2006), *aff'g* Order Resolving Arbitration Issues, Cases 05-C-0170, -0183 (NY PSC, May 24, 2005) and Order Denying Rehearing, Cases 05-C-0170, -0183 (NY PSC, Aug 24, 2005); *Re Sprint Comm. Co. LP*, Order No. 4, Docket UT-073031, 2008 WL 227939 (WUTC, Jan. 24, 2008).

¹⁰ See *In the Matter of the Petition of Communications Corporation of Michigan, d/b/a TDS Telecom, for Sections 251/252 arbitration of interconnection rates, terms and conditions with Comcast Phone of Michigan, d/b/a Comcast Digital Phone*, Order, Case No. U-15725 (Mich. PSC, March 5, 2009), consolidated with Case No. U-15730 ("Michigan Order").

¹¹ *In the Matter of the Petition of Communications Corporation of Michigan, d/b/a TDS Telecom, for Sections 251/252 arbitration of interconnection rates, terms and conditions with Comcast Phone of Michigan, d/b/a Comcast Digital Phone*, Decision of the Arbitrator, Case No. U-15725, at 20 (Mich. PSC, Jan. 28, 2009), consolidated with Case No. U-15730.

1 rules and regulations, “it [was] difficult not to conclude that Comcast Phone [of
2 Vermont] is a telecommunications carrier for purposes of Section 251 of the Act.”¹²

3 At about the same time as the Vermont PSB’s decision, the New Hampshire
4 Public Utilities Commission (“NH PUC”) granted Comcast Phone of New
5 Hampshire, LLC (another Comcast CLEC affiliate) authority to offer
6 telecommunications service in three TDS affiliate service territories, over the
7 objections of those TDS affiliates and other ILECs in New Hampshire.¹³ The TDS
8 affiliates had challenged the Comcast-New Hampshire affiliate’s application on the
9 same general basis as TDS has done here – that the nature of Comcast’s services calls
10 into question Comcast’s status as a telecommunications carrier and, consequently, its
11 right to enter into an interconnection agreement. The NH PUC, recognizing that
12 “telecommunications carriers, including both ILECs (TDS Companies) and CLECs
13 (Comcast) have the obligation to interconnect either directly or indirectly with the
14 facilities and equipment of all other carriers,”¹⁴ rejected each of the ILECs’
15 arguments on the grounds that Comcast’s services would promote fair competition
16 and economic efficiency, and that competition from Comcast would not adversely

¹² *Petitions of Vermont Telephone Company, Inc. and Comcast Phone of Vermont, LLC d/b/a Comcast Digital Phone, for Arbitration of an Interconnection Agreement Between VTel and Comcast, Pursuant to Section 252 of the Telecommunications Act of 1996, and Applicable State Laws*, Final Order, Docket No. 7469, at 18 (Vt. PSB, Feb. 2, 2009).

¹³ *In re Comcast Phone of New Hampshire Application for Authority to Serve Customers in the TDS Service Territories*, Order Granting Authority No. 24,938 (NH PUC, Feb. 6, 2009) (authorizing Comcast Phone to operate in the Kearsarge Telephone Company (KTC), Merrimack County Telephone Company (MCT) and Wilton Telephone Company (WTC) service territories).

¹⁴ *Id.* at 16.

1 impact the TDS affiliates' opportunity to earn a reasonable return on its investment
2 since TDS could recover appropriate rates to recover its costs in an interconnection
3 agreement with Comcast.

4 On February 10, 2009, the D.C. Circuit Court of Appeals issued a decision
5 that addressed, and upheld, Comcast's status as a telecommunications carrier.¹⁵
6 Specifically, the Court agreed with the *Federal Communications Commission* that it
7 was not relevant that Comcast's CLEC affiliates, like Comcast here, only served their
8 interconnected VoIP affiliates. As noted by the Court, any other voice services
9 provider similarly situated to Comcast's interconnected VoIP provider affiliates could
10 obtain LIS service from these Comcast CLECs, and Verizon had failed to provide any
11 evidence to suggest that Comcast would turn away such customers. TDS has likewise
12 failed to present any evidence here to suggest that Comcast will not offer its LIS
13 service to any unaffiliated voice services provider that requests such service.

14
15 **Q. DOES THAT CONCLUDE YOUR DIRECT TESTIMONY?**

16 **A.** Yes it does.

¹⁵ *Verizon California, Inc. v. Federal Communications Commission*, No. 08-1234 at 10, 2009 WL 304745 at 4 (D.C. Cir., Feb. 10, 2009).