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Video Franchising/Broadband Group
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Re: **Comcast's 51st Amended Application for State Video Franchise**

To Whom it May Concern:

Comcast Cable Communications Management, LLC ("Comcast") hereby submits its 51st Amended Application for a State Video Franchise ("51st Amended Application"). Comcast asks that the California Public Utilities Commission ("Commission") complete its processing of this application and issue the requested certificate modifying Comcast's video franchise footprint under the state video franchise.

Consistent with discussions between Commission Staff and Comcast in connection with Comcast's 46th Amended Application, the 51st Amended Application answers "Yes" to Question 9, which asks whether Comcast and/or its affiliates have more than 1 million telephone customers in California.¹ Comcast maintains that its affiliates' Voice over Internet Protocol ("VoIP") subscribers are not "telephone customers" as that term is used in the Public Utilities Code.² Therefore, Comcast continues to believe that the correct answer to Question 9 is "No," as Comcast and its affiliates do not have more than 1 million regulated, circuit-switched telephone customers. Comcast's "Yes" response to Question 9 should not be construed as a waiver of its position or any agreement with or endorsement of the Commission Staff's view.³

Should you have any questions about this submission, please do not hesitate to contact me at 202-434-7450 or at dpreing@mintz.com.

Best regards,

Daniel P. Reing

¹ Comcast also answered "Yes" to Question 9 in its 46th, 47th, 48th, 49th, and 50th Amended Applications based on these discussions.

² See California Public Utilities Code § 5890; see also, *In the Matter of Vonage Holdings Corp.*, WC Docket No. 03-211, Memorandum Opinion and Order (rel. Nov. 12, 2004), ¶ 1 n.78, *aff'd*, *Minnesota PUC v. FCC*, 483 F.3d 570 (8th Cir. 2007) (confirming interstate status of VoIP and signaling intent to preempt imposition of state common carrier or public utility requirements on VoIP services).

³ Comcast hereby incorporates its previous discussion of the applicable legal authorities provided in connection with its 46th Amended Application, and Comcast reserves all rights in connection with the 51st Amended Application.