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JAN 12 2016

BOARD OF PUBLIC UTILITIES  
MAIL ROOM

CHRIS CHRISTIE  
Governor

State of New Jersey  
DIVISION OF RATE COUNSEL  
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TRENTON, NEW JERSEY 08625

STEFANIE A. BRAND  
Director

KIM GUADAGNO  
Lt. Governor

**Via Electronic and Regular Mail**

January 8, 2016

Irene Asbury, Board Secretary  
New Jersey Board of Public Utilities  
44 South Clinton Avenue, 9<sup>th</sup> floor  
P.O. Box 350  
Trenton, New Jersey 08625-0350

Re: **Amended Comments**

I/M/O the Application of Comcast Business Communications, LLC d/b/a CIMCO, a Division of Comcast Business Services for the Mass Migration of Resold Interexchange Customers in the State of New Jersey.

**BPU Docket No. TO15121338**

Dear Secretary Asbury:

The Division of the Rate Counsel ("Rate Counsel") has reviewed the above-captioned Application of Comcast Business Communications, LLC d/b/a CIMCO ("CBC" and/or "CIMCO"), seeking the Board of Public Utilities' ("Board") approval of an Exit Plan<sup>1</sup> and for the mass migration of its New Jersey resold interexchange ("IXC") business customers to First Communications, LLC ("First Communications") (CBC and First Communications jointly the "Parties") and requests a modification and waiver of the Board's Mass Migration Rules under N.J.A.C. 14:10-12.1 et seq.<sup>2</sup> Upon review of this filing, Rate Counsel is satisfied that the Parties' Application meets the regulatory requirements and is consistent with the public interest, convenience, and necessity and for the reasons that follow does not object to the Board's grant of the requests therein. Enclosed with this original please find ten copies, kindly return a stamped "Received/Filed" copy back to Rate Counsel for our file.

CBC is a Pennsylvania limited liability company, headquartered in Philadelphia, Pennsylvania, and following the transaction will retain its New Jersey Certificate and continue to offer services to its other New Jersey customers.<sup>3</sup> First Communications is an Ohio limited liability company headquartered in Akron, Ohio and was authorized to provide local exchange and interexchange telecommunications services in New Jersey since 2004 under BPU Docket TE04030220.<sup>4</sup> On November 17, 2015, Comcast Cable Communications, LLC ("Comcast Cable") agreed to assign seven resold interexchange business customer telephone service accounts formerly owned by CIMCO and served by Comcast from CBC to First Communications (known as the "Transaction").<sup>5</sup> The Parties anticipate completing the Transaction on or shortly after January 1, 2016.<sup>6</sup>

<sup>1</sup> Application at pp. 6-8.

<sup>2</sup> *Id.*, at pp. 1 and 3-6.

<sup>3</sup> *Id.*, at pp. 2 and 6.

<sup>4</sup> *Id.*, at pp. 2-3

<sup>5</sup> *Id.*, at pp. 1-2 and p. 6.

<sup>6</sup> *Id.*, at pp. 6-7.

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C. Vachon  
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Waiver of Mass Migration Rules

The Parties state that the affected customers were notified under a Joint Notice dated November 23, 2015, issued by CBC and First Communications [Parties' Exhibit B] of their right to choose another provider and were advised of available customer assistance in migrating to an alternative provider of their choice.<sup>7</sup> The Parties assert that from the customers' perspective the migration will have no adverse impact on customers as the migration will simply be a change in the name of their provider. Moreover, the Parties state service will be uninterrupted and continue to be provided on the same terms, rates and conditions, as under CBC. CBC states that it will not be departing the telecommunications services market in New Jersey.<sup>8</sup> Based on the aforementioned, the Parties contend that it would be unduly burdensome and potentially confusing to the affected customers if CBC were required to abide by the Board's Mas Migration regulations and pursuant to N.J.A.C. 14:10-12.3(d) the Parties request modification and/or waivers of A) N.J.A.C. 14:10-12.3(b) which requires that applications to abandon provision of service and an exit plan be filed 60 days prior to the plan departure date; B) N.J.A.C. 14:10-12.5(c) which requires CBC to provide ILECs and NSPs with a copy of the customer notices; C) N.J.A.C. 14:10-12.7(a) which requires CBC to provide an end user list to the Board at least 45 days prior to projected departure date and contend that these requirements are inapplicable as none of the affected customers are priority customers.<sup>9</sup>

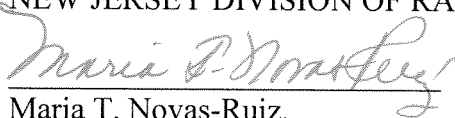
Although the Board has the authority to waive its Mass Migration Rules pursuant to N.J.A.C. 14:10-12.3(d) and 14:10-12.6(m), such waivers should only occur under very limited circumstances determined on a case by case basis and only when it is clear that customers will not be prejudiced or suffer detrimental impact by the waiver of notices required under the Board's regulations. Herein, the Parties have provided an Exit Plan meeting the requirements under N.J.A.C. 14:10-12.3(b)(2), have provided the affected seven business customers joint notice over 30 days prior to the migration of services from CBC to First Communications who will continue to provide services under the same terms rates and conditions as CBC. Accordingly, Rate Counsel does not object to CBC's Exit Plan and the Parties' request for relaxation, modification and/or waiver of the Board's Mass Migration Rules under the fact-sensitive case herein.

Thank you for your consideration of Rate Counsel's on this matter.

Very truly yours,

STEFANIE A. BRAND,  
DIRECTOR  
NEW JERSEY DIVISION OF RATE COUNSEL

By:

  
Maria T. Novas-Ruiz,  
Assistant Deputy Rate Counsel

cc: Service List (*via regular & electronic mail*)

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<sup>7</sup> Id., at pp. 3, and 7

<sup>8</sup>/ Id., at pp.3 and 6.

<sup>9</sup> Id., at pp. 3 through 6.

**IMO Comcast Business  
Communications, LLC, d/b/a  
CIMCO  
BPU Docket No.: T015121338**

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