



Tuesday, October 28, 2003

Comcast Cable Communications, Inc.  
1500 Market Street  
Philadelphia, PA 19102

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PUBLIC SERVICE  
COMMISSION

**VIA OVERNIGHT MAIL**

Dorothy J. Chambers  
BellSouth  
601 W. Chestnut St., Room 407  
Louisville, KY 40203

**RE: First Set of Interrogatories and First Request for Production of Documents**

Dear Ms. Chambers:

We are in receipt of BellSouth Telecommunications, Inc.'s ("BellSouth") First Set of Interrogatories and First Request for Production of Documents to AT&T Broadband Phone of Kentucky, a Comcast company, ("Comcast") served in Kentucky Public Service Commission Case No. 2003-00379 on October 10, 2003.

As you know, Comcast is not a party to the proceeding captioned in BellSouth's discovery to Comcast. Based on the fact that Comcast is not a party to the proceeding, we do not believe that there is any binding authority for the issuance of discovery to Comcast. Conversely, we do not believe that there is any binding authority requiring Comcast to respond to BellSouth's discovery requests.

Additionally, I note that the Order issued by the Kentucky Public Service Commission on October 2, 2003, specifically contemplates the issuance of initial data requests to the incumbent local exchange carriers ("ILECs"), but does not include any such provision for the issuance of discovery served by ILECs to the competitive local exchange carriers ("CLECs"). Accordingly, even if Comcast were a party to the proceeding, which it is not, there would be no authority for the issuance of, or response to, BellSouth's discovery.

Based on the above, Comcast will not formally respond to the discovery issued by BellSouth to Comcast on October 10, 2003 absent a binding Order to do so. By copy of this letter to Thomas M. Dorman, Executive Director, we are notifying the Kentucky Public Service Commission of Comcast's objection to BellSouth's discovery request.

Sincerely,

John G. Sullivan  
Vice President & Chief Counsel - Telephony

CC: Thomas M. Dorman, Kentucky Public Service Commission, P.O. Box 615, 211 Sower Boulevard, Frankfort, Kentucky 40602-0615  
Amy Dougherty, Esq., Kentucky Public Service Commission, P.O. Box 615, 211 Sower Boulevard, Frankfort, Kentucky 40602-0615  
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David Sered, Comcast