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November 4, 2009

Via Hand Delivery

Docket Control Center
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Phoenix, AZ 85007-2996

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Re: *Joint Application of CIMCO Communications, Inc. and Comcast Phone of Arizona, LLC
for Approval of the Transfer of Customer Base, Docket Nos. T-03434A-09-0477 and
T-04293A-09-0477*

Dear Sir or Madam:

On October 6, 2009, CIMCO Communications, Inc. ("CIMCO") and Comcast Phone of Arizona, LLC ("Comcast") (together, "Applicants") filed a Joint Application for Approval of the Transfer of Customer Base ("Application") with the Arizona Corporation Commission ("ACC" or the "Commission").

By this letter, Applicants respectfully request that the Commission, to the extent applicable, grant a waiver of A.A.C. R14-2-2001-2007 (the "Cramming Rules"), which, among other things, requires a telecommunications company to obtain authorization from a customer when ordering telecommunications products and services in order to prevent unauthorized carrier charges on their bill. As noted in its Application, Comcast is in the process of purchasing CIMCO's assets, including customers, and the affected customers will receive the same services as they currently receive under the same rates, terms and conditions. Therefore, Applicants do not believe that the Cramming Rules apply to this proceeding because CIMCO's customers are being transferred to Comcast – no new products and services are being ordered from Comcast and no new charges will be assessed as a result of the transaction.

To the extent that the Cramming Rules arguably apply to this transaction, Applicants respectfully submit that it is in the public interest to grant a waiver of the rules in this case because current CIMCO customers will receive at least 30 days notice of the transaction as required by the Federal Communications Commission's customer migration rules;¹ therefore, customers will be given full

¹ Applicants are also seeking a waiver of the Commission's slamming rules, A.A.C. R14-2-1901 *et seq.*, that would otherwise require Comcast to obtain the authorization and verification of each of CIMCO's customers prior to transitioning their services to Comcast.

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notice that their current services will be provided by Comcast after the transaction is completed, and that there will be no change in the quality or cost of their services as a result of the transaction.

As noted in the Application, Applicants are in the process of applying for approval of the transaction in other states and, as a result, it is in the public interest for the Commission to approve this waiver request as soon as possible but no later than the Commission's December 15-16, 2009 Open Meetings to allow Applicants to consummate the transaction.

Respectfully submitted,



Matthew R. Henriksen

cc: Pamela J. Genung
Charles H. Hains