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December 18, 2003

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Public Service Commission of Utah  
Heber M. Wells Building, Fourth Floor  
160 East 300 South  
Salt Lake City, Utah 84114

**Re: Comcast Cable Communications Inc. v. PacifiCorp, dba Utah Power,  
Docket No. 03 035 28**

Public Service Commission:

As you know, this firm represents the Petitioner Comcast in the above captioned matter currently before the Public Service Commission. On December 1, 2003, Respondent PacifiCorp filed a Response to Comcast's Request for Agency Action. In its Response, PacifiCorp sets forth various factual allegations and disputes many of the factual allegations set forth by Comcast in its Request. Additionally, PacifiCorp requests dismissal of Comcast's Request.

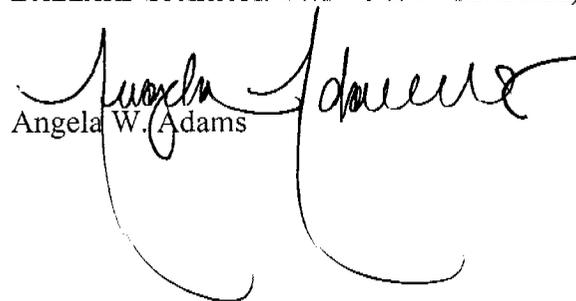
After a careful review of the PacifiCorp Response, Comcast has concluded that the Response is just that, a response. It is not a motion to dismiss as defined by either the Commission's rules or by the Utah Rules of Civil Procedure. Accordingly, Comcast is treating PacifiCorp's Response as such and does not intend to reply to it.

However, given the substantial factual discrepancies set forth in PacifiCorp's Response, Comcast would request the opportunity to reply to PacifiCorp's Response in the event that the Commission finds such a response to be either necessary or helpful. In the event that the Commission seeks to make any rulings or findings on this matter without a hearing, Comcast requests an opportunity to refute the factual inaccuracies in PacifiCorp's Response.

Accordingly, please advise me if the Commission would like Comcast to reply. Do not hesitate to call me if you have any questions.

Sincerely,

**BALLARD SPAHR ANDREWS & INGERSOLL, LLP**

  
Angela W. Adams

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cc: J. Davidson Thomas  
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