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April 13, 2004

VIA ELECTRONIC MAIL AND FIRST CLASS MAIL

Charles A. Zdebski, Esq.
Jennifer D. Chapman, Esq.
Troutman Sanders LLP
401 9th Street, N.W., Suite 1000
Washington, D.C. 20004-2134

Re: Comcast Cable Communications v. PacifiCorp dba Utah Power

Dear Charlie and Jennifer:

I am writing to you to follow up on some outstanding discovery issues and to follow up on John Stewart's suggestion that the parties meet to compare attachment records.

To begin, I received additional documents on Friday, April 9, responsive to Comcast's Data Requests. Thank you for providing those documents. These documents which you identified as Comcast Attachment Reports for the American Fork, Layton and Ogden districts, were all marked Confidential, Subject to Stipulated Protective Order. Because these documents all appear to contain information regarding Comcast's network, it is unclear to us why PacifiCorp marked them Confidential, subject to the Stipulated Protective Order. We request that you clarify whether PacifiCorp marked them Confidential on Comcast's behalf, or on its own behalf. If PacifiCorp is claiming confidentiality on its own behalf, we further request that you explain the basis for its claim.

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In accordance with the PSC's April 6 order directing the parties to reconcile safety issues, Comcast has been working hard to verify and/or develop a plan for correcting code violations. To the extent the documents you provided identify alleged unauthorized attachments and/or code violations, it is important that Comcast disseminate this information internally to comply with the PSC's order. As a result, we request that you respond to us immediately regarding this confidentiality issue.

In addition, I understand that you are working with PacifiCorp to identify by Bates number the documents PacifiCorp previously produced in response to Data Request No. 2. Thank you for the update on the status of the Bates range identification. I do, however, want to make sure that you are also working to identify the other information Charlie, Angela, Dave and I discussed in the March 31, 2004 telephone call and described in more detail in my April 2 letter. During our call, Charlie indicated that he would attempt to have the additional information to us by the middle of last week. I understand that forward progress in gathering that information may have been slowed by his vacation. Nonetheless, I would greatly appreciate an update on the status of the remaining information detailed in the April 2 letter as soon as possible.

As you may be aware, following the April 6 hearing at the Utah PSC, the parties met to discuss various issues. At that time, John Stewart raised the issue of getting the parties together in an attempt to reconcile the parties' attachment records and we readily agreed that this would be productive. As we understand it, one of the problems Comcast has in verifying the results of PacifiCorp's Audit is that the two parties' records are not compatible. Following up on John's suggestion, we propose that the parties meet, at the operations level, in an attempt to match up and reconcile the differences between the two companies' records. We believe that sitting down to explain and compare each company's respective records, could potentially go far towards resolving at least some of the parties' disputes. We are checking with Comcast's operations staff and hope to be able to give you a sense of their schedule and availability by Friday. We suggest that you do the same and get back to us with some sense of PacifiCorp's availability by the end of the week.

I look forward to hearing from you in the next couple of days regarding both the outstanding discovery issues and scheduling the meeting. Please do not hesitate to contact me if you have any questions.

Sincerely,

Genevieve D. Sapir

Cole. Rauwid & Braverman.

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cc: Raymond A. Kowalski, Esq.
Gerit Hull, Esq.
Michael D. Woods, Esq.
J.D. Thomas, Esq.
Jerold G. Oldroyd, Esq.
Angela W. Adams, Esq.