

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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Consumer Advocate

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April 24, 2009

James J. McNulty, Secretary
PA Public Utility Commission
Commonwealth Keystone Bldg.
400 North Street
P.O. Box 3265
Harrisburg, PA 17120

Re: AT&T Communications of Pennsylvania, LLC, TCG
New Jersey, Inc. and TCG Pittsburgh, Inc., *et al.* v.
Pennsylvania Rural Incumbent Local Exchange
Carriers
Docket No. C-2009-2098380 *et al.*

Dear Secretary McNulty:

Enclosed for filing please find the Office of Consumer Advocate's Notice of Intervention and Public Statement in the above-referenced proceeding.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Joel H. Cheskis".

Joel H. Cheskis
Assistant Consumer Advocate
PA Attorney I.D. #81617

Enclosure

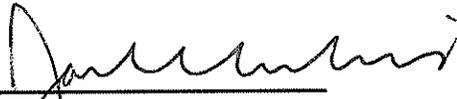
cc: Office of Special Assistants
Office of Administrative Law Judge

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Joel H. Cheskis
Assistant Consumer Advocate
PA Attorney I.D. #81617
Email: jcheskis@paoca.org

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Respectfully submitted,



Joel H. Cheskis
Assistant Consumer Advocate
PA Attorney I.D. #81617
Email: jcheskis@paoca.org

DATED: April 24, 2009
*111659

PUBLIC STATEMENT OF THE CONSUMER ADVOCATE ISSUED IN ACCORDANCE WITH SECTION 904-(e) OF ACT OF APRIL 9, 1929 (P.L. 177, NO. 175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929", AS AMENDED BY ACT 161 OF 1976 (APPROVED JULY 9, 1976)

Act 161 of the Pennsylvania General Assembly, 71 P.S. § 309-2, as enacted July 9, 1976, authorizes the Consumer Advocate to represent the interests of consumers before the Pennsylvania Public Utility Commission (PUC or Commission). In accordance with Act 161, and for the following reasons, the Consumer Advocate determined to file a Notice of Intervention and participate in proceedings before the Commission involving Formal Complaints filed March 19, 2009 by AT&T Communications of Pennsylvania, Inc., TCG New Jersey, Inc. and TCG Pittsburgh, Inc. (AT&T) against each of the thirty-two Pennsylvania rural local exchange carriers (RLECs). These Formal Complaints were consolidated by the Office of Administrative Law Judge at Docket No. C-2009-2098380, *et al.*

In its Formal Complaints, AT&T avers that the RLECs maintain intrastate switched access rates that substantially exceed the corresponding interstate switched access rates for materially identical functionality. AT&T claims that such differences are anti-competitive and violate Sections 1301 and 3011 of the Public Utility Code. As a result, AT&T requests that the RLECs intrastate access rates be reduced to interstate switched access levels, both in rate levels and in rate structure.

The Consumer Advocate has determined to intervene into this matter to protect the interest of Pennsylvania consumers. In particular, any revenue-neutral reduction in intrastate access rates must be considered in light of the \$18.00 limit on monthly residential basic local exchange service. All RLECs' monthly residential basic local exchange service rates are capped at \$18.00 with any amounts above \$18.00 coming from the Pennsylvania Universal Service Fund

(Pa USF). As a result, it is also necessary to consider these issues in light of the pending Commission investigation at Docket No. I-00040105. In that investigation, the Commission is examining whether the cap of \$18.00 on residential monthly service rates should be raised, whether funding for the Pa USF should be increased and whether a “needs based” test for rural support should be established. Each of these issues may impact on the issues raised in the AT&T complaints.

The Consumer Advocate has determined to intervene into this matter to protect the interest of Pennsylvania telecommunications customers. The Consumer Advocate will fully participate in this proceeding to ensure that the RLEC’s customers have adequate service at just and reasonable rates.

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CERTIFICATE OF SERVICE

Re: AT&T Communications of Pennsylvania, LLC, TCG New Jersey, Inc. and TCG Pittsburgh, Inc., *et al.* v. Pennsylvania Rural Incumbent Local Exchange Carriers
Docket No. C-2009-2098380, *et al.*

I hereby certify that I have this day served a true copy of the foregoing document, Office of Consumer Advocate's Notice of Intervention and Public Statement, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 24th day of April, 2009.

SERVICE BY INTER-OFFICE MAIL

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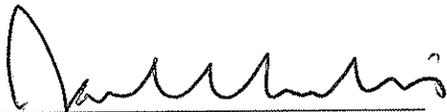
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