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DOCUMENT
FOLDER

MICHELLE PAINTER
ATTORNEY AT LAW

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E-mail: painterlawfirm@verizon.net

January 2, 2009

Via E-mail and First Class Mail

Joel H. Cheskis, Esq.
Pennsylvania Office of Consumer Advocate
555 Walnut St, 5th Floor
Forum Place
Harrisburg, PA 17101-1923

RECEIVED

JAN 02 2009

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

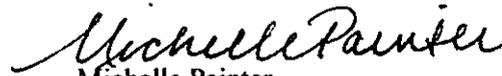
Re: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of
Rural Carriers and the Pennsylvania Universal Service Fund,
Docket No. I-00040105

Dear Joel:

Please find enclosed AT&T's First Set of Interrogatories and Request for Production of Documents Addressed to the Office of Consumer Advocate in the above-referenced matter.

Please contact me if you have any questions or concerns with this matter.

Very truly yours,


Michelle Painter

cc: Certificate of Service
James J. McNulty, Secretary (Cover letter and Certificate of Service only)

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of AT&T's Interrogatories and Request for Production of Documents to the OCA upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (related to service by a participant) and 1.55 (related to service upon attorneys).

Dated at Fairfax, Virginia, this 2nd day of January 2009.

VIA FIRST CLASS MAIL AND ELECTRONIC MAIL

Norman J. Kennard, Esquire
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Michelle Painter

Suzan DeBusk Paiva
Assistant General Counsel
Pennsylvania



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January 5, 2009

VIA E-MAIL and UPS DELIVERY

Norman J. Kennard, Esquire
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DOCUMENT
FOLDER

**RE: Investigation Regarding Intrastate Access Charges and IntraLATA Toll
Rates of Rural Carriers, and the Pennsylvania Universal Service Fund
Docket No. I-00040105**

Dear Mr. Kennard:

Enclosed please find the Responses of Verizon Pennsylvania Inc., Verizon North Inc. and MCImetro Access Transmission Services d/b/a Verizon Access Transmission Services, to the Pennsylvania Telephone Association Interrogatories, Set I, in the above captioned matter. Please note that these Responses include information that is Proprietary to Verizon, and of course should be handled as such.

Do not hesitate to contact me if you have any questions.

Respectfully,


Suzan D. Paiva

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JAN 05 2009

SDP/slb

Via E-Mail and UPS Delivery
cc: Certificate of Service

Via UPS Delivery
cc: Secretary James J. McNulty (cover letter and certificate only)
The Honorable Susan Colwell (cover letter and certificate only)

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the Verizon Companies' Responses to the Pennsylvania Telephone Association's Interrogatories, Set I, upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (related to service by a participant) and 1.55 (related to service upon attorneys).

Dated at Philadelphia, Pennsylvania, this 5th day of January, 2009.

VIA E-MAIL AND UPS DELIVERY

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Regina L. Matz, Esquire
Jennifer M. Sultzaberter
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212 Locust Street, Suite 500
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Rural Telephone Company Coalition

Bradford M. Stern, Esquire
Rothfelder Stern, L.L.C.
625 Central Avenue
Westfield, NJ 07090
Omnipoint Communications Inc. d/b/a
T-Mobile; Omnipoint
Communications Inc. d/b/a T-Mobile
and Voicestream Pittsburgh LP d/b/a
T-Mobile Nextel Communications,
Inc.

Christopher M. Arfaa, Esquire
Christopher M. Arfaa, P.C.
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Radnor, PA 19087-5245
Cingular Wireless LLC
Cellco Parthnership d/b/a Verizon
Wireless

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Comcast Digital Phone and Comcast
Business Communications, LLC

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Barrett Sheridan, Esquire
Christy Appleby, Esquire
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AT&T Communications of PA,
LLC, TCG Pittsburgh and TCG
New Jersey

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Shelby A. Linton-Keddie, Esquire
McNees Wallace & Nurick LLC
P.O. Box 1166
100 Pine Street
Harrisburg, PA 17108-1166
Broadband Cable Association of PA

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JAN 05 2009
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Robert Loube
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Silver Spring, MD 20901



Suzan D. Paiva
Pennsylvania Bar ID No. 53853
1717 Arch Street, 10th Floor
Philadelphia, PA 19103
(215) 466-4755

Attorney for
Verizon Pennsylvania Inc.
Verizon North Inc.
MCImetro Access Transmission Services, LLC
d/b/a Verizon Access Transmission Services



January 7, 2009

VIA HAND DELIVERY AND ELECTRONIC MAIL

Joel Cheskis, Esquire
Office of Consumer Advocate
555 Walnut Street, 5th Floor
Harrisburg, PA 17101

—
ORIGINAL

SECRETARY'S BUREAU

2009 JAN -7 PM 4: 06

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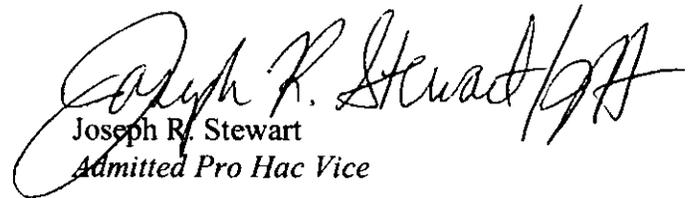
Re: Investigation Regarding Intrastate Access Charges and
IntraLATA Toll Rates of Rural Carriers and the Pennsylvania
Universal Service Fund – Docket No. I-00040105

Dear Mr. Cheskis:

On behalf of The United Telephone Company of Pennsylvania LLC *d/b/a* Embarq Pennsylvania, enclosed please find Responses of Embarq Pennsylvania's Set V Interrogatories propounded by The Office of Consumer Advocate ("OCA").

If you have any questions, please do not hesitate to contact me.

Sincerely,


Joseph R. Stewart
Admitted Pro Hac Vice

JRS/jh

cc: James J. McNulty, Secretary (*letter and certificate only*)
All Parties on the attached Certificate of Service (*via first-class and electronic mail*)

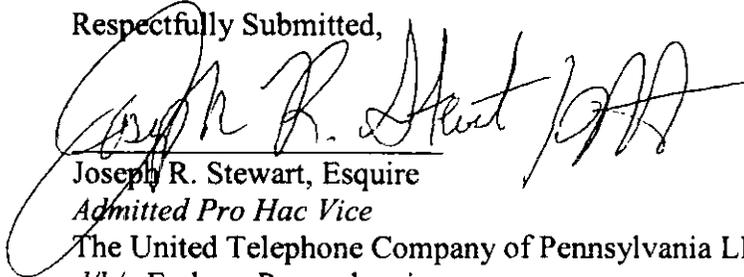
DOCUMENT
FOLDER

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(614) 224-3902 (fax)

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e-mail: johndodge@dwt.com

Respectfully Submitted,



Joseph R. Stewart, Esquire
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THOMAS, LONG,
NIESEN & KENNARD

Attorneys and Counsellors at Law

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ORIGINAL

January 7, 2009

Michelle Painter, Esquire
Painter Law Firm, PLLC
13017 Dunhill Drive
Fairfax, VA 22030

DOCUMENT
FOLDER

Re: Investigation Regarding Intrastate Access Charges and Intra LATA Toll Rates
of Rural Carriers, and the Pennsylvania Universal Service Fund; Docket
No. I-00040105

Dear *M. Painter* ~~M. Painter~~:

Enclosed please find the Objections of The Pennsylvania Telephone Association to
AT&T's Interrogatories and Request for Production of Documents Nos. 2, 4, 5, 6 and 7.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

THOMAS, LONG, NIESEN & KENNARD

By: 
Norman J. Kennard

NJK:tit
enclosure

cc: Per Certificate of Service
James J. McNulty, Secretary (w/o enclosure)
Hon. Susan D. Colwell (w/o enclosure)

RECEIVED
2009 JAN -8 AM 10:36
PA
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I hereby certify that I have this 7th day of January, 2009, served a true and correct copy of the foregoing document upon the persons listed below via first class mail, postage prepaid, and electronic mail, as follows:

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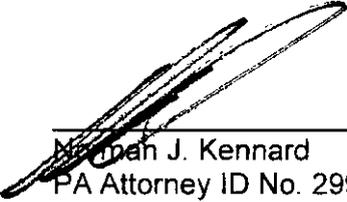
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Benjamin J. Kennard
PA Attorney ID No. 29921

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IRWINA. POPOWSKY
Consumer Advocate

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January 12, 2009

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JAN 12 2009

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Michelle Painter, Esq.
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13017 Dunhill Drive
Fairfax, VA 22030

RE: Investigation Regarding Intrastate Access
Charges and IntraLATA Toll Rates of Rural
Carriers, and the Pennsylvania Universal
Service Fund
Docket No. I-00040105

Dear Michelle:

Enclosed please find the Office of Consumer Advocate's Responses to AT&T Interrogatories, Set I, in the above referenced proceeding.

If you have any questions, please feel free to call us. By copy of this letter, copies of these responses have been served upon all parties.

Sincerely,

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

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

Enclosures

cc: Parties of Record
James J. McNulty (Certificate of Service Only)

108158

CERTIFICATE OF SERVICE

Re: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers, and the Pennsylvania Universal Service Fund
Docket No. I-00040105

I hereby certify that I have this day served a true copy of the foregoing document, Office of Consumer Advocate's Responses to AT&T Interrogatories, Set I, 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 12th day of January, 2009.

SERVICE BY E-MAIL & INTER-OFFICE MAIL

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*Receiving Proprietary Information
Where Applicable



January 12, 2009

VIA OVERNIGHT MAIL AND ELECTRONIC MAIL

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**DOCUMENT
FOLDER**

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JAN 12 2009
12:12 PM
FBI/DOJ

Re: Investigation Regarding Intrastate Access Charges and
IntraLATA Toll Rates of Rural Carriers and the Pennsylvania
Universal Service Fund – Docket No. I-00040105

Dear Ms. Painter:

On behalf of The United Telephone Company of Pennsylvania LLC *d/b/a* Embarq Pennsylvania, enclosed please find Responses of Embarq Pennsylvania's Set I Interrogatories propounded by AT&T Communications of Pennsylvania, LLC., TCG Pittsburgh, Inc. and TCG New Jersey (collectively, "AT&T").

If you have any questions, please do not hesitate to contact me.

Sincerely,


Joseph R. Stewart
Admitted Pro Hac Vice

JRS/jh

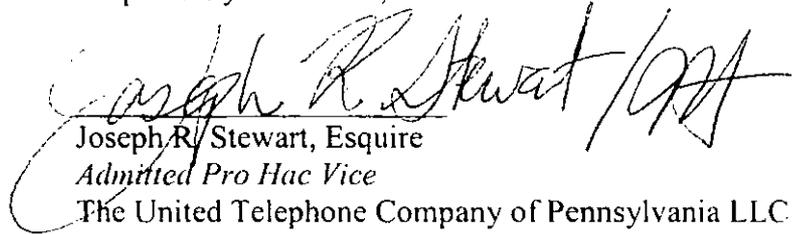
cc: James J. McNulty, Secretary (*letter and certificate only*)(*via hand delivery*)
The Honorable Susan Colwell (*letter and certificate only*)(*via hand delivery*)
All Parties on the attached Certificate of Service (*via first-class and electronic mail*)

Joseph R. Stewart
Senior Counsel
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Columbus, Ohio 43215
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John Dodge, Esquire
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1919 Pennsylvania Avenue, NW
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Washington, DC 20006
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Respectfully Submitted,



Joseph R. Stewart, Esquire
Admitted Pro Hac Vice
The United Telephone Company of Pennsylvania LLC

d/b/a Embarq Pennsylvania
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January 13, 2009

DOCUMENT
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Michelle Painter, Esquire
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Fairfax, VA 22030

Re: Investigation Regarding Intrastate Access Charges and Intra LATA Toll Rates
of Rural Carriers, and the Pennsylvania Universal Service Fund; Docket
No. I-00040105

Dear Ms. ~~Painter~~:

Enclosed please find the Answers of The Pennsylvania Telephone Association to
AT&T's Interrogatories and Requests for Production of Documents.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

THOMAS, LONG, NIESEN & KENNARD

By:


Norman J. Kennard

NJK:tt
enclosure

cc: Per Certificate of Service
James J. McNulty, Secretary (w/o enclosure)
Hon. Susan D. Colwell (w/o enclosure)

RECEIVED
SECRETARY'S BUREAU

2009 JAN 14 AM 10:40

CERTIFICATE OF SERVICE

I hereby certify that I have this 13th day of January, 2009, served a true and correct copy of the foregoing document upon the persons listed below by first class mail, postage prepaid:

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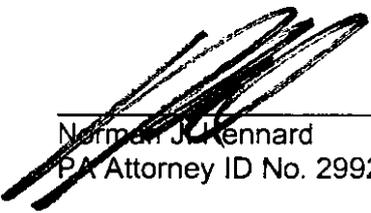
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Norman J. Kennard
PA Attorney ID No. 29921

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF SMALL BUSINESS ADVOCATE
Suite 1102, Commerce Building
300 North Second Street
Harrisburg, Pennsylvania 17101

RECEIVED

JAN 21 2009

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

William R. Lloyd, Jr.
Small Business Advocate

January 15, 2009

(717) 783-2525
(717) 783-2831 (FAX)

E-mail and Hand Delivery

Hon. Susan D. Colwell
Administrative Law Judge
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

DOCUMENT
FOLDER

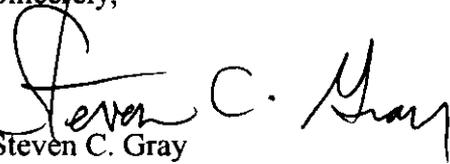
Re: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers, and the Pennsylvania Universal Service Fund Docket No. I-00040105

Dear Judge Colwell:

Enclosed please find two copies of the Rebuttal Testimony of Allen G. Buckalew, labeled OSBA Statement No. 2, on behalf of the Office of Small Business Advocate, in the above-captioned proceeding. As evidenced by the enclosed certificate of service, all parties have been served as indicated.

If you have any questions, please contact me.

Sincerely,


Steven C. Gray
Assistant Small Business Advocate
Attorney ID No. 77538

Enclosures

cc: Parties of Record
Allen G. Buckalew

01/21/09 10:00 AM
RECEIVED
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Investigation Regarding Intrastate Access :
Charges and IntraLATA Toll Rates of Rural : Docket No. I-00040105
Carriers, and the Pennsylvania Universal :
Service Fund :

CERTIFICATE OF SERVICE

I certify that I am serving two copies of the Rebuttal Testimony of Allen G. Buckalew, labeled OSBA Statement No. 2, on behalf of the Office of Small Business Advocate, by e-mail and first class mail (unless otherwise noted) upon the persons addressed below:

Hon. Susan D. Colwell
Administrative Law Judge
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 783-5452
(717) 787-0481 (fax)
scolwell@state.pa.us
(E-mail and Hand Delivery)

Joel H. Cheskis, Esquire
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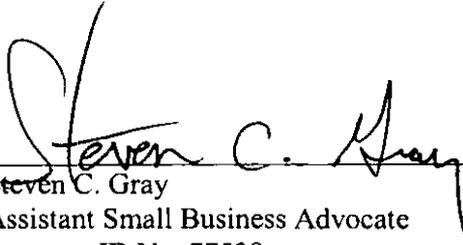
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January 15, 2009

Via Overnight Delivery

The Honorable Susan D. Colwell
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

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JAN 15 2009

**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

Re: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of
Rural Carriers and the Pennsylvania Universal Service Fund,
Docket No. I-00040105

Dear Judge Colwell:

Please find enclosed the Rebuttal Testimony of AT&T Communications of Pennsylvania, LLC,
TCG Pittsburgh, Inc., and TCG New Jersey, Inc by E. Christopher Nurse and Dr. Ola Oyefusi.

Please contact me if you have any questions or concerns with this matter.

Very truly yours,



Michelle Painter

cc: Certificate of Service
James J. McNulty (cover letter and Certificate of Service)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of AT&T's Rebuttal Testimony upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (related to service by a participant) and 1.55 (related to service upon attorneys).

Dated at Fairfax, Virginia, this 15th day of January 2009.

VIA FIRST CLASS MAIL AND ELECTRONIC MAIL

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January 15, 2009

VIA HAND DELIVERY

Administrative Law Judge Susan D. Colwell
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor West
Harrisburg, PA 17105-3265

**RE: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates
of Rural Carriers and the Pennsylvania Universal Service Fund;
Docket No. I-00040105**

Dear Judge Colwell:

Please be advised that the Broadband Cable Association of Pennsylvania ("BCAP") will not be submitting Rebuttal Testimony in the above-referenced proceeding. BCAP, however, reserves its right to participate in evidentiary hearings and briefings.

As evidenced by the attached Certificate of Service, all parties to the proceeding are being served with a copy of this document. Please date stamp the extra copy of this transmittal letter and kindly return it for our filing purposes.

Very truly yours,

McNEES WALLACE & NURICK LLC

By 
Shelby A. Linton-Keddie

Counsel to the Broadband Cable Association
of Pennsylvania

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JAN 15 2009

**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

SLK/km

Enclosure

c: James J. McNulty, Secretary (via Hand Delivery)
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing document upon the participants listed below in accordance with the requirements of Section 1.54 (relating to service by a participant).

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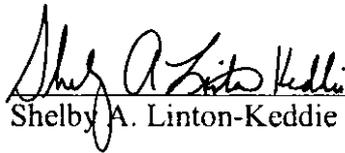
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Certificate of Service
Docket No. I-00040105
Page 2

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Shelby A. Linton-Keddie

Dated this 15th day of January, 2009, at Harrisburg, Pennsylvania.

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EMBARQ

January 15, 2009

VIA HAND DELIVERY AND ELECTRONIC MAIL

The Honorable Susan D. Colwell
Office of Administrative Law Judge
Pennsylvania Public Utility Commission
400 North Street, Second Floor
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2009 JAN 15 PM 4:00
PA PUC
SECRETARY'S BUREAU

Re: Investigation Regarding Intrastate Access Charges and
IntraLATA Toll Rates of Rural Carriers and the
Pennsylvania Universal Service Fund
Docket No. I-00040105

Dear Judge Colwell:

On behalf of The United Telephone Company of Pennsylvania LLC d/b/a Embarq Pennsylvania ("Embarq Pennsylvania") enclosed please find the following pre-filed Rebuttal Testimonies:

1. Rebuttal Testimony of Russell R. Gutshall (St. 1.1);
2. Rebuttal Testimony of Jeffrey L. Lindsey (St. 2.0)
3. Rebuttal Testimony of Christy L. Londerholm (**PROPRIETARY** and **PUBLIC** versions) (St. 3.0)

The **PROPRIETARY** versions of the aforementioned documents are filed under seal and include data and materials that have been designated Embarq PA respectfully request that the sealed proprietary versions be treated per the ongoing Protective Order.

Sincerely,

Joseph R. Stewart
Admitted Pro Hac Vice

JRS/jh

cc: All Parties on the attached Certificate of Service (via first-class and electronic mail)
James J. McNulty, Secretary (certificate and cover letter only)(via hand delivery)

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Investigation Regarding Intrastate Access Charges and
IntraLATA Toll Rates of Rural Carriers, and the
Pennsylvania Universal Service Fund

)
)
) Docket No. I-00040105
)
)

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2009 JAN 15 PM 5:00
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CERTIFICATE OF SERVICE

I hereby certify that I have this 15th day of January, 2009, served a true copy of the foregoing Rebuttal Testimony were served upon the persons below, via electronic and first-class mail, in accordance with the requirements of 52 Pa. Code §1.54:

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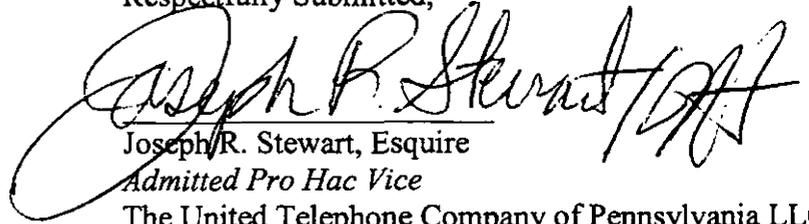
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Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Joseph R. Stewart" with a stylized flourish at the end.

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In re: Investigation Regarding Intrastate Access Charges and IntraLATA
Toll Rates of Rural Carriers, and the Pennsylvania Universal Service
Fund; Docket No. I-00040105

Dear Judge Colwell:

Enclosed on behalf of the Pennsylvania Telephone Association, please find the
Prepared Rebuttal Testimony of Joseph J. Laffey in the above-referenced proceeding.
Copies have been served in accordance with the attached Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

THOMAS, THOMAS, ARMSTRONG & NIESEN

By


Norman J. Kennard

Enclosure

cc: Certificate of Service
James J. McNulty, Secretary (cover letter and certificate of service only)

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JAN 15 2009
PA PUBLIC UTILITY COMMISSION
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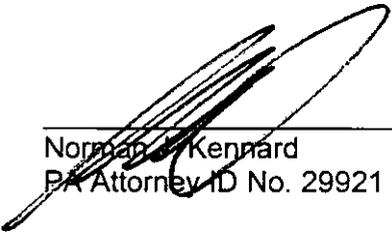
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January 15, 2009

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PA PUBLIC UTILITY COMMISSION
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In re: Investigation Regarding Intrastate Access Charges and IntraLATA
Toll Rates of Rural Carriers, and the Pennsylvania Universal Service
Fund; Docket No. I-00040105

Dear Judge Colwell:

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Copies have been served in accordance with the attached Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

THOMAS, THOMAS, ARMSTRONG & NIESEN

By *Norman J. Kennard*
Norman J. Kennard

Enclosure

cc: Certificate of Service
James J. McNulty, Secretary (cover letter and certificate of service only)

CERTIFICATE OF SERVICE

I hereby certify that I have this 10th day of February, 2009, served a true and correct copy of the foregoing document, upon the persons listed below by electronic mail, and via first class mail, postage prepaid :

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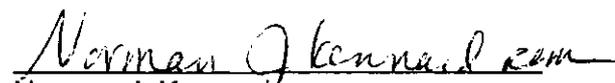
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January 22, 2009

VIA ELECTRONIC AND OVERNIGHT MAIL

Michelle Painter, Esquire
Painter Law Firm
13017 Dunhill Drive
Fairfax, VA 22030

2009 JAN 22 PM 3:39
PA PUC
SECRETARY'S BUREAU

Re: Investigation Regarding Intrastate Access Charges and
IntraLATA Toll Rates of Rural Carriers and the Pennsylvania
Universal Service Fund – Docket No. I-00040105

Dear Ms. Painter:

On behalf of The United Telephone Company of Pennsylvania LLC *d/b/a* Embarq Pennsylvania, enclosed please find Embarq Pennsylvania's Responses to Set I Interrogatories propounded by the AT&T Communications of Pennsylvania, LLC, TCG Pittsburgh, Inc. and TCG New Jersey, Inc. (collectively "AT&T") Questions 2, 3, 4, 5, 6, 7, 8, and 9.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Joseph R. Stewart
Admitted Pro Hac Vice

JRS/jh

cc: James J. McNulty, Secretary (*via hand delivery*)
All Parties on the attached Certificate of Service (*via first-class and electronic mail*)

Joseph R. Stewart
Senior Counsel
50 West Broad Street, Suite 3600
Columbus, Ohio 43215
(614) 220-8625 (phone)
(614) 224-3902 (fax)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Investigation Regarding Intrastate Access Charges and)	
IntraLATA Toll Rates of Rural Carriers, and the)	Docket No. I-00040105
Pennsylvania Universal Service Fund)	
)	

CERTIFICATE OF SERVICE

I hereby certify that I have this 22nd day of January, 2009, served a true copy of the foregoing Responses were served upon the persons below, via electronic and first-class mail, in accordance with the requirements of 52 Pa. Code §1.54:

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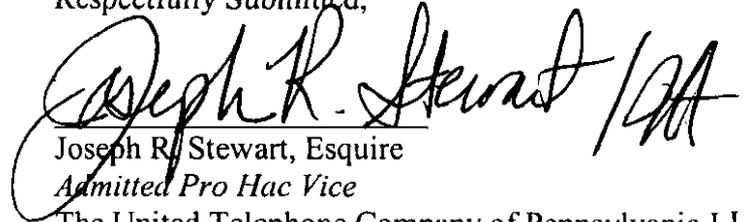
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Respectfully Submitted,

A handwritten signature in black ink that reads "Joseph R. Stewart" with a stylized flourish at the end.

Joseph R. Stewart, Esquire
Admitted Pro Hac Vice

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DOCUMENT FOLDER

January 26, 2009

VIA HAND DELIVERY AND ELECTRONIC MAIL

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

JAN 26 2009

RECEIVED

The Honorable Susan D. Colwell
Office of Administrative Law Judge
Pennsylvania Public Utility Commission
400 North Street, Second Floor
Harrisburg, PA 17101

Re: Investigation Regarding Intrastate Access Charges and
IntraLATA Toll Rates of Rural Carriers and the
Pennsylvania Universal Service Fund
Docket No. 1-00040105

Dear Judge Colwell:

On January 15, 2009, The United Telephone Company of Pennsylvania LLC *d/b/a* Embarq Pennsylvania ("Embarq Pennsylvania") sent pre-filed Rebuttal Testimony of Christy L. Londerholm (Statement 3.0). At Embarq Pennsylvania's request, Embarq and Office of Consumer Advocate have agreed that RL-8 and the number identified on page 17 of Ms. Londerholm's testimony should be treated as **HIGHLY CONFIDENTIAL** and that revised documents will be admitted into the record at the time of the hearing.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Sue Benedek
Attorney ID No. 60451

ZEB/jh

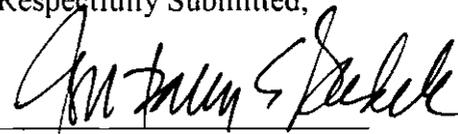
cc: James J. McNulty, Secretary (*via hand delivery*)
All Parties on the attached Certificate of Service (*via first-class and electronic mail*)

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Respectfully Submitted,



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COMMONWEALTH OF PENNSYLVANIA



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FEB 17 2009

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IRWIN A. POPOWSKY
Consumer Advocate

February 10, 2009

DOCUMENT
FOLDER

Honorable Susan D. Colwell
Administrative Law Judge
PA Public Utility Commission
Commonwealth Keystone Bldg.
400 North Street
Harrisburg, PA 17120

Re: Investigation Regarding Intrastate Access
Charges and IntraLATA Toll Rates of Rural
Carriers, and the Pennsylvania Universal
Service Fund
Docket No. I-00040105

Dear Judge Colwell:

Enclosed please find the Office of Consumer Advocate's Surrebuttal Testimony of Dr. Robert Loube and Roger D. Colton in the above-captioned proceeding. Please be advised the Dr. Loube's Surrebuttal Testimony contains information alleged to be proprietary. I have enclosed a Proprietary and Non-Proprietary version for your convenience.

Copies have been served upon all parties of record as shown on the attached Certificate of Service.

Sincerely,

Joel H. Cheskis
Assistant Consumer Advocate
PA Attorney ID# 81617

Enclosures

cc: All parties of record
107391

09 FEB 11 AM 8:46
PA PUC

CERTIFICATE OF SERVICE

Re: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers, and the Pennsylvania Universal Service Fund
Docket No. I-00040105

I hereby certify that I have this day served a true copy of the foregoing document, Office of Consumer Advocate's Surrebuttal Testimony of Dr. Robert Loube and Roger D. Colton, 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 10th day of February, 2009.

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February 10, 2008

VIA HAND DELIVERY

Administrative Law Judge Susan D. Colwell
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor West
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DOCUMENT
FOLDER

**RE: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates
of Rural Carriers and the Pennsylvania Universal Service Fund;
Docket No. I-00040105**

Dear Judge Colwell:

Please be advised that the Broadband Cable Association of Pennsylvania ("BCAP") will not be submitting Surrebuttal Testimony in the above-referenced proceeding.

As evidenced by the attached Certificate of Service, all parties to the proceeding are being served with a copy of this document. Please date stamp the extra copy of this transmittal letter and kindly return it for our filing purposes.

Very truly yours,

McNEES WALLACE & NURICK LLC

By 
Shelby A. Linton-Keddie

Counsel to the Broadband Cable Association
of Pennsylvania

SLK/km
Enclosure

c: James J. McNulty, Secretary (via Hand Delivery)
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing document upon the participants listed below in accordance with the requirements of Section 1.54 (relating to service by a participant).

VIA E-MAIL AND FIRST CLASS MAIL

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Certificate of Service
Docket No. I-00040105
Page 2

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Shelby A. Linton-Keddie

Dated this 10th day of February, 2009, at Harrisburg, Pennsylvania.



McNees Wallace & Nurick LLC
attorneys at law

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February 10, 2008

VIA HAND DELIVERY

Administrative Law Judge Susan D. Colwell
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor West
Harrisburg, PA 17105-3265

**DOCUMENT
FOLDER**

**RE: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates
of Rural Carriers and the Pennsylvania Universal Service Fund;
Docket No. I-00040105**

Dear Judge Colwell:

Please be advised that the Broadband Cable Association of Pennsylvania ("BCAP") will not be submitting Surrebuttal Testimony in the above-referenced proceeding.

As evidenced by the attached Certificate of Service, all parties to the proceeding are being served with a copy of this document. Please date stamp the extra copy of this transmittal letter and kindly return it for our filing purposes.

Very truly yours,

McNEES WALLACE & NURICK LLC

By 
Shelby A. Linton-Keddie

Counsel to the Broadband Cable Association
of Pennsylvania

SLK/km
Enclosure

c: James J. McNulty, Secretary (via Hand Delivery)
Certificate of Service

RECEIVED

FEB 10 2009

**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing document upon the participants listed below in accordance with the requirements of Section 1.54 (relating to service by a participant).

VIA E-MAIL AND FIRST CLASS MAIL

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Certificate of Service
Docket No. I-00040105
Page 2

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Shelby A. Linton-Keddie

Dated this 10th day of February, 2009, at Harrisburg, Pennsylvania.

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF SMALL BUSINESS ADVOCATE
Suite 1102, Commerce Building
300 North Second Street
Harrisburg, Pennsylvania 17101

DOCUMENT
FOLDER

William R. Lloyd, Jr.
Small Business Advocate

February 10, 2009

(717) 783-2525
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E-mail and Hand Delivery

Hon. Susan D. Colwell
Administrative Law Judge
Pennsylvania Public Utility Commission
P.O. Box 3265
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RECEIVED

FEB 17 2009

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

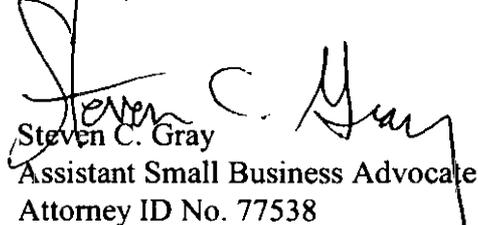
**Re: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers, and the Pennsylvania Universal Service Fund
Docket No. I-00040105**

Dear Judge Colwell:

Enclosed please find two copies of the Surrebuttal Testimony of Allen G. Buckalew, labeled OSBA Statement No. 3, on behalf of the Office of Small Business Advocate, in the above-captioned proceeding. As evidenced by the enclosed certificate of service, all parties have been served as indicated.

If you have any questions, please contact me.

Sincerely,


Steven C. Gray
Assistant Small Business Advocate
Attorney ID No. 77538

Enclosures

cc: Parties of Record
Allen G. Buckalew

PA PUC
09 FEB 11 AM 8:25

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Investigation Regarding Intrastate Access :
Charges and IntraLATA Toll Rates of Rural : Docket No. I-00040105
Carriers, and the Pennsylvania Universal :
Service Fund :

CERTIFICATE OF SERVICE

I certify that I am serving two copies of the Surrebuttal Testimony of Allen G. Buckalew, labeled OSBA Statement No. 3, on behalf of the Office of Small Business Advocate, by e-mail and first class mail (unless otherwise noted) upon the persons addressed below:

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Administrative Law Judge
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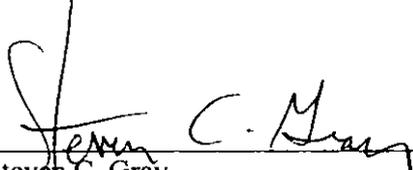
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Steven C. Gray
Assistant Small Business Advocate
Attorney ID No. 77538

Date: February 10, 2009

Suzan DeBusk Paiva
Assistant General Counsel
Pennsylvania



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Suzan.D.Paiva@Verizon.com

February 10, 2009

**DOCUMENT
FOLDER**

VIA UPS DELIVERY

The Honorable Susan Colwell
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

**RE: Investigation Regarding Intrastate Access Charges and IntraLATA Toll
Rates of Rural Carriers, and the Pennsylvania Universal Service Fund
Docket No. I-00040105**

Dear ALJ Colwell:

Enclosed please find Verizon Statement 1.2, the Surrebuttal Testimony of Don Price, being submitted on behalf of Verizon Pennsylvania Inc., Verizon North Inc., and MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services, in the above-referenced matter.

Do not hesitate to contact me if you have any questions.

Respectfully,

Suzan D. Paiva

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FEB 10 2009

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

SDP/slb
Enclosure

Via UPS Delivery
cc: Secretary James McNulty (Cover Letter and Certificate only)

Via E-Mail and UPS Delivery
cc: Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the Verizon Companies' Surrebuttal Testimony, Statement 1.2, upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (related to service by a participant) and 1.55 (related to service upon attorneys).

Dated at Philadelphia, Pennsylvania, this 10th day of February, 2009.

VIA E-MAIL AND UPS DELIVERY

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T-Mobile; Omnipoint
Communications Inc. d/b/a T-Mobile
and Voicestream Pittsburgh LP d/b/a
T-Mobile Nextel Communications,
Inc.

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Attorney for
Verizon Pennsylvania Inc.
Verizon North Inc.
MCImetro Access Transmission Services, LLC
d/b/a Verizon Access Transmission Services

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FEB 10 2009

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MICHELLE PAINTER
ATTORNEY AT LAW

703.201.8378
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E-mail: painterlawfirm@verizon.net

February 10, 2009

Via Overnight Delivery

The Honorable Susan D. Colwell
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

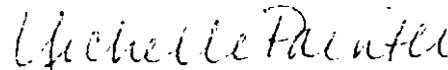
Re: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of
Rural Carriers and the Pennsylvania Universal Service Fund,
Docket No. 1-00040105

Dear Judge Colwell:

Please find enclosed the Surrebuttal Testimony of AT&T Communications of Pennsylvania, LLC, TCG Pittsburgh, Inc., and TCG New Jersey, Inc by E. Christopher Nurse and Dr. Ola Oyefusi. Please note that the Attachments to the Testimony contain proprietary data.

Please contact me if you have any questions or concerns with this matter.

Very truly yours,


Michelle Painter

cc: Certificate of Service
James J. McNulty (cover letter and Certificate of Service)

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FEB 10 2009

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of AT&T's Surrebuttal Testimony upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (related to service by a participant) and 1.55 (related to service upon attorneys).

Dated at Fairfax, Virginia, this 10th day of February 2009.

VIA FIRST CLASS MAIL AND ELECTRONIC MAIL

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU


Michelle Painter



February 10, 2009

VIA HAND DELIVERY AND ELECTRONIC MAIL

The Honorable Susan D. Colwell
Office of Administrative Law Judge
Pennsylvania Public Utility Commission
400 North Street, Second Floor
Harrisburg, PA 17101

**DOCUMENT
FOLDER**

RECEIVED
2009 FEB 10 PM 3:18
PA PUBLIC UTILITIES
SECRETARY'S BUREAU

Re: Investigation Regarding Intrastate Access Charges and
IntraLATA Toll Rates of Rural Carriers and the
Pennsylvania Universal Service Fund
Docket No. I-00040105

Dear Judge Colwell:

On behalf of The United Telephone Company of Pennsylvania LLC *d/b/a* Embarq Pennsylvania ("Embarq Pennsylvania") enclosed please find the following pre-filed Surrebuttal Testimonies:

1. Surrebuttal Testimony of Russell R. Gutshall (St. 1.2);
2. Surrebuttal Testimony of Jeffrey L. Lindsey (St. 2.1)

There are only **PUBLIC** versions of these testimonies; no information is **PROPRIETARY**. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Joseph R. Stewart
Admitted Pro Hac Vice

JRS/jh

cc: All Parties on the attached Certificate of Service (*via first-class and electronic mail*)
James J. McNulty, Secretary (*certificate and cover letter only*)(*via hand delivery*)

Joseph R. Stewart
Senior Counsel
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Columbus, Ohio 43215
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(614) 224-3902 (fax)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Investigation Regarding Intrastate Access Charges and)
IntraLATA Toll Rates of Rural Carriers, and the)
Pennsylvania Universal Service Fund)
_____)

Docket No. I-00040105

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2009 FEB 10 PM 3:18
PA PUC
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I hereby certify that I have this 10th day of February, 2009, served a true copy of the foregoing Surrebuttal Testimony were served upon the persons below, via electronic and first-class mail, in accordance with the requirements of 52 Pa. Code §1.54:

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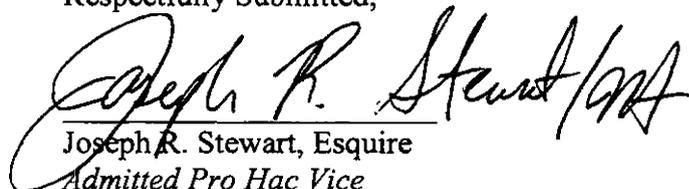
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Respectfully Submitted,

A handwritten signature in black ink that reads "Joseph R. Stewart" with a stylized flourish at the end.

Joseph R. Stewart, Esquire
Admitted Pro Hac Vice

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d/b/a Embarq Pennsylvania
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COMMONWEALTH OF PENNSYLVANIA



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February 10, 2009

DOCUMENT
FOLDER

Honorable Susan D. Colwell
Administrative Law Judge
PA Public Utility Commission
Commonwealth Keystone Bldg.
400 North Street
Harrisburg, PA 17120

Re: Investigation Regarding Intrastate Access
Charges and IntraLATA Toll Rates of Rural
Carriers, and the Pennsylvania Universal
Service Fund
Docket No. I-00040105

Dear Judge Colwell:

Enclosed please find the Office of Consumer Advocate's Surrebuttal Testimony of Dr. Robert Loube and Roger D. Colton in the above-captioned proceeding. Please be advised the Dr. Loube's Surrebuttal Testimony contains information alleged to be proprietary. I have enclosed a Proprietary and Non-Proprietary version for your convenience.

Copies have been served upon all parties of record as shown on the attached Certificate of Service.

Sincerely,

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

Joel H. Cheskis
Assistant Consumer Advocate
PA Attorney ID# 81617

RECEIVED

FEB 10 2009

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Enclosures

cc: All parties of record

107391

CERTIFICATE OF SERVICE

Re: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers, and the Pennsylvania Universal Service Fund
Docket No. I-00040105

I hereby certify that I have this day served a true copy of the foregoing document, Office of Consumer Advocate's Surrebuttal Testimony of Dr. Robert Loube and Roger D. Colton, 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 10th day of February, 2009.

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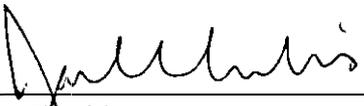
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March 2, 2009

Via E-mail and First Class Mail

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PO Box 9500
Harrisburg, PA 17108-9500

Re: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of
Rural Carriers and the Pennsylvania Universal Service Fund,
Docket No. 1-00040105

Dear Norm:

Please find enclosed AT&T's responses to the February 18, 2009 on-the-record data requests.
Please note that the information contained in the response to Data Request #2 is proprietary to AT&T.

Please contact me if you have any questions or concerns with this matter.

Very truly yours,


Michelle Painter

cc: Certificate of Service
James J. McNulty, Secretary (Cover letter and Certificate of Service only)

Enclosure

RECEIVED
2009 MAR -4 AM 8:21
PA.P.U.C.
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of AT&T's responses to on-the-record data requests upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (related to service by a participant) and 1.55 (related to service upon attorneys).

Dated at Fairfax, Virginia, this 2nd day of March 2009.

VIA FIRST CLASS MAIL AND ELECTRONIC MAIL

**DOCUMENT
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Michelle Painter

Suzan DeBusk Paiva
Assistant General Counsel

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MAR 5 - 2009

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

February 27, 2009

VIA E-MAIL and 1st CLASS MAIL

Norman J. Kennard, Esquire
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212 Locust Street, Suite 500
Harrisburg, PA 17108

**RE: Investigation Regarding Intrastate Access Charges and IntraLATA Toll
Rates of Rural Carriers, and the Pennsylvania Universal Service Fund
Docket No. I-00040105**

Dear Mr. Kennard:

Enclosed please find the Response of Verizon Pennsylvania Inc., Verizon North Inc. and MCImetro Access Transmission Services d/b/a Verizon Access Transmission Services, to the Pennsylvania Telephone Association's In-Hearing Data Request No. 1 made to Verizon during the February 17-18 Hearings, in the above captioned matter.

Do not hesitate to contact me if you have any questions.

Respectfully,


Suzan D. Paiva

SDP/slb

Via E-Mail and First Class Mail
cc: Certificate of Service

Via First Class Mail
cc: The Honorable Susan Colwell (cover letter and certificate only)

RECEIVED
PA PUC
09 MAR - 5 AM 8:49

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the Verizon Companies' Response to the Pennsylvania Telephone Association's In-Hearing Data Request No. 1 to Verizon, upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (related to service by a participant) and 1.55 (related to service upon attorneys).

Dated at Philadelphia, Pennsylvania, this 27th day of February, 2009.

VIA E-MAIL AND USPS FIRST CLASS MAIL

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Inc.

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Attorney for
Verizon Pennsylvania Inc.
Verizon North Inc.
MCImetro Access Transmission Services, LLC
d/b/a Verizon Access Transmission Services

OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	I-00040105		YES	NO
Case Name:	Investigation Regarding Intrastate Access	Prehearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Charges & IntraLATA Toll Rates of Rural Carriers & the Pennsylvania Universal Service Fund		Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location:	Harrisburg	Testimony Taken:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date:	Tuesday, February 17, 2009	Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ALJ:	Susan D. Colwell	Hearing Concluded:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Reporting Firm:	Commonwealth Reporting <i>SARGENT'S</i>	Further Hearing Needed:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Estimated Add'l Days:		
		RECORD CLOSED:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		DATE:		
		Briefs to be Filed:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		DATE:		
		Bench Decision:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		REMARKS:	HEARING TO RECONVENE ON WED. FEB. 18, 2009	

DOCUMENT
FOLDER

PLEASE PRINT CLEARLY - Incomplete Information may result in delay of processing.

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Steven C. Gray	Suite 1102 300 N 2nd City: Harrisburg PA Zip: 17101	OSBA
Telephone:	E-mail Address:	Fax Number:

Check this box if additional parties or attendees appear on back of form.


 Reporter's Signature

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.

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Suzan Paiva	1717 Arch St. 17NW	Verizon
	City: Philadelphia State: PA Zip: 19103	
Telephone: 215-466-4755	E-mail Address: suzan.d.paiva@verizon.com	Fax Number: 215-563-2658
	City: State: Zip:	
Telephone:	E-mail Address:	Fax Number:
	City: State: Zip:	
Telephone:	E-mail Address:	Fax Number:
	City: State: Zip:	
Telephone:	E-mail Address:	Fax Number:

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.

OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	I-00040105		YES	NO	
		Prehearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Case Name:	Investigation Regarding Intrastate Access	Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Charges & IntraLATA Toll Rates of Rural Carriers & the Pennsylvania Universal Service Fund		Testimony Taken:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Location:	Harrisburg	Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
		Estimated Add'l Days:			
Date:	Wednesday, February 18, 2009				
		RECORD CLOSED:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
ALJ:	Susan D. Colwell	DATE:			
		Briefs to be Filed:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Reporting Firm:	Commonwealth Reporting	DATE:			
<p style="font-size: 2em; font-weight: bold;">DOCUMENT FOLDER</p>		Bench Decision:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
		REMARKS:	BRIEFING AND DATA REQUESTS TO FOLLOW		

PLEASE PRINT CLEARLY - Incomplete Information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?
<p style="font-size: 1.5em;">Steven C. Gray</p>	<p>Suite 1102, Commerce Bldg</p> <p style="text-align: center;"> <small>City</small> HBSG <small>State</small> PA <small>Zip</small> 17101 </p>	<p style="font-size: 2em;">OBA</p>
Telephone:	E-mail Address:	Fax Number:
<p>Norman Kennard</p> <p>Regina Metz</p>	<p>212 Locust Street</p> <p style="text-align: center;"> <small>City</small> Harrisburg <small>State</small> PA <small>Zip</small> 17101 </p>	<p>PA Telephone Association</p>
Telephone: 717/255-7600	E-mail Address: kennard@homer-law.com	Fax Number:
<p style="font-size: 1.5em;">Joseph R. Stewart</p>	<p>50 W. Broad St.</p> <p style="text-align: center;"> <small>City</small> Columbus <small>State</small> OH <small>Zip</small> 43215 </p>	<p style="font-size: 1.5em;">Emberg</p>
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	City: Harburg State: PA Zip: 17108		
Telephone: 717-237-5459	E-mail Address: skeddle@6mwa.com	Fax Number:	
	City	State	Zip
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	City	State	Zip
Telephone:	E-mail Address:	Fax Number:	
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Telephone:	E-mail Address:	Fax Number:	

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.



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NIESEN & KENNARD**

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March 5, 2009

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Reston, VA 20191

In re: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and The Pennsylvania Universal Service Fund, Docket No. I-00040105

AT&T Communications of Pennsylvania, LLC v. Armstrong Telephone Company - Pennsylvania, *et al.*, Docket No. C-2009-2098380, *et al.*

Dear Gentlemen:

Enclosed please find the supplemental response of the Pennsylvania Telephone Association to Sprint-PTA-2-9. Please note that this response is highly confidential and should be treated as such.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

THOMAS, LONG, NIESEN & KENNARD

By:

Norman J. Kennard

Enclosures

cc: James J. McNulty, Secretary (w/o enclosure)
Certificate of Service

RECEIVED
2010 MAR -8 AM 10:26
PA P.U.C.
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of March, 2010, I did serve a true and correct copy of the foregoing upon the persons below via electronic mail and first class mail as follows:

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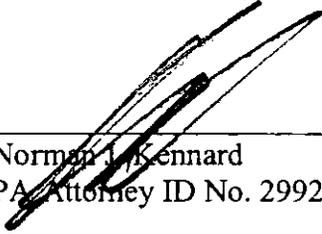
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AT&T Communications of Pennsylvania, LLC v. Armstrong Telephone Company - Pennsylvania, *et al.*, Docket No. C-2009-2098380, *et al.*

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If you have any questions, please do not hesitate to contact me.

Very truly yours,

THOMAS, LONG, NIESEN & KENNARD

By:

Norman J. Kennard

Enclosures

cc: James J. McNulty, Secretary (w/o enclosure)
Certificate of Service

RECEIVED
2010 MAR 24 AM 9:38
IN P.U.C.
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of March, 2010, I did serve a true and correct copy of the foregoing upon the persons below via electronic mail and first class mail as follows:

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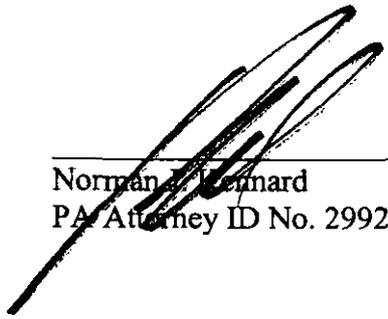
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June 3, 2009

Via Electronic Mail and First Class Mail

Administrative Law Judge Susan D. Colwell
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor L-M West
Harrisburg, PA 17105-3265

RECEIVED

JUN 1 9 2009

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

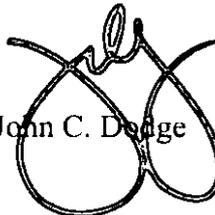
Re: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and the Pennsylvania Universal Service Fund, Docket No. I-00040105

Dear Judge Colwell:

This is to advise you and the parties that Comcast Phone of Pennsylvania, LLC d/b/a Comcast Digital Phone and Comcast Business Communications, LLC (collectively "Comcast") will not file a reply brief in the referenced proceeding. Comcast reserves the right to participate fully in this matter on a going-forward basis.

Respectfully,

Davis Wright Tremaine LLP


John C. Dodge

PA PUC

09 JUN 15 11:50

SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I, Fariba Naim, hereby certify that I have on this 3rd day of June, 2009, served a true and correct copy of the foregoing letter to Administrative Law Judge Susan D. Colwell with the Pennsylvania Public Utility Commission, and upon the persons listed below by electronic mail, and via first class mail, postage prepaid:

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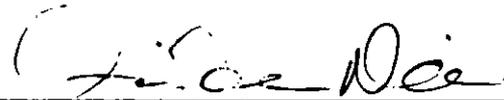
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FR



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
August 10, 2009

IN REPLY PLEASE
REFER TO OUR FILE

In Re: I-00040105
*C-2009-2098380

DOCUMENT
FOLDER

(SEE ATTACHED LIST)

I-00040105 - Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates
of Rural Carriers and The Pennsylvania Universal Service Fund

C-2009-2098380 - AT&T Communications of PA LLC

NOTICE

This is to inform you that an Initial Prehearing Conference on the above-
captioned case will be held as follows:

- Type: Initial Prehearing Conference
- Date: Wednesday, August 19, 2009
- Time: 10:00 a.m.
- Location: Hearing Room 4
Plaza Level
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
- Presiding: Administrative Law Judge Kandace F. Melillo
PO Box 3265
Harrisburg, PA 17105-3265
Phone: 717.783.5452
Fax: 717.787.0481

***Please see attached Addendum for all docket numbers associated with this hearing.**

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission at least five (5) business days prior to your hearing to submit your request.

If you require an interpreter to participate in the hearings, we will make every reasonable effort to have an interpreter present. Please call the scheduling office at the Public Utility Commission at least ten (10) business days prior to your hearing to submit your request.

- Scheduling Office: 717.787.1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1.800.654.5988

pc: Judge Melillo
Dawn Reitenbach
File Room
Calendar File

I-00040105 INVESTIGATION REGARDING RATE ISSUES RELATED TO DISBURSEMENTS
FROM PENNSYLVANIA UNIVERSAL SERVICE FUND

C-2009-2098380 - AT & T COMMUNICATIONS OF PENNSYLVANIA, LLC v. ARMSTRONG
TELEPHONE COMPANY - PENNSYLVANIA, et al

CONSOLIDATED 8/10/09

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ADDENDUM

The following Complaints are consolidated with *AT&T Communications of Pennsylvania, LLC v. Armstrong Telephone Company – Pennsylvania*, Docket No. C-2009-2098380:

AT&T Communications of Pennsylvania, LLC v. Armstrong Telephone company – North,
C-2009-2098386

AT&T Communications of Pennsylvania, LLC v. Buffalo Valley Telephone Company,
C-2009-2098425

AT&T Communications of Pennsylvania, LLC v. Commonwealth Telephone Company, LLC,
C-009-2098428

AT&T Communications of Pennsylvania, LLC v. Frontier Communications of Breezewood, LLC,
C-2009-2098474

AT&T Communications of Pennsylvania, LLC v. Bentleyville Telephone Company,
C-2009-2098519

AT&T Communications of Pennsylvania, LLC v. Citizens Telephone Company of New York,
C-009-2098526

AT&T Communications of Pennsylvania, LLC v. Frontier Communications of Canton, LLC,
C-009-2098528

AT&T Communications of Pennsylvania, LLC v. Frontier Communications of Lakewood, LLC,
C-2009-2098679

AT&T Communications of Pennsylvania, LLC v. Frontier Communications of Oswayo River, LLC,
C-2009-2098769

AT&T Communications of Pennsylvania, LLC v. Citizens Telephone Co. of Kecksburg,
C-2009-2098891

AT&T Communications of Pennsylvania, LLC v. Frontier Communications of Pennsylvania, LLC,
C-2009-2099211

AT&T Communications of Pennsylvania, LLC v. Conestoga Telephone and Telegraph Company,
C-2009-2099280

AT&T Communications of Pennsylvania, LLC v. Denver & Ephrata Telephone & Telegraph Company,
C-2009-2099297

AT&T Communications of Pennsylvania, LLC v. Hickory Telephone Company,
C-2009-2099318

AT&T Communications of Pennsylvania, LLC v. Ironton Telephone Company,
C-2009-2099700

*AT&T Communications of Pennsylvania, LLC v. The North-Eastern Pennsylvania Telephone
Company,* C-2009-2099701

AT&T Communications of Pennsylvania, LLC v. Lackawaxen Telecommunications Services,
C-009-2099703

AT&T Communications of Pennsylvania, LLC v. Laurel Highland Telephone Company,
C-2009-2099704

*AT&T Communications of Pennsylvania, LLC v. TDS Telecom/Mahanoy & Mahantango
Telephone Company,* C-2009-2099706

*AT&T Communications of Pennsylvania, LLC v. Marianna and Scenery Hill Telephone
Company,* C-2009-2099708

AT&T Communications of Pennsylvania, LLC v. North Penn Telephone Company,
C-2009-2099732

*AT&T Communications of Pennsylvania, LLC v. Consolidated Communications of Pennsylvania
Co.,* C-2009-2099741

AT&T Communications of Pennsylvania, LLC v. Palmerton Telephone Company,
C-2009-2099762

AT&T Communications of Pennsylvania, LLC v. Pennsylvania Telephone Company,
C-2009-2099763

AT&T Communications of Pennsylvania, LLC v. Pymatuning Independent Telephone Co.,
C-009-2099764

AT&T Communications of Pennsylvania, LLC v. South Canaan Telephone Company,
C-2009-2099766

*AT&T Communications of Pennsylvania, LLC v. TDS Telecom/Sugar Valley Telephone
Company,* C-2009-2099767

AT&T Communications of Pennsylvania, LLC v. Venus Telephone Corporation,
C-2009-2099768

AT&T Communications of Pennsylvania, LLC v. Windstream Pennsylvania LLC,

C-2009-2099780

AT&T Communications of Pennsylvania, LLC v. Yukon-Waltz Telephone Company,

C-2009-2099783

AT&T Communications of Pennsylvania, LLC v. Embarq Pennsylvania, C-2009-2099797

The following Complaints are consolidated with *TCG New Jersey, Inc. v. Armstrong Telephone Company – Pennsylvania, C-2009-2099805:*

TCG New Jersey, Inc. v. Armstrong Telephone Company – North, C-2009-2099833

TCG New Jersey, Inc. v. Bentleyville Telephone Co., C-2009-2099838

TCG New Jersey, Inc. v. Buffalo Valley Telephone Company, C-2009-2099935

TCG New Jersey, Inc. v. Citizens Telephone Company of Kecksburg, C-2009-2099961

TCG New Jersey, Inc. v. Frontier Communications of Breezewood, Inc., C-2009-2099977

TCG New Jersey, Inc. v. Commonwealth Telephone Company, C-2009-2100002

TCG New Jersey, Inc. v. Citizens Telephone Company – New York, C-2009-2100107

TCG New Jersey, Inc. v. Frontier Communications of Oswayo River, LLC, C-2009-2100200

TCG New Jersey, Inc. v. Frontier Communications of Canton, Inc., C-2009-2100207

TCG New Jersey, Inc. v. Frontier Communications of Lakewood, Inc., C-2009-2100208

TCG New Jersey, Inc. v. Frontier Communications of Pennsylvania, Inc., C-2009-2100209

TCG New Jersey, Inc. v. Conestoga Telephone & Telegraph Co., C-2009-2100210

TCG New Jersey, Inc. v. Denver & Ephrata Telephone & Telegraph Co., C-2009-2100211

TCG New Jersey, Inc. v. Hickory Telephone Company, C-2009-2100213

TCG New Jersey, Inc. v. Ironton Telephone Company, C-2009-2100238

TCG New Jersey, Inc. v. Marianna and Scenery Hill Telephone Company, C-2009-2100253

TCG New Jersey, Inc. v. Lackawaxen Telecommunications Services, C-2009-2100634

TCG New Jersey, Inc. v. Embarq, C-2009-2100657

TCG New Jersey, Inc. v. Laurel Highland Telephone Company, C-2009-2100658

TCG New Jersey, Inc. v. TDS Telecom/Mahanoy & Mahantango Telephone Company,

C-2009-2100661

TCG New Jersey, Inc. v. North Penn Telephone Company, C-2009-2100679

TCG New Jersey, Inc. v. The North-Eastern Telephone Company, C-2009-2100680

TCG New Jersey, Inc. v. Palmerton Telephone Company, C-2009-2100725
TCG New Jersey, Inc. v. Consolidated Communications of Pennsylvania Company,
C-2009-2100738
TCG New Jersey, Inc. v. Pennsylvania Telephone Company, C-2009-2100860
TCG New Jersey, Inc. v. Pymatuning Independent Telephone Company, C-2009-2100866
TCG New Jersey, Inc. v. Windstream Pennsylvania, LLC, C-2009-2100905
TCG New Jersey, Inc. v. Yukon-Waltz Telephone Company, C-2009-2100908
TCG New Jersey, Inc. v. Venus Telephone Corporation, C-2009-2100915
TCG New Jersey, Inc. v. South Canaan Telephone Company, C-2009-2100917
TCG New Jersey, Inc. v. TDS Telecom/Sugar Valley Telephone Company, C-2009-2100943

The following Complaints are consolidated with *TCG Pittsburgh, Inc. v. Armstrong Telephone Company – Pennsylvania, C-2009-2098735*:

TCG Pittsburgh, Inc. v. Armstrong Telephone Company – North, C-2009-2098760
TCG Pittsburgh, Inc. v. Bentleyville Telephone Company, C-2009-2098936
TCG Pittsburgh, Inc. v. Buffalo Valley Telephone Company, C-2009-2098990
TCG Pittsburgh, Inc. v. Citizens Telephone of Kecksburg, C-2009-2099060
TCG Pittsburgh, Inc. v. Frontier Communications of Breezewood, LLC, C-2009-2099596
TCG Pittsburgh, Inc. v. Frontier Communications of Canton, LLC, C-2009-2099631
TCG Pittsburgh, Inc. v. Frontier Communications of Lakewood, LLC, C-2009-2099834
TCG Pittsburgh, Inc. v. Frontier Communications of Pennsylvania, LLC, C-2009-2099935
TCG Pittsburgh, Inc. v. Frontier Communications of Oswayo River, LLC, C-2009-2099983
TCG Pittsburgh, Inc. v. North Penn Telephone Company, C-2009-2100011
TCG Pittsburgh, Inc. v. Palmerton Telephone Company, C-2009-2100024
TCG Pittsburgh, Inc. v. Consolidated Communications of Pennsylvania Company,
C-2009-2100036
TCG Pittsburgh, Inc. v. Pennsylvania Telephone Company, C-2009-2100049
TCG Pittsburgh, Inc. v. Pymatuning Independent Telephone Company, C-2009-2100051
TCG Pittsburgh, Inc. v. South Canaan Telephone Company, C-2009-2100109
TCG Pittsburgh, Inc. v. TDS Telecom/Sugar Valley Telephone Company, C-2009-2100110

TCG Pittsburgh, Inc. v. Venus Telephone Corporation, C-2009-2100112
TCG Pittsburgh, Inc. v. Windstream Pennsylvania, LLC, C-2009-2100114
TCG Pittsburgh, Inc. v. Yukon-Waltz Telephone Co., C-2009-2100116
TCG Pittsburgh, Inc. v. United Telephone Company of Pa. d/b/a Embarq Pa., C-2009-2100117
TCG Pittsburgh, Inc. v. Conestoga Telephone and Telegraph Company, C-2009-2100133
TCG Pittsburgh, Inc. v. Commonwealth Telephone Company, C-2009-2100135
TCG Pittsburgh, Inc. v. Denver & Ephrata Telephone & Telegraph Co., C-2009-2100151
TCG Pittsburgh, Inc. v. Hickory Telephone Co., C-2009-2100152
TCG Pittsburgh, Inc. v. Ironton Telephone Co., C-2009-2100154
TCG Pittsburgh, Inc. v. Lackawaxen Telecommunications SVCS, Inc., C-2009-2100155
TCG Pittsburgh, Inc. v. Laurel Highland Telephone Co., C-2009-2100157
TCG Pittsburgh, Inc. v. TDS Telecom/Mahanoy & Mahantango Telephone Co., C-2009-2100159
TCG Pittsburgh, Inc. v. Marianna and Scenery Hill Telephone Co., C-2009-2100215
TCG Pittsburgh, Inc. v. The North-Eastern Pennsylvania Telephone Company, C-2009-2100236
TCG Pittsburgh, Inc. v. Citizens Telephone Company of New York, C-2009-2101274

COMMONWEALTH OF PENNSYLVANIA



DOCUMENT
FOLDER

OFFICE OF SMALL BUSINESS ADVOCATE

Suite 1102, Commerce Building
300 North Second Street
Harrisburg, Pennsylvania 17101

William R. Lloyd, Jr.
Small Business Advocate

August 17, 2009

(717) 783-2525
(717) 783-2831 (FAX)

E-mail and Hand Delivery

Hon. Kandace F. Melillo
Administrative Law Judge
Pa. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RECEIVED

AUG 17 2009

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers, and the Pennsylvania Universal Service Fund Docket No. I-00040105

**AT&T Communications of Pennsylvania, LLC, et al. V. Armstrong Telephone Company - Pennsylvania, et al.
Docket No. C-2009-2098380 et al.**

Dear Judge Melillo:

Enclosed are two copies of the Prehearing Memorandum on behalf of the Office of Small Business Advocate.

As evidenced by the enclosed certificate of service, all parties have been served as indicated.

Sincerely,

A handwritten signature in black ink that reads "Steven C. Gray".

Steven C. Gray
Assistant Small Business Advocate
Attorney ID No. 77538

Enclosures

cc: James J. McNulty, Secretary ✓
Parties of Record
Allen G. Buckalew

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Investigation Regarding Intrastate Access	:	
Charges and IntraLATA Toll Rates of Rural	:	Docket No. I-00040105
Carriers, and the Pennsylvania Universal	:	
Service Fund	:	
AT&T Communications of Pennsylvania, LLC	:	
Complainant	:	
	:	
v.	:	Docket No. C-2009-2098380, et al.
	:	
Armstrong Telephone Company-	:	
Pennsylvania, et al.	:	
Respondent	:	

**OFFICE OF SMALL BUSINESS ADVOCATE
PREHEARING MEMORANDUM**

I. INTRODUCTION

The Office of Small Business Advocate (“OSBA”) is authorized to represent the interests of small business consumers of utility services before the Pennsylvania Public Utility Commission (“Commission”) pursuant to the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50 (“the Act”). In order to discharge this statutory duty, the Small Business Advocate deems it necessary to participate as a party to this proceeding. Representing the OSBA in this matter is Assistant Small Business Advocate Steven C. Gray. Please address all correspondence as follows:

Steven C. Gray, Esquire
Office of Small Business Advocate
Suite 1102, Commerce Building
300 North Second Street
Harrisburg, Pennsylvania 17101
(717) 783-2525
(717) 783-2831 (fax)
sgray@state.pa.us

II. FILING BACKGROUND

On August 5, 2009, the Commission entered an Order lifting the stay in *Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and The Pennsylvania Universal Service Fund* at Docket No. I-00040105. In addition, the Commission consolidated the *Investigation* with the 96 complaints at Docket Nos. C-2009-2098380 *et al.*, *In Re: AT&T Communications of Pennsylvania, LLC et al. v. Armstrong Telephone Company-Pennsylvania, et al.*

The OSBA has participated in the *Investigation* from its inception, but was not part of the proceeding which included the 96 complaints.

III. IDENTIFICATION OF WITNESSES AND TENTATIVE ISSUES

Assisting in the development and presentation of the OSBA's case in this proceeding will be:

Mr. Allen Buckalew
J.W. Wilson & Associates, Inc.
Rosslyn Plaza C - Suite 1104
1601 North Kent Street
Arlington, VA 22209
(703) 243-1049
(703) 243-3389 (fax)
abuca@aol.com

The issues to be addressed in this proceeding are set forth in the Commission's August 5, 2009, Order. *See, e.g., August 5th Order*, Ordering Paragraphs 4 and 5.

The OSBA will participate in the case to assure that the interests of small business customers are adequately represented and protected.

IV. SERVICE OF DOCUMENTS

The OSBA requests that all parties serve a hard copy of any document filed in this case upon the OSBA and the OSBA witness identified above. In addition to hard copies of pleadings, briefs, and exceptions, the OSBA requests hard copies of responses to discovery propounded by the OSBA or any other party. Service by electronic mail *only* is not acceptable.

V. SETTLEMENT

The OSBA notes its willingness to enter into settlement discussions at the appropriate phase of this proceeding.

VI. HEARING AND BRIEFING SCHEDULE

The OSBA proposes the following procedural schedule in conformance with the one year time frame set forth in the *August 5th Order*:

Direct Testimony: January 20, 2010

Rebuttal Testimony: March 10, 2010

Surrebuttal Testimony: March 31, 2010

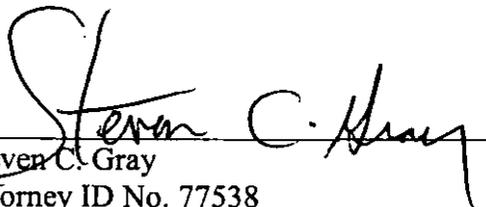
Hearings: April 14, 15, 16, 2010

Main Brief: May 13, 2010

Reply Brief: June 3, 2010

Given the Governor's desire to limit the travel of State Offices under his jurisdiction, the OSBA respectfully requests that the evidentiary hearings take place in Harrisburg.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven C. Gray". The signature is written over a horizontal line.

Steven C. Gray
Attorney ID No. 77538
Assistant Small Business Advocate

For:

William R. Lloyd, Jr.
Attorney ID No. 16452
Small Business Advocate

Office of Small Business Advocate
Suite 1102, Commerce Building
300 North Second Street
Harrisburg, PA 17101

Dated: August 17, 2009

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Investigation Regarding Intrastate Access	:	
Charges and IntraLATA Toll Rates of Rural	:	Docket No. I-00040105
Carriers, and the Pennsylvania Universal	:	
Service Fund	:	
AT&T Communications of Pennsylvania, LLC	:	
Complainant	:	
v.	:	Docket No. C-2009-2098380, et al.
Armstrong Telephone Company-	:	
Pennsylvania, et al.	:	
Respondent	:	

CERTIFICATE OF SERVICE

I certify that I am serving two copies of the Prehearing Memorandum, on behalf of the Office of Small Business Advocate, by e-mail and first class mail (unless otherwise noted) upon the persons addressed below:

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Hancock, NY 13783
(First class mail only)

West Side Telephone Company
1449 Fairmont Road
Morgantown, WV 26501
(First class mail only)

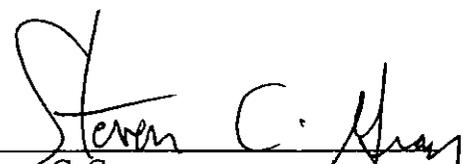
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Leigh A. Hyer, Esquire
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(717) 260-1763 (fax)
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skeddie@mwn.com

Thomas W. Snyder, Esquire
1801 California Street, Suite 4900
Denver, CO 80202
(First class mail only)

Date: August 17, 2009


Steven C. Gray
Assistant Small Business Advocate
Attorney ID No. 77538

OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	I-00040105		YES	NO
		Prehearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Case Name:	Investigation Regarding Intrastate Access	Hearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Charges and IntrLATA Toll Rates of Rural Carriers and the Pennsylvania Universal Service Fund.		Testimony Taken:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Hearing Concluded:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Location:	Harrisburg HR 4	Further Hearing Needed:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Estimated Add'l Days:	3 days	
Date:	Wednesday, August 19, 2009			
		RECORD CLOSED:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ALJ:	Kandace F. Melillo	DATE:		
		Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Commonwealth Reporting	DATE:		
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
		REMARKS:	Hearings to be scheduled Apr 14-16 2010	

PLEASE PRINT CLEARLY - Incomplete Information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?				
RENARDO L. HICHS	STEVENS + LEE 17 N. 2ND ST, 16 th Fl	SPRINT/NEXTEL				
	<table style="width: 100%; border: none;"> <tr> <td style="text-align: center; font-size: small;">City</td> <td style="text-align: center; font-size: small;">State</td> <td style="text-align: center; font-size: small;">Zip</td> </tr> <tr> <td style="text-align: center;">HARRISBURG</td> <td style="text-align: center;">PA</td> <td style="text-align: center;">17110</td> </tr> </table>		City	State	Zip	HARRISBURG
City	State	Zip				
HARRISBURG	PA	17110				
Telephone: 717-255-7364	E-mail Address:	Fax Number:				
Ben ATON	2001 Edmund Halley Dr. Reston, VA 20191	Sprint/Nextel				
	<table style="width: 100%; border: none;"> <tr> <td style="text-align: center; font-size: small;">City</td> <td style="text-align: center; font-size: small;">State</td> <td style="text-align: center; font-size: small;">Zip</td> </tr> <tr> <td style="text-align: center;"> </td> <td style="text-align: center;"> </td> <td style="text-align: center;"> </td> </tr> </table>		City	State	Zip	
City	State	Zip				
Telephone: 703 592 7618	E-mail Address:	Fax Number:				
Norman Kinnard Regina Matz	212 Locust Street	PA Telephone Ass'n				
	<table style="width: 100%; border: none;"> <tr> <td style="text-align: center; font-size: small;">City</td> <td style="text-align: center; font-size: small;">State</td> <td style="text-align: center; font-size: small;">Zip</td> </tr> <tr> <td style="text-align: center;">HARRISBURG</td> <td style="text-align: center;">PA</td> <td style="text-align: center;">17112</td> </tr> </table>		City	State	Zip	HARRISBURG
City	State	Zip				
HARRISBURG	PA	17112				
Telephone: 717/255-2600	E-mail Address: nkinnard@att.com	Fax Number:				

Check this box if additional parties or attendees appear on back of form.


 Reporter's Signature

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.

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BARRY NAUM Telephone: 717-237-5378	100 PINE ST PO BOX 1106 City: HARRISBURG State: PA Zip: 17108	BROADBAND CABLE ASSOC. OF PA E-mail Address: BNAUM@MWN.COM Fax Number: 717-260-1730
Allison Kasper Telephone: (717) 788-7998	P.O. Box 3865 City: Harrisburg State: PA Zip: 17105	Office of Trial Staff E-mail Address: akasper@state.pa.us Fax Number: (717) 772-2677
Michelle Painter Telephone: 703 201 8378	13017 Dunhill Dr City: Fairfax State: VA Zip: 22030	AT&T E-mail Address: painterm@farmaven.com Fax Number: 703 968 5936
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Telephone:	City: State: Zip:	E-mail Address: Fax Number:
Telephone:	City: State: Zip:	E-mail Address: Fax Number:
Telephone:	City: State: Zip:	E-mail Address: Fax Number:

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.



McNees Wallace & Nurick LLC
attorneys at law

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E-MAIL ADDRESS: SKEDDIE@MWN.COM

August 28, 2009

VIA HAND DELIVERY

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

RE: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and The Pennsylvania Universal Service Fund; Docket No. I-00040105

Dear Secretary McNulty:

The Broadband Cable Association of Pennsylvania ("BCAP") will not be filing Exceptions to the Initial Decision issued in the above-referenced proceeding. BCAP reserves the right, however, to file Reply Exceptions in response to other parties' Exceptions.

As shown by the attached Certificate of Service, all parties to this proceeding are being duly served. Please date stamp the extra copy of this letter and kindly return it for our filing purposes. Thank you.

Very truly yours,

McNEES WALLACE & NURICK LLC

By 
Pamela C. Polacek
Shelby A. Linton-Keddie

Counsel to the Broadband Cable Association of Pennsylvania

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2009 AUG 28 PM 3:54
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SECRETARY'S BUREAU

SLK

Enclosure

c: Certificate of Service
Administrative Law Judge Susan D. Colwell (via Hand Delivery)
Cheryl Walker Davis, Director, Office of Special Assistants (via Hand Delivery)

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing document upon the participants listed below in accordance with the requirements of Section 1.54 (relating to service by a participant).

VIA E-MAIL AND FIRST CLASS MAIL

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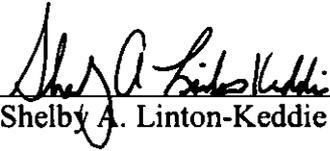
John C. Dodge, Esq.
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SECRETARY'S BUREAU
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Certificate of Service
Docket No. I-00040105
Page 2

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Shelby A. Linton-Keddie

Dated this 28th day of August, 2009, at Harrisburg, Pennsylvania.



Suite 200
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John C. Dodge
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SEP - 1 2009

PA. PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

August 28, 2009

Via Electronic Mail and First Class Mail

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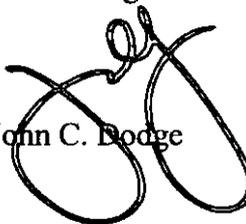
Administrative Law Judge Susan D. Colwell
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor L-M West
Harrisburg, PA 17105-3265

Re: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and the Pennsylvania Universal Service Fund, Docket No. I-00040105

Dear Judge Colwell:

This is to advise you and the parties that Comcast Phone of Pennsylvania, LLC d/b/a Comcast Digital Phone and Comcast Business Communications, LLC (collectively "Comcast") will not file Exceptions (due today) in the referenced proceeding. Comcast reserves the right to participate fully in this matter on a going-forward basis.

Respectfully,
Davis Wright Tremaine LLP


John C. Dodge

PA PUC
08/28/09 9:39 AM

CERTIFICATE OF SERVICE

I, Stephanie Li, hereby certify that I have on this 28th day of August 2009, served a true and correct copy of the foregoing letter to Administrative Law Judge Susan D. Colwell with the Pennsylvania Public Utility Commission, and upon the persons listed below by electronic mail, and via first class mail, postage prepaid:

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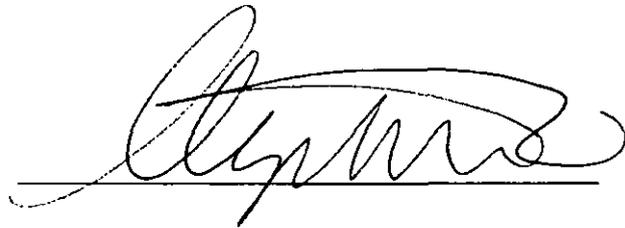
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A handwritten signature in black ink, appearing to read "Norman Kennard", written over a horizontal line. The signature is fluid and cursive.

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF SMALL BUSINESS ADVOCATE
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William R. Lloyd, Jr.
Small Business Advocate

September 2, 2009

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E-mail and Hand Delivery

Hon. Kandace F. Melillo
Administrative Law Judge
Pa. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

DOCUMENT
FOLDER

Re: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers, and the Pennsylvania Universal Service Fund Docket No. I-00040105

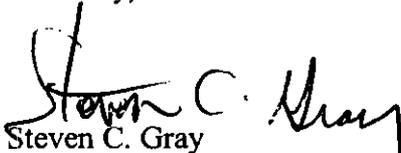
**AT&T Communications of Pennsylvania, LLC, et al. V. Armstrong Telephone Company - Pennsylvania, et al.
Docket No. C-2009-2098380 et al.**

Dear Judge Melillo:

Enclosed are two copies of the Memorandum of Law, on behalf of the Office of Small Business Advocate, in the above-captioned proceeding.

As evidenced by the enclosed certificate of service, all parties have been served as indicated.

Sincerely,


Steven C. Gray
Assistant Small Business Advocate
Attorney ID No. 77538

Enclosures

cc: ✓ James J. McNulty, Secretary
Parties of Record
Allen G. Buckalew

SECRETARY'S BUREAU
2009 SEP -2 PM 3:18

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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2009 SEP -2 PM 3: 18

SECRETARY'S BUREAU

Investigation Regarding Intrastate Access :
Charges and IntraLATA Toll Rates of Rural :
Carriers, and the Pennsylvania Universal :
Service Fund :

Docket No. I-00940105

AT&T Communications of Pennsylvania, LLC :
Complainant :

v. :

Docket No. C-2009-2098380, et al.

Armstrong Telephone Company- :
Pennsylvania, et al. :
Respondent :

OFFICE OF SMALL BUSINESS ADVOCATE
MEMORANDUM OF LAW
REGARDING THE SCOPE OF THIS PROCEEDING

I. INTRODUCTION

In the Procedural Order (“*Procedural Order*”) issued by Administrative Law Judge (“ALJ”) Kandace F. Melillo on August 20, 2009, the ALJ required all parties in the above-captioned proceeding to submit memoranda and responsive memoranda “for purposes of framing the entire litigation going forward.” *Procedural Order*, at 3. The ALJ elaborated on this requirement as follow:

To focus the parties’ efforts, I indicated that the issues identified in the PTA Prehearing Conference Memorandum (the most expansive scope of the proceeding being advocated) should be utilized. The parties were requested to address each issue set forth therein as to whether that party agrees/disagrees that the stated issue is within the scope of the proceeding, and the reason for that position. The parties must also state their own list of issues and provide support for these issues as being within the scope of the proceeding, unless a party considers that to have

been sufficiently addressed previously (e.g., in the party's Prehearing Memorandum).

Id.

The Office of Small Business Advocate ("OSBA") submits this memorandum as required by the *Procedural Order*.

II. THE COMMISSION'S INVESTIGATION ORDER

The Pennsylvania Public Utility Commission ("Commission") addressed the scope of this proceeding in *Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and The Pennsylvania Universal Service Fund*, Docket No. I-00040105 (Order entered August 5, 2009) ("*August 5th Order*"). The Commission observed:

On December 20, 2004, the Commission entered an order in the above-captioned case instituting an investigation into whether there should be further intrastate access charge reductions and intraLATA toll rate reductions in the service territories of rural incumbent local exchange carriers. This investigation was instituted as a result of the Commission's prior order of July 15, 2003, which discussed implementing continuing access charge reform in Pennsylvania.

August 5th Order, at 3. The Commission summarized the scope of that investigation as follows:

The December 20, 2004 order directed the Office of Administrative Law Judge (OALJ) to conduct the appropriate proceedings including, but not limited to, a fully developed analysis and recommendation on the following questions:

- a) Whether intrastate access charges and intraLATA toll rates should be further reduced or rate structures modified in the rural ILECs' territories.
- b) What rates are influenced by contributors to and/or disbursements from the PaUSF?

- c) Should disbursements from the PaUSF be reduced and/or eliminated as a matter of policy and/or law?
- d) Assuming the PaUSF expires on or about December 31, 2006, what action should the Commission take to advance the policies of this Commonwealth?
- e) If the PaUSF continues beyond December 31, 2006, should wireless carriers be included in the definition of contributors to the Fund? If included, how will the Commission know which wireless carriers to assess? Will the Commission need to require wireless carriers to register with the Commission? What would a wireless carrier's contribution be based upon? Do wireless companies split their revenue bases by intrastate, and if not, will this be a problem?
- f) What regulatory changes are necessary to 52 Pa. Code §§63.161 – 63.171 given the complex issues involved as well as recent legislative developments?

August 5th, Order, at 3-4.

The Commission ultimately concluded that “we are persuaded that the access charge investigation should be resumed at this time.” *Id.*, at 19. Furthermore, the Commission ordered “[t]hat the stay of the intrastate access charges portion of this investigation is hereby lifted.” *Id.*, Ordering Paragraph 2, at 21.

Thus, while the Commission was explicit in reinstating the access charge investigation (item “a” from the Commission’s December 20, 2004, Order), the Commission was a little less specific in regards to addressing the Pennsylvania Universal Service Fund (“PaUSF”) (items “b” through “f” from the Commission’s December 20, 2004, Order).

On the one hand, the Commission does not envision making any changes to the PaUSF right now:

We are of the opinion that maintaining the *status quo* will also ensure that the current levels of intrastate access charges will not be increased during the stay. It has been, and continues to be the intention of this Commission, since the *Global Order* of 1999, to gradually lower intrastate access charges so as to allow for greater competition in the intrastate and interexchange toll markets. At the same time we recognize the mandates of Chapter 30 require that local service rates be reasonable and affordable in all areas of this Commonwealth.

Accordingly, for these above-stated reasons, the Joint Motion will be denied. Until there is a resolution to access charge reform, the *status quo* stays in place, and the PaUSF shall continue under the existing regulations codified at 52 Pa. Code §§ 63.161 – 63.171 until such time as new regulations are promulgated eliminating or modifying the Fund.

August 5th Order, at 20-21. The Commission explicitly ordered that the PaUSF continue at the present time:

That the Pennsylvania Universal Service Fund shall continue under the existing regulations codified at 52 Pa. Code §§ 63.161- 63.171 until such time as new regulations are promulgated eliminating or modifying the Fund.

Id., Ordering Paragraph 7, at 22.

On the other hand, the Commission wants the parties to develop a record regarding the “linkages” between access charge reform and the PaUSF:

That the participating parties shall address and provide record evidence on the legal, ratemaking and regulatory accounting linkages between: a) any Federal Communications Commission’s ruling in its *Unified Intercarrier Compensation* proceeding; b) the intrastate access charge reform for rural ILECs in view of the new Chapter 30 law and its relevant provisions at 66 Pa. C.S. §§ 3015 and 3017; c) the Pennsylvania Universal Service Fund; and d) the potential effects on rates for the basic local exchange services of the rural ILECs to the extent this is consistent with the Commission’s determinations in the limited investigation.

Id., Ordering Paragraph 5, at 21-22.

Consequently, the OSBA respectfully submits that there is only one limit placed upon the scope of PaUSF issues in this proceeding: the PaUSF issues addressed must be within the context of access charge reform.

III. WHAT THE COMMISSION EXCLUDED

The Commission explicitly ordered the following exclusion in this proceeding:

[H]owever, in the interest of judicial efficiency, the issues already adjudicated before Administrative Law Judge Susan Colwell during the limited reopening of the Intrastate Access Charge Investigation at Docket No. I-00040105 shall not be relitigated absent extraordinary circumstances.

August 5th Order, Ordering Paragraph 4, at 21.

Chapter 30 permits rural incumbent local exchange carriers (“ILECs”) to make annual price stability mechanism (“PSM”) filings to adjust each ILEC’s noncompetitive service revenue total based upon the rate of inflation. Those annual increases were designed to help the rural ILECs pay for their broadband deployment. ALJ Colwell’s limited investigation addressed whether there are (or should be) caps on local exchange rates for the purpose of rate increases that would result from those annual filings. Furthermore, ALJ Colwell’s limited investigation also addressed whether the PaUSF should be expanded to reimburse rural ILECs that exceeded those (theoretical) caps.

The Commission explained the scope of ALJ Colwell’s limited investigation as follows:

By Order entered April 24, 2008, the stayed investigation was opened for the limited purpose of addressing the \$18.00 cap on R-1 benchmark/caps and any equivalent B-1 benchmark/cap. This limited investigation is intended to determine whether there is a need to increase the rate caps

and/or funding for the Pennsylvania Universal Service Fund in order to accommodate the revenue increases authorized for rural ILECs that are now resulting in increased local service rates beyond benchmark rate caps. If it is determined that the \$18.00 cap should be increased, the investigation should also determine whether the size of the fund should be increased, decreased or remain the same. Further, the current investigation is examining whether a needs based test should be used to determine whether rural ILECs qualify for PaUSF funding.

Id., at 2 (acronyms omitted).

By recommending specific further Commission actions, ALJ Colwell recognized the limited scope of the proceeding before her:

[T]he Commission should open a rulemaking which proposes changes to its universal service regulations to reflect the Commission's policy regarding universal service in Pennsylvania. Pending the outcome of the rulemaking, the RLECs should neither be held to an \$18.00 rate cap nor should they be permitted to take funding from the PA USF in order to obtain the revenues which would represent the difference between the \$18.00 and their Chapter 30 plan entitlements. Rather, they should be permitted to raise rates consistent with their Chapter 30 plans, with the Commission performing a just and reasonable analysis where the raise is not consistent.

Recommended Decision, Docket No. I-00040105 (Issued July 23, 2009), at 90.

The instant proceeding is explicitly directed to address access charge reform, not annual rate increases due to the rural ILECs' PSM filings. Consequently, the OSBA respectfully submits that there does not appear to be significant overlap between the scope of the instant proceeding and the issues addressed by ALJ Colwell's limited investigation.

IV. THE PTA PREHEARING MEMORANDUM

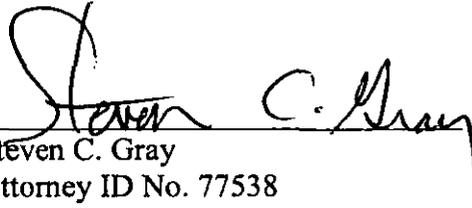
In her Order, the ALJ required the parties to address the issues set forth in the prehearing conference memorandum of the Pennsylvania Telephone Association (“PTA”). In fact, the OSBA submits that not only is the Commission’s own *August 5th Order* a much better guide to the scope of this proceeding, but that the *August 5th Order* is much broader than the issues listed in PTA’s prehearing memorandum.

Thus, the issues listed by PTA as “g,” “h,” “i,” “j,” and “k” all appear to be properly included within the scope of this proceeding. *See* PTA Prehearing Memorandum, at 5-6. That does not in any way imply, of course, that those issues will be resolved in a manner to PTA’s liking.

V. **CONCLUSION**

The OSBA respectfully submits that the *August 5th Order* provides sufficient guidance as to the proper scope of the instant proceeding.

Respectfully submitted,



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Assistant Small Business Advocate

For:

William R. Lloyd, Jr.
Attorney ID No. 16452
Small Business Advocate

Office of Small Business Advocate
Suite 1102, Commerce Building
300 North Second Street
Harrisburg, PA 17101

Dated: September 2, 2009

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Investigation Regarding Intrastate Access :
Charges and IntraLATA Toll Rates of Rural : Docket No. I-00040105
Carriers, and the Pennsylvania Universal :
Service Fund :

AT&T Communications of Pennsylvania, LLC :
Complainant :
:
:
v. : Docket No. C-2009-2098380, et al.
:
:
Armstrong Telephone Company- :
Pennsylvania, *et al.* :
Respondent :

CERTIFICATE OF SERVICE

I certify that I am serving two copies of the Memorandum of Law, on behalf of the Office of Small Business Advocate, by e-mail and first class mail (unless otherwise noted) upon the persons addressed below:

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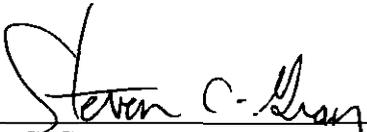
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Date: September 2, 2009



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September 2, 2009

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Honorable Kandace F. Melillo
Administrative Law Judge
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Harrisburg, PA 17120

Re: Investigation Regarding Intrastate Access
Charges and IntraLATA Toll Rates of Rural
Carriers, and the Pennsylvania Universal
Service Fund
Docket No. I-00040105

AT&T Communications of Pennsylvania,
LLC, *et al.* v. Armstrong Telephone Company
– Pennsylvania, *et al.*
Docket No. C-2009-2098380 *et al.*

Dear Judge Melillo:

Enclosed please find the Office of Consumer Advocate's Memorandum of Law in the
above-referenced proceeding.

Copies have been served in accordance with the enclosed Certificate of Service.

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: Parties of Record
James J. McNulty, Secretary

*117396

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Investigation Regarding Intrastate Access	:	
Charges and IntraLATA Toll Rates of Rural	:	
Carriers, and the Pennsylvania Universal	:	Docket No. I-00040105
Service Fund	:	
AT&T Communications of Pennsylvania, LLC	:	
Complainant	:	
v.	:	Docket No. C-2009-2098380, <i>et al.</i>
Armstrong Telephone Company - Pennsylvania,	:	
<i>et al.</i>	:	
Respondents	:	

MEMORANDUM OF LAW
OF THE OFFICE OF CONSUMER ADVOCATE

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Dated: September 2, 2009

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I. PROCEDURAL HISTORY

On December 20, 2004, the Pennsylvania Public Utility Commission ("Commission") entered an Order commencing an investigation at Docket No. I-00040105. In that investigation the Commission was seeking to determine whether there should be further intrastate access charge reductions and intraLATA toll rate reductions in the service territories of rural incumbent local exchange carriers ("RLECs"). Access charges are the rates charged by local telephone companies to long-distance telephone companies seeking access to the local telephone network in order to provide services to the end-user. The Commission sought an investigation into all rate issues and rate changes that should or would result in the event that disbursements from the Pennsylvania Universal Service Fund ("Pa USF") are changed.

In that Order, the Commission articulated six issues that were to be addressed in the investigation. Those issues are:

- (a) Whether intrastate access charges and intraLATA toll rates should be further reduced or rate structures modified in the rural ILECs' territories.
- (b) What rates are influenced by contributions to and/or disbursements from the Fund?
- (c) Should disbursements from the Fund be reduced and/or eliminated as a matter of policy and/or law?
- (d) Assuming the Fund expires on or about December 31, 2006, what action should the Commission take to advance the policies of this Commonwealth?
- (e) If the Fund continues beyond December 31, 2006, should wireless carriers be included in the definition of contributors to the Fund? If included, how will the Commission know which wireless carriers to assess? Will the Commission need to require wireless carriers to register with the Commission? What would a wireless carrier's contribution be based on? Do wireless companies split their revenue bases by intrastate, and if not, will this be a problem?

(f) What regulatory changes are necessary to 52 Pa. Code §§ 63.161-63.171 given the complex issues involved as well as recent legislative developments?

December 20, 2004 Order at 5-6. The Commission also recognized its responsibility for assuring the maintenance of universal telecommunications services at affordable rates in Pennsylvania as well as the evolving nature of this responsibility. The Commission noted that the Pa USF helps to maintain the affordability of local service provided by a majority of the telephone companies in the Commonwealth.

Since the December 20, 2004 Order, the investigation has been stayed by subsequent orders of the Commission. By Order entered April 24, 2008, however, the Commission bifurcated the investigation and reopened a portion for “the express and limited purpose” of addressing selected issues pertaining to, among other things, rural basic local exchange service rate affordability and the Pa USF. The Commission sought a determination as to “whether the cap of \$18.00 on residential monthly service rates and any corresponding cap on business monthly rates should be raised” and also what the “appropriate benchmark for the rural residential rate for basic local exchange service should be.” April 24, 2008 Order at 30-31.¹ That proceeding was recently adjudicated before Administrative Law Judge (ALJ) Susan D. Colwell and is currently in the Exceptions phase. The Commission otherwise granted a request to further stay the other portions of the investigation as part of its April 24, 2008 Order.

On March 19, 2009, AT&T Communications of Pennsylvania, LLC (“AT&T”) and its affiliates each filed a complaint against each of the Pennsylvania RLECs for a total of ninety-six (96) complaints. Those 96 complaints requested further intrastate access charge reductions and

¹ Other issues that were to be addressed in the proceeding before ALJ Colwell as per the Commission’s April 24, 2008 Order included: whether Pa USF funding could be received by RLECs that incrementally pierce the appropriate residential rate cap because of the regular annual Chapter 30 filings, whether such funding is anti-competitive, the role of “banked” revenues and whether a “needs-based test” should be adopted to determine Pa USF funding.

were consolidated into one proceeding at Docket No. C-2009-2098380, *et al.* The OCA filed a Notice of Intervention in the consolidated proceedings on April 24, 2009. Those consolidated complaints were assigned by the Office of Administrative Law Judge to ALJ Kandace F. Melillo. By Commission Order entered July 29, 2009, the Commission then reopened the stayed portion of the investigation at docket number I-00040105 and consolidated it with the 96 AT&T complaints because “while the substance of the two matters is not identical, it is undeniable that there is considerable overlap in the issues being considered in both cases.” July 29, 2009 Order at 14.

In a separate order entered August 5, 2009, the Commission restarted the investigation by denying a pending request for a further stay. The August 5, 2009 Order raised additional issues that were to be addressed in this restarted investigation but indicated that issues “adjudicated” before ALJ Colwell were not to be relitigated absent extraordinary circumstances. The Commission’s Order provided:

That the participating parties shall address and provide record evidence on the legal, ratemaking and regulatory accounting linkages between: a) any Federal Communications Commission’s ruling in its *Unified Intercarrier Compensation* proceeding; b) the intrastate access charge reform for rural ILECs in view of the new Chapter 30 law and its relevant provisions at 66 Pa. C.S. §§ 3015 and 3017; c) the Pennsylvania Universal Service Fund; and d) the potential effects on rates for the basic local exchange services of the rural ILECs to the extent this is consistent with the Commission’s determinations in the limited investigation.

August 5, 2009 Order at 21-22.

An Initial Prehearing Conference was held regarding the now unstayed portion of the original access investigation case (docket No. I-00040105) and the consolidated AT&T complaint cases (docket No. C-2009-2098380, *et al.*) on August 19, 2009. During that Prehearing Conference, a lengthy discussion was held regarding the scope of this consolidated

matter. No consensus was reached regarding which issues were to be properly addressed in this portion of the investigation, particularly given the recent release of the Recommended Decision from ALJ Colwell. Extensive discussion was held particularly about whether the issue pertaining to whether wireless carriers could be included in the definition of contributors to the Pa USF is properly included in this investigation. As a result, ALJ Melillo directed that Memoranda of Law be filed that specifically address the parties' positions regarding the scope of this portion of the investigation and the issues to be addressed.

The OCA submits this Memorandum of Law in support of its position regarding the scope of this investigation. The OCA submits that the scope of this consolidated proceeding includes 1) the original issues articulated by the Commission in its Order entered December 20, 2004 that have not been addressed by this Commission; 2) the issues raised by AT&T in their complaints filed March 19, 2009; and 3) the issues articulated by the Commission in their Order entered August 5, 2009. Specifically, the OCA submits that the issue of whether wireless carriers should be included in the definition of contributors to the Pa USF has not been addressed by the Commission and is appropriate for this portion of the access investigation case.

II. ISSUES

1. Whether the scope of this proceeding before Administrative Law Judge Kandace F. Melillo includes those issues articulated in the Pennsylvania Public Utility Commission's Order entered December 20, 2004, to the extent not already adjudicated by Administrative Law Judge Susan D. Colwell, as well as the issues raised by AT&T Communications of Pennsylvania, LLC in its Complaints filed against each of Pennsylvania's rural incumbent local exchange carriers, dated March 19, 2009, and the issues articulated by the Commission in its Order entered August 5, 2009?

Suggested Answer: Yes

2. Does the scope of this proceeding include whether wireless carriers should be included in the definition of contributors to the Pennsylvania Universal Service Fund, and related issues?

Suggested Answer: Yes

III. ARGUMENT

- A. The Scope Of This Proceeding Includes Those Issues Articulated In The Pennsylvania Public Utility Commission's Orders Entered December 20, 2004 And August 5, 2009, As Well As The Issues Raised By AT&T Communications Of Pennsylvania, LLC In Its Complaints Filed Against Each Of Pennsylvania's Rural Incumbent Local Exchange Carriers, Dated March 19, 2009.

1. Introduction.

The OCA articulated in its Prehearing Memorandum in this case that the scope of this case includes 1) the six issues articulated in the Commission's Order at Docket No. I-00040105 entered December 20, 2004, 2) the issues raised by AT&T in their 96 complaints filed against each of the Pennsylvania RLECs on March 19, 2009 and 3) the four issues articulated in the Commission's Order at Docket No. I-00040105 entered August 5, 2009. Issues that have already been assigned for adjudication before ALJ Colwell during the limited reopening of the investigation at Docket No. I-00040105, as per the Commission's Order entered April 24, 2008, however, are not to be relitigated absent extraordinary circumstances.²

The OCA submits that all of issues articulated by the Commission in its December 20, 2004 Order remain within the scope of this portion of the investigation. Those issues have not been adjudicated by the Commission and are directly relevant to whether any further intrastate access charge reductions are necessary or proper. The OCA supports the Commission decision to take a bifurcated approach that would allow for the appropriate residential rural basic local exchange rate benchmark to be established as an initial matter. It is appropriate to establish the benchmark, and its underlying support, before determining whether related issues may impact that benchmark or the Pa USF.

² As per ALJ Melillo's directive, the OCA will specifically address below whether each of the issues raised by the Pennsylvania Telephone Association (PTA) in its Prehearing Memorandum dated August 17, 2009 are properly within the scope of this portion of the bifurcated investigation.

The six issues raised in the December 20, 2004 Order were not adjudicated before ALJ Colwell and remain relevant to the Commission's consideration of "whether there should be further intrastate access charge reductions and intraLATA toll rate reductions in the service territories of rural incumbent local exchange carriers (rural ILECs) and all rate issues and rate changes that should or would result in the event that disbursements from the Pennsylvania Universal Service Fund are reduced." December 20, 2004 Order at 1. In contrast, the issues presented in the Colwell portion of the investigation as per the April 24, 2008 Order concerned "whether the cap of \$18.00 on residential monthly service rates and any corresponding cap on business monthly service rates should be raised, whether funding for the Pennsylvania Universal Service Fund should be increased" and what is "the appropriate benchmark for the rural ILEC residential rate for basic local exchange service taking into account the statutory requirements for maintaining and enhancing universal telecommunications service at affordable rates." April 24, 2008 Order at 30-31.

In argument before ALJ Melillo, some parties argued that ALJ Colwell's Recommended Decision already decided issues raised in the Commission's December 20, 2004 Order. The OCA recognizes that ALJ Colwell's July 23, 2009 Recommended Decision discusses some issues that were retained for later investigation. The OCA respectfully submits, however, that the ALJ's discussion of issues that were beyond the scope of her limited investigation cannot serve as an adjudication – with full record evidence – of the important questions the Commission reserved for litigation in this proceeding. The issues that were before ALJ Colwell under the April 24, 2008 Order, are significantly different than the issues raised in the December 20, 2004 Order that are now to be investigated before ALJ Melillo. While several parties cited to ALJ Colwell's Recommended Decision in their Prehearing Memoranda as being dispositive of issues

in this portion of the investigation, the Recommended Decision cannot alter the directives of the Commission in its December 20, 2004, April 24, 2008 and August 5, 2009 Orders. Simply because ALJ Colwell may have discussed an issue in her Recommended Decision does not mean that the issue was “adjudicated,” particularly if no record evidence on the issue was developed.

Finally, the OCA notes this is an investigation case. The Commission uses investigations to address broad issues of policy and fact that often go beyond the scope of a single adjudication between two opposing parties. The fact that the Commission gave one year for this investigation to be conducted supports the point that the investigation is a fact gathering exercise that is intended to present a detailed evidentiary record to the Commission for its review. To limit the scope of this proceeding as some parties have advocated, or to expedite the proceeding, would in general do a disservice to the Commission on this matter of vital public importance. As Chairman Cawley noted, “because of the complexity of the issues involved, their reasonable examination and the development of an adequate evidentiary record cannot occur in less than a year.” Motion of Chairman James H. Cawley, at 2.

The August 5, 2009 Order consolidates the portion of the intrastate access investigation case that has not previously been adjudicated with the 96 complaints filed by AT&T. In no way has the Commission determined that it no longer seeks the development of an evidentiary record regarding the original six issues articulated in the December 20, 2004 Order. Instead, the scope of this investigation properly includes those six issues raised in the December 20, 2004 Order, as well as the issues raised in the AT&T complaints and in the August 5, 2009 Order. In fact, in an Order entered July 29, 2009, the Commission recognized, when denying the PTA Petition for Interlocutory Review regarding ALJ Melillo’s denial of their Motion to Dismiss, that “the cases

are not the same; we agree with Sprint that the RLEC Access Charge Investigation is much broader than the [AT&T] Complaints.” July 29, 2009 Order at 14.

As discussed further below, the OCA submits that all of the issues raised in the PTA Prehearing Memorandum are within the scope of this portion of the access investigation now being conducted before ALJ Melillo.

2. Specific Issues Raised By The Pennsylvania Telephone Association.

The OCA will now address in seriatim the issues raised in the Pennsylvania Telephone Association’s (PTA) Prehearing Memorandum, as directed by ALJ Melillo.

a) **Whether intrastate access charges and intraLATA toll rates should be further reduced or rate structures modified in the rural ILECs’ territories.**

The OCA submits that this issue is within the scope of the proceeding to be litigated before ALJ Melillo. This issue was clearly articulated by the Commission in its December 20, 2004 Order. Now that the investigation is no longer stayed, it is appropriate and important to address this issue in this proceeding as this is the fundamental question that drives this entire investigation. Failing to address this issue at this time will do a disservice to the Commission and may inhibit the Commission’s ability to set its policy on intrastate access rates and universal service. This issue was not adjudicated by ALJ Colwell in her Recommended Decision dated July 23, 2009 nor was it specifically articulated as an issue to be addressed by ALJ Colwell as per the April 24, 2008 Order.

This issue was also supposed to be addressed by the Federal Communications Commission (FCC) in its intercarrier compensation proceeding.³ Such possible duplication formed the basis of the Commission’s decision to stay this investigation pending the outcome of

³ In the Matter of Developing a Unified Intercarrier Compensation Regime, CC Docket No. 01-92, FCC 05-33, Further Notice of Proposed Rulemaking (released March 3, 2005).

the FCC proceeding. As the FCC has not yet acted on their open proceeding, the Pennsylvania Commission has determined to move forward with its investigation. August 5, 2009 Order at 19.

This issue is properly within the scope of ALJ Melillo's portion of the bifurcated investigation.

b) What rates are influenced by contributors to and/or disbursements from the PaUSF?

The OCA submits that this issue is within the scope of the proceeding to be litigated before ALJ Melillo. This issue was clearly articulated by the Commission in its December 20, 2004 Order and is necessary to the extent that the Commission determines that intrastate access rates should be changed. This issue was not adjudicated by ALJ Colwell in her Recommended Decision dated July 23, 2009 nor was it specifically articulated as an issue to be addressed by ALJ Colwell as per the Commission's Order entered April 24, 2008.

This issue is properly within the scope of ALJ Melillo's portion of the bifurcated investigation.

c) Should disbursements from the PaUSF be reduced and/or eliminated as a matter of policy and/or law?

The OCA submits that this issue is within the scope of the proceeding to be litigated before ALJ Melillo. This issue was clearly articulated by the Commission in its December 20, 2004 Order. This issue was not an issue that was supposed to be addressed by ALJ Colwell as per the April 24, 2008 Order. While ALJ Colwell discussed some issues related to whether disbursements from the Pa USF should be reduced or eliminated as a matter of policy or law, this issue was not directed by the Commission to be decided in that portion of the proceeding and no opportunity to provide an evidentiary record was afforded affected parties.

The April 24, 2008 Order that established the issues for the proceeding before ALJ Colwell provided, *inter alia*, that this “investigation is reopened for the express and limited purposes of addressing whether funding for the Pennsylvania Universal Service Fund should be *increased*.” April 24th Order at 30 (emphasis added). The issue of whether disbursements from the Pa USF should be reduced or eliminated as a matter of policy or law was not properly before ALJ Colwell and any discussion by ALJ Colwell on this issue was beyond the scope of that portion of the proceeding.

This issue is properly within the scope of ALJ Melillo’s portion of the bifurcated investigation.

d) Assuming the PaUSF expires on or about December 31, 2006, what action should the Commission take to advance the policies of this Commonwealth?

While the Pa USF obviously did not expire on December 31, 2006, the question of what to do if or when the fund expires is within the scope of the proceeding to be litigated before ALJ Melillo. This issue was clearly articulated by the Commission in its December 20, 2004 Order. Failing to address this issue at this time when considering whether disbursements from the Pa USF should be reduced and/or eliminated may inhibit the Commission’s ability to set its policy on intrastate access rates and universal service. This issue was not litigated before ALJ Colwell nor was it specifically articulated as an issue to be addressed by ALJ Colwell as per the April 24, 2008 Order. The OCA recognizes that ALJ Colwell did recommend changes to the Pa USF, i.e., that it should be used for “high-cost” areas and low-income customers. ALJ Colwell, however, did not base that recommendation on an assumption that the Pa USF expired at any point. The parties did not have an opportunity to present evidence regarding this issue.

Furthermore, it is not reasonable to argue that this issue is no longer relevant merely because it specifically references the Pa USF expiring on December 31, 2006. A plain reading of

the Commission's Access Charge Order, which governs this matter, provides that the Pa USF will continue "until a further Rulemaking Order determines otherwise."⁴ The Access Charge Order is clear: the Pa USF does not expire by its own terms. Therefore, the reference to "December 31, 2006" must be analyzed in light of the fact that the Commission's Order was written in December of 2004.

This issue is properly within the scope of ALJ Melillo's portion of the bifurcated investigation.

- e) **If the PaUSF continues beyond December 31, 2006, should wireless carriers be included in the definition of contributors to the Fund? If included, how will the Commission know which wireless carriers to assess? Will the Commission need to require wireless carriers to register with the Commission? What would a wireless carrier's contribution be based upon? Do wireless companies split their revenue bases by intrastate, and, if not, will this be a problem?**

The OCA submits that this issue is within the scope of the proceeding to be litigated before ALJ Melillo. This issue was clearly articulated by the Commission in its December 20, 2004 Order and was not adjudicated before ALJ Colwell. Failing to address this issue at this time may inhibit the Commission's ability to set its policy on intrastate access rates and universal service. It is critical for the Commission to consider this issue because the definition of contributors to the Pa USF may reduce the burden created for other individual contributors.

Wireless carriers have previously argued in this docket that they cannot be required to contribute to the Pa USF because they are not jurisdictional utilities. The Commission specifically addressed this issue in its Order at Docket No. I-00040105 entered on October 8, 2008 addressing a Petition for Reconsideration filed by Sprint Communications Company, L.P., *et al.* ("Sprint") in response to the April 24, 2008 Order. In that Petition, Sprint asked the

⁴ Access Charge Investigation per Global Order of September 30, 1999, Docket Nos. M-00021596, *et al.*, Order (entered July 15, 2003) at 12 (Access Charge Order).

Commission to address the issue of whether Pennsylvania law and Commission rules prevent Pa USF contribution obligations upon commercial mobile radio service providers (CMRS) (i.e., wireless companies) for lack of jurisdiction. October 8, 2008 Order at 3. The Commission noted that Sprint requested the Commission to clarify that the re-opened investigation will not include consideration of CMRS carriers in conjunction with Pa USF funding obligations. Id. In response, the Commission provided “we did not specifically include this issue to be considered in the limited investigation at this time.” Id.

The Commission therefore determined that the issue of whether wireless carriers should contribute to the Pa USF was not intended to be addressed in ALJ Colwell’s limited investigation. That was appropriate since that limited investigation was intended to address whether the \$18.00 rural residential basic local exchange rate cap should be increased, what the appropriate rural residential benchmark rate should be and whether the size of the Pa USF should be increased. April 24, 2008 Order at 30-31.⁵ The Commission did not intend to address who will contribute to the Pa USF in the bifurcated portion of the investigation before ALJ Colwell. The Commission only sought to determine whether the size of the Pa USF should be increased. The Commission’s determination that it did not specifically include the issue of whether wireless carriers should contribute to the Pa USF *at this time* confirms that the issue was not to be addressed in the limited proceeding before ALJ Colwell, but is to be addressed in the remainder of the bifurcated investigation (i.e., this portion of the investigation pending before ALJ Melillo).

Other states have required wireless and other non-jurisdictional service providers (e.g., voice over internet protocol, or VoIP, providers) to contribute to state universal service funds. It

⁵ Several times the Commission referred to the proceeding conducted by ALJ Colwell as “limited.” See e.g., April 24th Order at 30 (“the investigation is reopened for the express and limited purposes....”); see also, August 5th Order at 6.

is reasonable for the Commission now to include wireless carriers as part of this investigation to see if the Commission should seek to do the same in Pennsylvania.

Furthermore, the Commission may include in this investigation entities that are not regulated in Pennsylvania as public utilities. The Commission has taken jurisdiction over wireless carriers for other reasons such as designation of wireless carriers as Eligible Telecommunications Carriers (ETCs) pursuant to Section 214 of the Federal Telecommunications Act of 1996, 47 U.S.C. § 214,⁶ and for purposes of arbitrating disputes regarding interconnection agreements. Whether wireless carriers should be required to contribute to the Pa USF is a matter within the Commission's jurisdiction.

This issue is properly within the scope of ALJ Melillo's portion of the bifurcated investigation.

f) What regulatory changes are necessary to 52 Pa. Code §§63.161-63.171 given the complex issues involved as well as recent legislative developments?

The OCA submits that this issue is within the scope of the proceeding to be litigated before ALJ Melillo. This issue was clearly articulated by the Commission in its December 20, 2004 Order and was not adjudicated by ALJ Colwell in her Recommended Decision dated July 23, 2009 nor was it specifically articulated as an issue to be addressed by ALJ Colwell as per the April 24, 2008 Order. While ALJ Colwell did recommend that "the Commission should open a rulemaking which proposes changes to its universal service regulations to reflect the Commission's policy regarding universal service in Pennsylvania," R.D. at 90, this issue was not articulated as an issue to be addressed by ALJ Colwell as per the Commission's April 24, 2008 Order. Furthermore, while ALJ Colwell recommended that the Pa USF be modified to focus on "high cost" and low-income customers, ALJ Colwell did not, nor was she authorized to,

⁶ In re Implementation of Telecommunications Act of 1996, Docket No. M-00960799, Secretarial Letter (dated Feb. 26, 2009).

recommend any specific regulatory changes regarding her overall recommendation that would be sufficient to consider that “regulatory changes” were adjudicated before her. ALJ Colwell’s recommendations did not constitute an adjudication of this issue.

This issue is properly within the scope of ALJ Melillo’s portion of the bifurcated investigation.

- g) The appropriateness of continuation of the PaUSF to continue to support the access reforms already implemented, and/or the development and implementation of a Toll Line Charge or another universal service fund to recover any revenue deficiencies effectuated by any change in the current PaUSF or the current rural access rates.**

The PTA notes in its Prehearing Memorandum that this issue is a derivative of the issue (c) above from the Commission’s December 20, 2004 Order. The OCA submits that this is a reasonable interpretation of issue (c) and that this issue therefore is within the scope of this proceeding because issue (c) above is also within the scope of this proceeding. To the extent that the Commission determines to reduce or eliminate the Pa USF, the RLECs will lose substantial funds that offset reductions in access rates each year. If the Pa USF is reduced or no longer exists, the RLECs will be without that revenue and may need another funding source to compensate for the lost revenues.

This issue is properly within the scope of ALJ Melillo’s portion of the bifurcated investigation.

- h) The appropriateness of eliminating current PaUSF credits on local service customer bills and increasing access charges on access customer bills to the extent the current PaUSF is reduced without replacement funding implemented.**

The PTA notes in its Prehearing Memorandum that this issue is a derivative of the issue (c) from the Commission’s December 20, 2004 Order. The OCA submits that this is a reasonable interpretation of issue (c) and that this issue therefore is within the scope of this

proceeding because issue (c) above is also within the scope of this proceeding as per the above. To the extent that the Commission determines to reduce or eliminate the Pa USF, the RLECs will lose substantial funds that offset reductions in access rates each year. If the Pa USF is reduced or no longer exists, the RLECs will be without that revenue and may need another funding source to compensate for the lost revenues.

This issue is properly within the scope of ALJ Melillo's portion of the bifurcated investigation.

i) The pool of service providers that should be assessed to contribute to universal service support in Pennsylvania.

The PTA notes in its Prehearing Memorandum that this issue is a derivative of the issue (e) from the Commission's December 20, 2004 Order. The OCA submits that this is a reasonable interpretation of issue (e) and that this issue is within the scope of this proceeding because issue (e) above is also within the scope of this proceeding. While the Commission in 2004 inquired whether wireless carriers should be included in the definition of contributors to the Pa USF, it is equally relevant in 2009 to determine whether other service providers, such as voice of internet protocol (VoIP) providers, should be included in the definition of contributors to the Pa USF as well. The same questions asked of wireless carriers in issue (e) in the December 20th Order are also relevant to VoIP providers (i.e., "how will the Commission know which wireless carriers to assess?"). As a result, the PTA issue is a reasonable interpretation of the Commission's issue (e).

This issue is properly within the scope of ALJ Melillo's portion of the bifurcated investigation.

j) The impact on rural intrastate access rates and/or rate structures from any further federal action on intercarrier compensation, access, and universal service issues.

The OCA submits that this issue is a reasonable interpretation of the Commission's issue articulated in its August 5, 2009 Order at Ordering Paragraph No. 5. The Commission there states:

That the participating parties shall address and provide record evidence on the legal, ratemaking and regulatory accounting linkages between: a) any Federal Communications Commission's ruling in its *Unified Intercarrier Compensation* proceeding; b) the intrastate access charge reform for rural ILECs in view of the new Chapter 30 law and its relevant provisions at 66 Pa. C.S. §§ 3015 and 3017; c) the Pennsylvania Universal Service Fund; and d) the potential effects on rates for the basic local exchange services of the rural ILECs to the extent this is consistent with the Commission's determinations in the limited investigation.

August 5, 2009 Order at 21. As a result, "the impact on rural intrastate access rates and/or rate structure from any further federal action on intercarrier compensation, access, and universal service issues," as PTA articulated, is relevant to this portion of the bifurcated proceeding because the Commission included "any Federal Communications Commission's ruling in its *Unified Intercarrier Compensation* proceeding" above.

This issue is properly within the scope of ALJ Melillo's portion of the bifurcated investigation.

- k) Whether further rural intrastate access charge reform is necessary in light of the elimination in Act 183 of the mandatory access reductions that were contained in the original Chapter 30 law in Act 183.**

The OCA submits that this issue is within the scope of the proceeding to be litigated before ALJ Melillo. When Chapter 30 was re-enacted in 2004, the only requirement in the prior Chapter 30 for access reduction was eliminated. *See*, 66 Pa. C.S. § 3007 (repealed). PTA here has raised the question of whether this statutory change should affect the Commission's policy regarding access reductions.

This issue is properly within the scope of ALJ Melillo's portion of the bifurcated investigation.

D) Any other issues that may arise and/or be determined to be relevant to the Phase III investigation of rural access rates.

The OCA submits that this "catch-all" issue articulated by the PTA in its Prehearing Memorandum is appropriate and provides a reasonable opportunity for parties to raise relevant issues in this investigation. The purpose of an investigation is to gather facts and to hear positions of various affected parties in relevant issues. To the extent that a party may raise an issue that is relevant to this portion of the access investigation case, the party should be allowed to raise the issue so that a well developed record can be presented to the Commission. This investigation should not be unduly limited.

This issue is properly within the scope of ALJ Melillo's portion of the bifurcated investigation.

3. Specific Issues Not Raised By The Pennsylvania Telephone Association.

The OCA appreciates the extensive list of issues in this proceeding provided in the PTA Prehearing Memorandum filed August 17, 2009. The OCA respectfully submits, however, that there are additional issues that are within the scope of this proceeding that are not included in the PTA list. In particular, the PTA list does not include issues that are raised in the AT&T complaints filed March 19, 2009 that were consolidated with this investigation in the Commission's August 5, 2009 Order. Those issue include:

- whether the RLECs' intrastate access rates are unjust and unreasonable in violation of 66 Pa. C.S. § 1301, AT&T Complaint at 6;

- whether the RLECs' intrastate access rates violate Section 3011(3) ("ensures that customers pay only reasonable charges for protected services which shall be available on a non-discriminatory basis"), Id. at 7;

- whether the RLECs' intrastate access rates violate Section 3011(5) ("provide diversity in the supply of existing and future telecommunications services and products in telecommunications markets throughout this Commonwealth by ensuring that rates, terms and conditions for protected services are reasonable and do not impede the development of competition"), Id.; and

- whether the RLECs' intrastate access rates violate Section 3011(9) ("encourage the competitive supply of any service in any region where there is market demand"). Id.

Furthermore, in its August 5, 2009 Order restarting this investigation, the Commission determined:

That the participating parties shall address and provide record evidence on the legal, ratemaking and regulatory accounting linkages between: a) any Federal Communications Commission's ruling in its *Unified Intercarrier Compensation* proceeding; b) the intrastate access charge reform for rural ILECs in view of the new Chapter 30 law and its relevant provisions at 66 Pa. C.S. §§ 3015 and 3017; c) the Pennsylvania Universal Service Fund; and d) the potential effects on rates for the basic local exchange services of the rural ILECs to the extent this is consistent with the Commission's determinations in the limited investigation.

August 5, 2009 Order at 21-22. To the extent that these issues were not addressed above, the OCA submits they are within the scope of this proceeding as well.

IV. CONCLUSION

WHEREFORE, the Office of Consumer Advocate respectfully submits that the correct scope of this consolidated proceeding includes all of the six issues articulated in the Pennsylvania Public Utility Commission's Order entered December 20, 2004. Additionally, the scope of this proceeding includes the issues raised in the by AT&T Communications of Pennsylvania, LLC in its Complaints filed against each of Pennsylvania's rural incumbent local exchange carriers, dated March 19, 2009, and the issues articulated by the Commission in

ordering paragraph 5 of its Order entered August 5, 2009. In particular, this scope includes whether wireless carriers should be included in the definition of contributors to the Pennsylvania Universal Service Fund.

Respectfully submitted,



Joel H. Cheskis, Esquire
PA Attorney I.D. No. 81617
Assistant Consumer Advocate

For: Irwin A. Popowsky
Consumer Advocate

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Dated: September 2, 2009
116929

CERTIFICATE OF SERVICE

Re: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers, and the Pennsylvania Universal Service Fund
Docket No. I-00040105

AT&T Communications of Pennsylvania, LLC, *et al.* v. Armstrong Telephone Company – Pennsylvania, *et al.*
Docket No. C-2009-2098380, *et al.*

I hereby certify that I have this day served a true copy of the foregoing document, the Office of Consumer Advocate's Memorandum of Law, 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 2nd day of August, 2009.

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September 9, 2009

Honorable Kandace F. Melillo
Administrative Law Judge
PA Public Utility Commission
Commonwealth Keystone Bldg.
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RECEIVED

SEP - 9 2009

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Investigation Regarding Intrastate Access
Charges and IntraLATA Toll Rates of Rural
Carriers, and the Pennsylvania Universal
Service Fund
Docket No. I-00040105

AT&T Communications of Pennsylvania,
LLC, *et al.* v. Armstrong Telephone Company
– Pennsylvania, *et al.*
Docket No. C-2009-2098380 *et al.*

Dear Judge Melillo:

Please be advised that the Office of Consumer Advocate will not be filing a Reply Memorandum of Law in the above-referenced proceeding.

Copies have been served in accordance with the enclosed Certificate of Service.

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: Parties of Record
James J. McNulty, Secretary

*117396

CERTIFICATE OF SERVICE

Re: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers, and the Pennsylvania Universal Service Fund
Docket No. I-00040105

AT&T Communications of Pennsylvania, LLC, *et al.* v. Armstrong Telephone Company – Pennsylvania, *et al.*
Docket No. C-2009-2098380, *et al.*

I hereby certify that I have this day served a true copy of the foregoing document, the Office of Consumer Advocate's Letter Re: Not filing a Reply Memorandum of Law, 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 9th day of September, 2009.

SERVICE BY E-MAIL & INTER-OFFICE MAIL

Allison Kaster
Adeolu Bakare
Office of Trial Staff
Pa. Public Utility Commission
Commonwealth Keystone Bldg.
400 North Street
Harrisburg, PA 17120

SERVICE BY E-MAIL & FIRST CLASS MAIL, POSTAGE PREPAID

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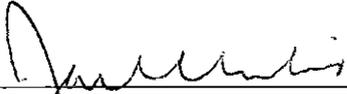
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Phone: (717) 783-5048
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*111661

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF SMALL BUSINESS ADVOCATE
Suite 1102, Commerce Building
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Harrisburg, Pennsylvania 17101

RECEIVED

SEP - 9 2009

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

William R. Lloyd, Jr.
Small Business Advocate

September 9, 2009

(717) 783-2525
(717) 783-2831 (FAX)

E-mail and Hand Delivery

DOCUMENT
FOLDER

Hon. Kandace F. Melillo
Administrative Law Judge
Pa. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers, and the Pennsylvania Universal Service Fund Docket No. I-00040105

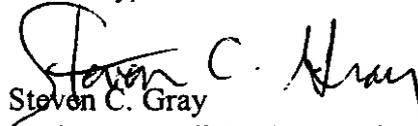
**AT&T Communications of Pennsylvania, LLC, et al. V. Armstrong Telephone Company - Pennsylvania, et al.
Docket No. C-2009-2098380 et al.**

Dear Judge Melillo:

The Office of Small Business Advocate ("OSBA") is not submitting a Responsive Memorandum of Issues. The OSBA believes that its Memorandum of Issues submitted on September 2, 2009, adequately addresses the scope of the issues in this proceeding.

If you have any questions, please contact me.

Sincerely,


Steven C. Gray
Assistant Small Business Advocate
Attorney ID No. 77538

Enclosures

cc: James J. McNulty, Secretary
Parties of Record
Allen G. Buckalew

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Investigation Regarding Intrastate Access	:	
Charges and IntraLATA Toll Rates of Rural	:	Docket No. I-00040105
Carriers, and the Pennsylvania Universal	:	
Service Fund	:	
AT&T Communications of Pennsylvania, LLC	:	
Complainant	:	
v.	:	Docket No. C-2009-2098380, et al.
Armstrong Telephone Company-	:	
Pennsylvania, <i>et al.</i>	:	
Respondent	:	

CERTIFICATE OF SERVICE

I certify that I am serving two copies of the foregoing letter, on behalf of the Office of Small Business Advocate, by e-mail and first class mail (unless otherwise noted) upon the persons addressed below:

Hon. Kandace F. Melillo
Administrative Law Judge
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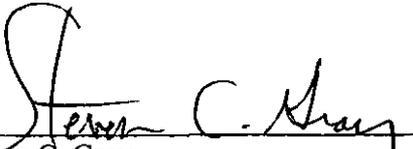
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(First class mail only)

Date: September 9, 2009


Steven C. Gray
Assistant Small Business Advocate
Attorney ID No. 77538



Norman J. Kennard
Direct Dial: 717.255.7627
nkennard@thomaslonglaw.com

September 18, 2009

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
400 North Street, Filing Room
Harrisburg, PA 17101

ORIGINAL

Re: Investigation Regarding Intrastate Access Charges and IntraLATA
Toll Rates of Rural Carriers and the Pennsylvania Universal Service
Fund; Docket No. I-00040105

Dear Secretary McNulty:

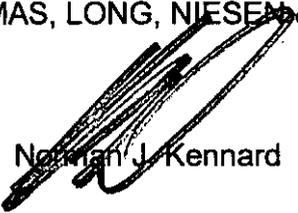
This letter provides notice to the Commission and the parties that the Pennsylvania Telephone Association will not be filing Reply Exceptions in the above-captioned matter.

Please do not hesitate to contact me if you have any questions.

Sincerely,

THOMAS, LONG, NIESEN & KENNARD

By:


Norman J. Kennard

NJK:ttt

Attachments

cc: Honorable Susan D. Colwell
Per Certificate of Service

RECEIVED
2009 SEP 21 AM 9:20
PA P.U.C. BUREAU

CERTIFICATE OF SERVICE

I hereby certify that I have this 18th day of September, 2009, served a true and correct copy of the foregoing upon the persons listed below by first class mail, postage prepaid:

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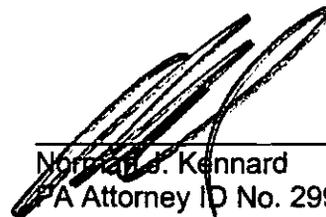
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Norman J. Kennard
PA Attorney ID No. 29921



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
September 30, 2009

IN REPLY PLEASE
REFER TO OUR FILE

In Re: I-00930028

(SEE ATTACHED LIST)

DOCUMENT
FOLDER

Investigation into the maintenance responsibility of the crossing carrying 41st street above grade tracks of National Railroad Passenger Corporation and Consolidated Rail Corporation of Philadelphia.

Hearing Cancellation/Reschedule Notice

This is to inform you that the Initial Hearing on the above-captioned case previously scheduled for October 1, 2009 has been canceled.

The hearing has been rescheduled as follows:

Type: Initial Hearing
Date: Wednesday, December 2, 2009
Time: 10:00 a.m.
Location: In an available 4th Floor Hearing Room
801 Market Street
Philadelphia, PA
Presiding: Administrative Law Judge Cynthia Fordham
Suite 4063
801 Market Street
Philadelphia, PA 19107
Telephone: 215.560.2105
Fax: 215.560.3133

Please mark your records accordingly.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission at least five (5) business days prior to your hearing to submit your request.

If you require an interpreter to participate in the hearings, we will make every reasonable effort to have an interpreter present. Please call the scheduling office at the Public Utility Commission at least ten (10) business days prior to your hearing to submit your request.

- Scheduling Office: 717.787.1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired:
1.800.654.5988

pc: Judge Fordham
Melissa Maloney
Calendar File
File Room

I-00930028 INVESTIGATION INTO THE MAINTENANCE RESPONSIBILITY OF THE
CROSSING CARRYING 41ST STREET ABOVE GRADE TRACKS OF NATIONAL
RAILROAD PASSENGER CORPORATION AND CONSOLIDATED RAIL
CORPORATION OF PHILADELPHIA.

SCOTT J SCHWARZ ESQUIRE
CITY OF PHILADELPHIA
ONE PARKWAY
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GINA D'ALFONSO ESQUIRE
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PHILADELPHIA PA 19104
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AMTRAK
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WASHINGTON DC 20001

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LAW BUREAU
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Pennsylvania Lines LLC, Conrail

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THOMAS, LONG,
NIESEN & KENNARD

Attorneys and Counsellors at Law

NORMAN J. KENNARD
Direct Dial: 717.255.7627
nkennard@thomaslonglaw.com

October 9, 2009

ORIGINAL

KJR

Michelle Painter, Esquire
13017 Dunhill Drive
Fairfax, VA 22030

In re: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and The Pennsylvania Universal Service Fund, Docket No. I-00040105

AT&T Communications of Pennsylvania, LLC v. Armstrong Telephone Company - Pennsylvania, *et al.*, Docket No. C-2009-2098380, *et al.*

Dear Ms. Painter

Enclosed please find additional answers to discovery. If you have any questions, please do not hesitate to contact me.

Very truly yours,

THOMAS, LONG, NIESEN & KENNARD

By:

Norman J. Kennard

Enclosures

cc: Certificate of Service
James J. McNulty, Secretary (w/o enclosure)

RECEIVED
2009 OCT 13 AM 9:23
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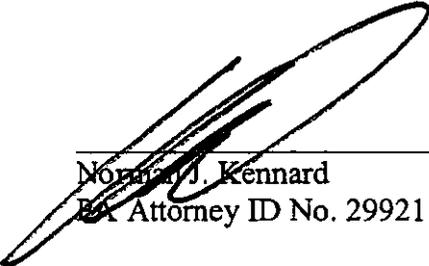
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In re: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and The Pennsylvania Universal Service Fund, Docket No. I-00040105

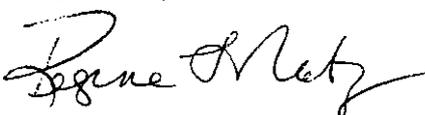
AT&T Communications of Pennsylvania, LLC v. Armstrong Telephone Company - Pennsylvania, *et al.*, Docket No. C-2009-2098380, *et al.*

Dear Michelle:

Enclosed please find additional answers to discovery. If you have any questions, please do not hesitate to contact me or Norm.

Very truly yours,

THOMAS, LONG, NIESEN & KENNARD

By: 
Regina L. Matz

Enclosures

cc: Certificate of Service
James J. McNulty, Secretary (w/o enclosure)

RECEIVED
2009 OCT 16 AM 9:02
PA P.U.C.
SECRETARY'S BUREAU

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Investigation Regarding Intrastate Access :
Charges and IntraLATA Toll Rates of Rural : Docket No. I-00040105
Carriers and The Pennsylvania Universal :
Service Fund :
:
:
AT&T Communications of Pennsylvania, LLC :
Complainant :
:
:
v. :
:
Docket Nos. C-2009-2098380, *et al.* :
Armstrong Telephone Company - Pennsylvania, :
et al. :
:
Respondents :

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of October, 2009, I did serve a true and correct copy of the foregoing documents upon the persons below via electronic mail and first class mail as follows:

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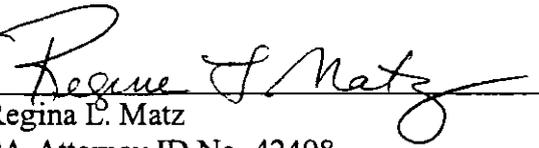
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October 16, 2009

Via E-mail and First Class Mail

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Harrisburg, PA 17101

ORIGINAL

Re: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of
Rural Carriers and the Pennsylvania Universal Service Fund.
Docket No. I-00040105

AT&T Communications of Pennsylvania, LLC, TCG New Jersey, Inc. and TCG
Pittsburgh, Inc. v. Armstrong Telephone Company-Pennsylvania, *et al.*,
Docket Nos. C-2009-2098380, C-2009-2099805, C-2009-2098735

Dear Sue:

Please find enclosed AT&T's Second Set of Interrogatories and Request for Production of Documents addressed to Embarq PA in the above-referenced matters.

Please contact me if you have any questions or concerns with this matter.

Very truly yours,


Michelle Painter

cc: Certificate of Service
James J. McNulty, Secretary (Cover letter and Certificate of Service only)

Enclosure

RECEIVED
2009 OCT 20 PM 1:28
F.A.R.U.C.
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of AT&T's Set II Discovery on Embarq PA upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (related to service by a participant) and 1.55 (related to service upon attorneys).

Dated at Fairfax, Virginia, this 16th day of October 2009.

VIA E-MAIL AND FIRST CLASS MAIL

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Michelle Painter

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October 16, 2009

Via E-mail and First Class Mail

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212 Locust St. Suite 500
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ORIGINAL

Re: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and the Pennsylvania Universal Service Fund. Docket No. I-00040105

AT&T Communications of Pennsylvania, LLC, TCG New Jersey, Inc. and TCG Pittsburgh, Inc. v. Armstrong Telephone Company-Pennsylvania, *et.al.*,
Docket Nos. C-2009-2098380, C-2009-2099805, C-2009-2098735

Dear Norm:

Please find enclosed AT&T's Third Set of Interrogatories and Request for Production of Documents Addressed to the companies represented by the Pennsylvania Telephone Association in the above-referenced matters.

Please contact me if you have any questions or concerns with this matter.

Very truly yours,


Michelle Painter

cc: Certificate of Service
James J. McNulty, Secretary (Cover letter and Certificate of Service only)

Enclosure

BTL

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2009 OCT 20 PM 1:33
F.A.P.U.S.
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of AT&T's Set III Discovery on PTA upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (related to service by a participant) and 1.55 (related to service upon attorneys).

Dated at Fairfax, Virginia, this 16th day of October 2009.

VIA E-MAIL AND FIRST CLASS MAIL

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PA PUBLIC
SECRETARY'S BUREAU

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October 26, 2009

Via E-mail and First Class Mail

Joel Cheskis, Esquire
Office of Consumer Advocate
555 Walnut St. 5th Floor
Harrisburg, PA 17101-1923

Re: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of
Rural Carriers and the Pennsylvania Universal Service Fund.
Docket No. I-00040105

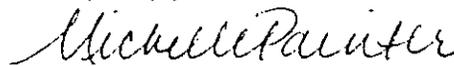
AT&T Communications of Pennsylvania, LLC, *et. al.* v. Armstrong Telephone
Company-Pennsylvania, *et.al.*
Docket Nos. C-2009-2098380, C-2009-2099805, C-2009-2098735

Dear Joel:

Please find enclosed AT&T's Objections to the Set I Interrogatories of the Office of Consumer Advocate in the above-referenced matter.

Please contact me if you have any questions or concerns with this matter.

Very truly yours,



Michelle Painter

cc: Certificate of Service
James J. McNulty, Secretary (Cover letter and Certificate of Service only)

Enclosure

RECEIVED
2009 OCT 28 AM 9:10
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of AT&T's Objections to OCA's Discovery upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (related to service by a participant) and 1.55 (related to service upon attorneys).

Dated at Fairfax, Virginia, this 26th day of October 2009.

VIA E-MAIL AND FIRST CLASS MAIL

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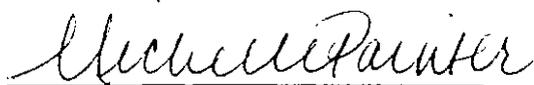
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A handwritten signature in cursive script that reads "Michelle Painter". The signature is written in black ink and is positioned above a horizontal line.

Michelle Painter



THOMAS, LONG,
NIESEN & KENNARD

Attorneys and Counsellors at Law

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Direct Dial: 717.255.7627
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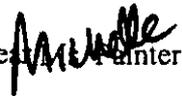
October 27, 2009

ORIGIN

Michelle Painter, Esquire
13017 Dunhill Drive
Fairfax, VA 22030

In re: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and The Pennsylvania Universal Service Fund, Docket No. I-00040105

AT&T Communications of Pennsylvania, LLC v. Armstrong Telephone Company - Pennsylvania, *et al.*, Docket No. C-2009-2098380, *et al.*

Dear  Painter:

Enclosed please find a corrected attachment to ATT-PTA-I-2 and a supplemental response to ATT-PTA-I-15. If you have any questions, please do not hesitate to contact me.

Very truly yours,

THOMAS, LONG, NIESEN & KENNARD

By:


Norman J. Kennard

Enclosures

cc: Certificate of Service
James J. McNulty, Secretary (w/o enclosure)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Investigation Regarding Intrastate Access :
Charges and IntraLATA Toll Rates of Rural : Docket No. I-00040105
Carriers and The Pennsylvania Universal :
Service Fund :
:
:
:
AT&T Communications of Pennsylvania, LLC :
Complainant :
:
:
v. :
:
Docket Nos. C-2009-2098380, *et al.*
Armstrong Telephone Company - Pennsylvania, :
et al. :
:
Respondents :

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of October, 2009, I did serve a true and correct copy of the foregoing documents upon the persons below via electronic mail and first class mail as follows:

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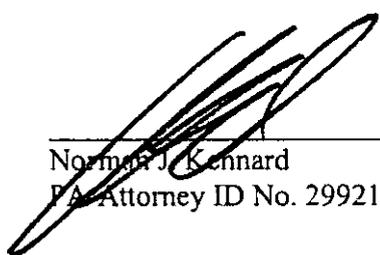
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Norman J. Kennard
PA Attorney ID No. 29921



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October 30, 2009

Joel H. Cheskis, Esquire
Office of Consumer Advocate
555 Walnut Street
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ORIGINAL

Re: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and The Pennsylvania Universal Service Fund, Docket No. I-00040105

AT&T Communications of Pennsylvania, LLC v. Armstrong Telephone Company, *et al.*, Docket Nos. C-2009-2098380, C-2009-2099805, C-2009-2098735

Dear Mr. Cheskis:

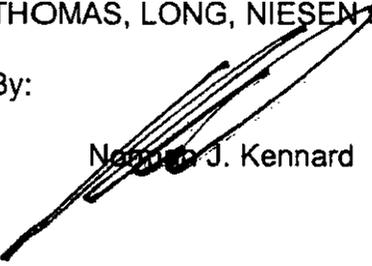
Enclosed please find the answers of The Pennsylvania Telephone Association to OCA's Interrogatories - Set I.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

THOMAS, LONG, NIESEN & KENNARD

By:


Norman J. Kennard

NJK:ttt
enclosure
cc: Per Certificate of Service
James J. McNulty, Secretary (w/o enclosure)

RECEIVED
2009 NOV -2 AM 9:37
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SECRETARY'S BUREAU

Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Investigation Regarding Intrastate
Access Charges and IntraLATA Toll
Rates of Rural Carriers and The
Pennsylvania Universal Service Fund

Docket No. I-00040105

AT&T Communications of
Pennsylvania, LLC

Complainant

Docket Nos. C-2009-2098380, *et al.*

v.

Armstrong Telephone Company -
Pennsylvania, *et al.*

Respondents

CERTIFICATE OF SERVICE

I hereby certify that I have this 30th day of October, 2009, served a true and correct copy of the foregoing document upon the persons listed below by electronic mail, and first class mail, postage prepaid:

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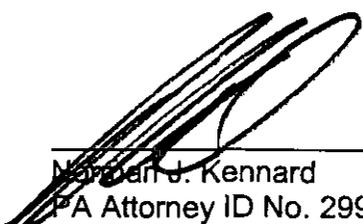
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Morgan J. Kennard
PA Attorney ID No. 29921

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ATTORNEY AT LAW

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E-mail: painterlawfirm@verizon.net

November 2, 2009

Via E-mail and First Class Mail

Joel Cheskis, Esquire
Office of Consumer Advocate
555 Walnut St, 5th Floor
Harrisburg, PA 17101-1923

Re: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of
Rural Carriers and the Pennsylvania Universal Service Fund.
Docket No. I-00040105

AT&T Communications of Pennsylvania, LLC, *et. al.* v. Armstrong Telephone
Company-Pennsylvania, *et.al.*,
Docket Nos. C-2009-2098380, C-2009-2099805, C-2009-2098735

Dear Joel:

Please find enclosed AT&T's responses to the October 14, 2009 Interrogatories of the Office of Consumer Advocate, Set I, in the above-referenced matter. Please note that several of the responses and attachments contain proprietary information and should be treated accordingly.

Please contact me if you have any questions or concerns with this matter.

Very truly yours,


Michelle Painter

cc: Certificate of Service
James J. McNulty, Secretary (Cover letter and Certificate of Service only)

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of AT&T's Responses to OCA's October 14, 2009 Set I Discovery upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (related to service by a participant) and 1.55 (related to service upon attorneys).

Dated at Fairfax, Virginia, this 2nd day of November 2009.

VIA E-MAIL AND FIRST CLASS MAIL

Norman J. Kennard, Esquire
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Michelle Painter

November 2, 2009

ORIGINAL

Michelle Painter, Esquire
13017 Dunhill Drive
Fairfax, VA 22030

In re: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates
of Rural Carriers and The Pennsylvania Universal Service Fund, Docket No.
I-00040105

AT&T Communications of Pennsylvania, LLC v. Armstrong Telephone
Company - Pennsylvania, *et al.*, Docket No. C-2009-2098380, *et al.*

Dear ^{Michelle} Ms. Painter:

Enclosed please find the responses to ATT-PTA-III. If you have any questions,
please do not hesitate to contact me.

Very truly yours,

THOMAS, LONG, NIESEN & KENNARD

By


Norman J. Kennard

Enclosures

cc: Certificate of Service
James J. McNulty, Secretary (w/o enclosure)

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Investigation Regarding Intrastate Access :
Charges and IntraLATA Toll Rates of Rural : Docket No. I-00040105
Carriers and The Pennsylvania Universal :
Service Fund :
:
:
:
AT&T Communications of Pennsylvania, LLC :
Complainant :
:
:
v. :
:
Docket Nos. C-2009-2098380, *et al.* :
Armstrong Telephone Company - :
Pennsylvania, *et al.* :
:
Respondents :

TRIG

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of November, 2009, I did serve a true and correct copy of the foregoing documents upon the persons below via electronic mail and first class mail as follows:

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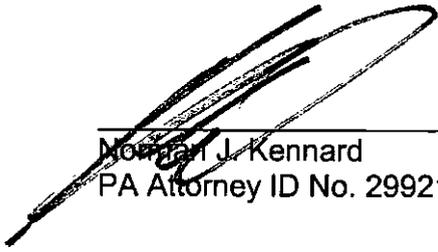
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November 3, 2009

VIA FIRST CLASS AND ELECTRONIC MAIL

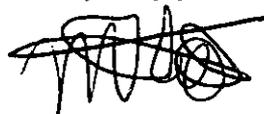
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Re: Investigation Regarding Intrastate Access Charges and IntraLATA
Toll Rates of Rural Carriers and the Pennsylvania Universal
Service Fund, Docket No. I-00040105; AT&T Communications
of Pennsylvania, LLC, Complainant v. Armstrong Telephone
Company – Pennsylvania, et al. Respondents, Docket No.
C-2009-2098380, et al.

Dear Mr. Cheskis:

Please find enclosed a copy of Qwest Communications Company's Responses to Set I Interrogatories of the Office of Consumer Advocate in the above-captioned proceeding. Please note that these responses contain **Proprietary/Confidential** information and should be treated as such, in accordance with the terms of the Protective Order entered in this matter. Copies have been served in accordance with the attached Certificate of Service.

Very truly yours,



Matthew A. Totino

Enclosures
MAT:ck

c: Certificate of Service
James J. McNulty (Transmittal and Certificate of Service) ✓

RECEIVED
2009 NOV -4 AM 9:06
F.A.U.C.
SECRETARY'S BUREAU

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Investigation Regarding Intrastate Access
Charges and IntraLATA Toll Rates of
Rural Carriers and The Pennsylvania
Universal Service Fund

Docket No. 1-00040105

AT&T Communications of Pennsylvania, LLC
Complainant

v.

Docket No. C-2009-2098380, et al.

Armstrong Telephone Company -
Pennsylvania, et al.
Respondents

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing document(s) via email and first class mail in accordance with the requirements of 52 Pa. Code § 1.54 et seq. (relating to service by a participant).

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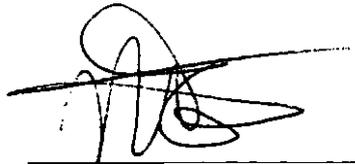
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November 19, 2009

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NOV 19 2009

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Honorable Kandace F. Melillo
Administrative Law Judge
Pennsylvania Public Utility Commission
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Harrisburg, PA 17120

Re: Investigation Regarding Intrastate Access
Charges and IntraLATA Toll Rates of Rural
Carriers, and the Pennsylvania Universal
Service Fund
Docket No. I-00040105

AT&T Communications of Pennsylvania,
LLC, *et al.* v. Armstrong Telephone
Company - Pennsylvania, *et al.*
Docket No. C-2009-2098380 *et al.*

Dear Judge Melillo:

Enclosed please find the Office of Consumer Advocate's Motion to Compel
Answers to Interrogatories and Dismiss Objections of AT&T Communications of Pennsylvania,
Inc., in the above-captioned proceeding.

Copies have been served upon all parties of record as shown on the attached
Certificate of Service.

Sincerely,

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

Joel H. Cheskis
Assistant Consumer Advocate
PA. Attorney ID# 81617

Enclosures

cc: All parties of record
James McNulty, Secretary

*120016

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Investigation Regarding Intrastate Access	:	
Charges and IntraLATA Toll Rates of Rural	:	Docket No. I-00040105
Carriers, and the Pennsylvania Universal	:	
Service Fund	:	
AT&T Communications of Pennsylvania,	:	
LLC, <i>et al.</i>	:	
v.	:	Docket No. C-2009-2098380 <i>et al.</i>
Armstrong Telephone Company -	:	
Pennsylvania, <i>et al.</i>	:	

**OFFICE OF CONSUMER ADVOCATE'S
MOTION TO COMPEL
ANSWERS TO INTERROGATORIES
AND DISMISS OBJECTIONS OF
AT&T COMMUNICATIONS OF PENNSYLVANIA, LLC.**

Pursuant to 52 Pa. Code § 5.342, the Pennsylvania Office of Consumer Advocate (OCA) hereby requests that the Presiding Officer, Administrative Law Judge Kandace F. Melillo, compel AT&T Communications of Pennsylvania, LLC, and its affiliates (AT&T), to reply to OCA Interrogatory Set I, questions 4, 5, 8 and 9. This discovery was served on AT&T on October 14, 2009. AT&T subsequently objected to these questions on October 26, 2009. The OCA files this Motion to Compel Answers to Interrogatories and Dismiss Objections (Motion) pursuant to Section 5.342(g) of the Commission's Rules of Practice and Procedure.¹ The OCA has discussed these objections with counsel for AT&T in an attempt to resolve them amicably. Such discussions, however, were not successful. As a result, the OCA files this Motion.

¹ The OCA requested, and the ALJ approved, two one-week extensions to the Motion to Compel due date while the parties attempted to resolve the dispute informally.

In support of its Motion, the OCA submits as follows:²

1. In its Set I interrogatories, the OCA asked detailed questions about AT&T's toll revenue, conversation minutes and access payments. In general, the OCA asked for this information broken down into intrastate and interstate, residential and business and Pennsylvania and non-Pennsylvania data. The OCA has attached its entire Set I interrogatories to this Motion as Appendix A and, for brevity sake, will not reiterate each individual question herein but incorporates by reference the questions articulated in Appendix A.

2. The purpose of these questions, as discussed further below, was to probe AT&T's assertions in its July 2, 2009 Direct Testimony that the rural incumbent local exchange carriers' (RLECs) intrastate access rates harm consumers and hinder competition in the long distance industry. These questions were designed to explore AT&T's claim that reducing the RLECs' intrastate access rates would benefit consumers and promote competition in the long distance industry. Addressing this issue by examining toll revenue, conversation minutes and access payments would establish whether there is a relationship between average revenue per minute and the cost per minute. The costs per minute are the access rates that are under review in this proceeding. Examining this relationship across states and within Pennsylvania would allow the OCA to verify AT&T's claim that reductions in access rates benefit customers by causing long distance rates to decrease. As such, questions 1, 3, 6 and 7 asked for toll revenue, conversation minutes and access payments for the state of Pennsylvania whereas questions 4, 5, 8 and 9 asked for this data for states other than Pennsylvania in which AT&T operates.

3. In its July 2, 2009 Direct Testimony, AT&T discusses other "major industrial states" that "have, in one form or another, required local exchange carriers' intrastate switched

² The OCA notes that Verizon Pennsylvania, Inc. and Verizon North, Inc. (collectively "Verizon") and Sprint Communications Co. ("Sprint") were also served with identical questions to which they filed substantially similar objections. The OCA is filing a Motion to Compel in response to those objections separately.

access rates to mirror their interstate switched access rates, and have increased their competitiveness vis-à-vis Pennsylvania.” AT&T St. 1 at 53. AT&T references 19 states that have recently enacted “substantial access reform.” *Id.* at 53-54. AT&T also provides in Exhibit I, attached to AT&T St. 1, a detailed explanation of the actions taken by those states regarding their intrastate access rates. *Id.* at Exh. I, p. 1-8. The AT&T testimony is then followed by an entire section entitled “Pennsylvania Consumers And RLECs Will Benefit From Reducing Intrastate Switched Access Rates To Interstate Levels.” *Id.* at 54-66.

4. In response to the OCA Set I interrogatories, AT&T provided answers to the questions regarding AT&T’s toll revenue, conversation minutes and access payments *in Pennsylvania*, subject to and without waiving general and specific objections, but AT&T did not provide answers to questions regarding AT&T’s toll revenue, conversation minutes and access payments in states *other than Pennsylvania*. AT&T’s objection to OCA interrogatory Set I, question 4, for example, provides:

AT&T objects to this interrogatory on the grounds that it seeks information regarding operations of AT&T and affiliated entities in states other than Pennsylvania. Such information is neither relevant nor material to the subject matter of this proceeding, which is the proper level and structure of the RLECs’ *intrastate access charges, in Pennsylvania*, nor is such information reasonably calculated to lead to the discovery of admissible evidence. AT&T further objects to this interrogatory on the grounds that it is overbroad and unduly burdensome. AT&T has hundreds of affiliates throughout the country. Asking AT&T to investigate and provide every single affiliate’s intrastate and interest toll revenues, broken out by residential and business service is not only completely irrelevant to the issue of the proper level of the Pennsylvania RLECs’ intrastate access charges, but is also highly burdensome and would require an extremely time-consuming special study to compile such information. In addition, none of those affiliates are parties to this case.

AT&T Objections at 5 (emphasis in original).³ In general, AT&T objected to all of the OCA's Set I interrogatories on the basis that the case is about the RLECs' intrastate access charge in Pennsylvania and that the information sought in the OCA interrogatories is not reasonably calculated to lead to the discovery of admissible evidence. AT&T's objections are attached hereto as Appendix B to this Motion and are incorporated herein by reference.

5. As a result, this discovery dispute is limited to whether the same information regarding AT&T's toll revenue, conversation minutes and access payments for states other than Pennsylvania is within the scope of discovery as is such information from Pennsylvania. The OCA submits that such information for states other than Pennsylvania is discoverable because AT&T has specifically raised the issue of other states' access rates in its testimony. The OCA's Motion to Compel should be granted and AT&T's objections should be dismissed. AT&T's arguments are without merit and should be dismissed.⁴

6. The OCA submits that the information requested in OCA Interrogatory, Set I, questions 4, 5, 8 and 9 is discoverable. Title 52 of the Pennsylvania Code governs discovery disputes in this matter. In particular, section 5.321(c) states:

"[A] participant may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of another party or participant, including the existence, description, nature, content, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of a discoverable matter. It is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence."

³ AT&T's objections to OCA questions 5, 8 and 9 then incorporate by reference the objection to question number 4.

⁴ The OCA will not specifically address AT&T's "General Objections" as the Commission's rules of practice and procedure require objections be specific. 52 Pa. Code § 5.342(c)(1).

52 Pa. Code § 5.321(c) (emphasis added). Furthermore, Section 5.321(b) grants the presiding officer discretion to vary provisions of this subchapter as justice requires. 52 Pa. Code § 5.321(b).

7. AT&T objects to questions 4, 5, 8 and 9 based on relevancy because these interrogatories “seek information regarding operations of AT&T and affiliated entities in states other than Pennsylvania.” AT&T Objection at 5. The OCA recognizes that questions 4, 5, 8 and 9 ask for information “for each and every state excluding Pennsylvania, for you and all of your non-wireless affiliates.” The OCA asked for such widespread data so that an accurate and comprehensive analysis of AT&T’s arguments at pages 53-66 and Exhibit I of its July 2, 2009 testimony can be achieved. The OCA Set I interrogatories were designed to specifically address whether such relationship between intrastate access rate levels and consumer benefits in fact existed as AT&T argued. *See*, AT&T St. 1 at 53-66. An analysis of AT&T’s toll revenue, conversation minutes and access payments in other states would show whether or not such a relationship existed.

8. In attempts to resolve AT&T’s objections, however, the OCA agreed to accept a smaller number of states from which AT&T would provide responses to questions 4, 5, 8 and 9, so long as AT&T would not later argue that the results of the OCA analysis was somehow invalid because the sample studied was too small. After reviewing the testimony filed July 2, 2009 by AT&T, Verizon and Sprint, the OCA identified 9 states that were commonly discussed by these parties. The OCA proposed in negotiating this dispute that, if AT&T, Verizon and Sprint each provided data from the same subset of states, the OCA would agree to accept data from the fewer number of states.⁵ AT&T determined, however, that it would not provide the

⁵ Those states are: Massachusetts, Ohio, California, Illinois, Virginia, New Jersey, West Virginia, Michigan and Texas. The OCA proposed New York as an alternative if any of the other states was not feasible. If data is given

data requested for any state other than Pennsylvania and maintained its objection to questions 4, 5, 8 and 9.

9. AT&T's argument that data from states other than Pennsylvania is not discoverable is without merit and should be rejected. AT&T has argued in this proceeding that Pennsylvania consumers are being harmed by the RLECs' current level of intrastate access rates. In making this argument, AT&T has relied on 19 other states to demonstrate where consumers are somehow benefitted through increased competition when compared to Pennsylvania because of the lower intrastate access rates. AT&T St. 1 at 53-54 and Exhibit I. The OCA recognizes that the information sought in questions 4, 5, 8 and 9 is detailed and requires effort to obtain its own data from other states. Requiring effort, however, is not sufficient to sustain an objection; the effort has to be *undue* or *overly* burdensome to sustain the objection.

10. AT&T's complaint and testimony in this proceeding seeks a reduction in the RLECs' intrastate access charges. By law, any such reduction in access charges must be revenue neutral to the RLECs. 66 Pa. C.S. § 3017(c). The most likely source of revenue to be used to ensure such neutrality is the basic local service rate. AT&T has made arguments in this proceeding that will have a substantial impact on basic local service rates and, consequently, other state and federal priorities such as universal service. AT&T must be required to provide data that addresses arguments it has made in testimony, so long as providing data is not *unduly burdensome*. If AT&T is unwilling to provide data regarding its operations in other states then it should not be allowed to argue that what is happening in other states supports any changes to RLECs' intrastate access rates in Pennsylvania. AT&T's argument that questions 4, 5, 8 and 9

from a smaller subset of states, AT&T, Verizon and Sprint must provide data from the same subset in order to be able to make an accurate comparison.

are objectionable because they seek information from states other than Pennsylvania, when AT&T has placed this information at issue in this proceeding, should be rejected.

11. AT&T also objects to questions 4, 5, 8 and 9 “on the grounds that it is overbroad and unduly burdensome.” AT&T Objection at 5. This argument should also be rejected. AT&T is not expected to perform any unreasonable investigation or incur any unreasonable expense in responding to these discovery questions. The information requested in questions 4, 5, 8 and 9 should be readily available to AT&T as AT&T was able to provide this data for Pennsylvania fairly quickly. No unreasonable investigation or expense should be necessary to provide these answers that should be readily available to AT&T from its affiliates. In fact, AT&T has been involved in proceedings involving intrastate access rates in several other states. It should not be unduly burdensome for AT&T to provide basic information that utility companies should possess.

12. Similarly, AT&T’s argument that answering these questions would require a “special study” is also without merit and should be rejected. AT&T Objection at 6. As indicated above, AT&T has already provided the identical information asked in questions 4, 5, 8 and 9 for Pennsylvania in response to questions 1, 3, 6 and 7. It cannot be a “special study” to obtain such data for states other than Pennsylvania if no special study was required to obtain the data for Pennsylvania. The information requested should be kept in the normal course of business for any major telephone company and should be readily obtainable. Simply because AT&T has to actually retrieve the data in order to respond to the OCA interrogatories does not mean that a “special study” is required. AT&T should reasonably be expected to undertake some effort to obtain this information if it wants to satisfy its burden in support of its Complaint. AT&T should not be allowed to file a complaint and then not respond to discovery which seeks data that can be

used to test the allegations raised in the complaint. In addition, because this proceeding also involves a Commission investigation, AT&T should expect that a broad range of information would be relevant as the Commission considers its policies on universal service and competition.

13. Finally, AT&T objects to the OCA interrogatories that seek data from “each and every state excluding Pennsylvania, for you and all of your non-wireless affiliates” because “none of those affiliates are parties to this case.” AT&T Objections at 5. This argument is also without merit and should be rejected. AT&T should not be allowed to raise issues that pertain to other states but then refuse to disclose data about its operations in those other states when asked. As discussed above, AT&T has made data from other states relevant by virtue of discussing the intrastate access rate reductions in other states and citing to them as support for why the RLECs’ intrastate access rates in Pennsylvania should be reduced. *See*, AT&T St. 1 at 53-66 and Exhibit I. If AT&T is permitted to use other states as support for its positions in this proceeding, it should not be allowed to refuse to disclose data from those states merely because the data comes from one of its affiliates that may not operate in Pennsylvania.

14. The Commission has stated that the relevancy test should be liberally applied when considering data requests. Pa. P.U.C. v. Equitable Gas Co., 61 Pa. P.U.C. 468, 477 (1986). The scope of discovery includes information that relates to any arguments that the OCA or other parties may present in support of their positions in this proceeding. The information sought by OCA Set I, questions 4, 5, 8 and 9 is clearly discoverable, is required to be provided to the OCA pursuant to applicable discovery rules and AT&T should be compelled to provide those answers.

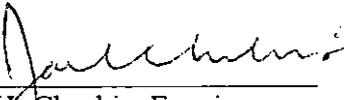
15. AT&T is not expected to perform any unreasonable investigation or incur any unreasonable expense in responding to the OCA’s discovery. Most of the information requested in OCA Set I, questions 4, 5, 8 and 9 should be readily available in the normal course of business

for AT&T. However, the OCA submits that studies, analyses, memoranda and other documentation prepared by or for, or in the possession of AT&T are well within the scope of the discovery rules above.

16. As a result, each of the arguments raised by AT&T in support of their objections is without merit and should be rejected. AT&T should be directed to promptly respond to OCA Interrogatories Set I, questions 4, 5, 8 and 9.

17. The OCA submits that AT&T's Objections should be dismissed and AT&T should be directed to promptly provide complete answers to OCA Set I, questions 4, 5, 8 and 9. AT&T should provide such information that falls within the scope of discovery as articulated above. In the alternative, the OCA is willing to accept data from a subset of states as discussed above. *See, para. 8, supra.* As always, the OCA welcomes further discussion of these issues so that an amicable resolution may be reached.

Respectfully submitted,



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Assistant Consumer Advocate
PA Attorney ID # 81617

For: Irwin A. Popowsky
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Date: November 19, 2009
119845

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Re: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers, and the Pennsylvania Universal Service Fund
Docket No. I-00040105

AT&T Communications of Pennsylvania, LLC, *et al.* v. Armstrong Telephone Company – Pennsylvania, *et al.*
Docket No. C-2009-2098380, *et al.*

I hereby certify that I have this day served a true copy of the foregoing document, the Office of Consumer Advocate's Motion to Compel Answers to Interrogatories and Dismiss Objections of AT&T Communications of Pennsylvania, Inc., 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 19th day of November, 2009.

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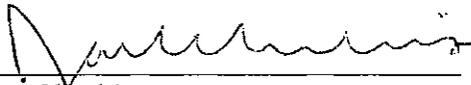
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APPENDIX A

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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IRWINA. POPOWSKY
Consumer Advocate

FAX (717) 783-7152
consumer@paoca.org

October 14, 2009

Michelle Painter, Esq.
Painter Law Firm, PLLC
13017 Dunhill Drive
Fairfax, VA 22030

Re: AT&T Communications of Pennsylvania, LLC, *et al.*
v.
Armstrong Telephone Company – Pennsylvania, *et al.*
Docket No. C-2009-2098380 *et al.*

Investigation Regarding Intrastate Access Charges and
IntraLATA Toll Rates of Rural Carriers, and the
Pennsylvania Universal Service Fund
Docket No. I-00040105

Dear Michelle:

Enclosed you will find two copies of the Office of Consumer Advocate's Interrogatories, Set I, in the above referenced proceeding.

In accordance with the Commission's Rules of Practice and Procedure, we request that the Company provide verified answers to these inquiries within fifteen (15) days of service. Also, please forward the verified answers as they are completed, rather than waiting until the responses to the full set are completed. We would appreciate it if you would communicate any objections you may have to these interrogatories as soon as possible.

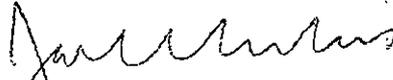
We also request that you send a copy of the answers directly to our consultant, as listed below:

Bob Loube
10601 Cavalier Dr.
Silver Spring, MD 20901
bobloube@earthlink.net

Page 2

If you have any questions, please call us. By copy of this letter, copies of these interrogatories have been served upon all parties. A certificate of service showing service of these interrogatories on all parties has been filed with Secretary McNulty of the Pennsylvania Public Utility Commission as required by 52 Pa. Code §5.341(b).

Respectfully Submitted,



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

Enclosures

cc: All parties of record
James McNulty (Certificate of Service)

118742

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Investigation Regarding Intrastate Access	:	
Charges and IntraLATA Toll Rates of Rural	:	
Carriers, and the Pennsylvania Universal	:	Docket No. I-00040105
Service Fund	:	
AT&T Communications of Pennsylvania, LLC	:	
Complainant	:	
	:	
v.	:	Docket No. C-2009-2098380, <i>et al.</i>
	:	
Armstrong Telephone Company - Pennsylvania,	:	
<i>et al.</i>	:	
Respondents	:	

INTERROGATORIES OF THE
OFFICE OF CONSUMER ADVOCATE
SET I

Pursuant to 52 Pa. Code §5.341, the Office of Consumer Advocate hereby propounds the following Interrogatories to AT&T Communications of Pennsylvania, to be answered by those officers, employees, agents, or contractors who have knowledge of the requested facts and who are authorized to answer on behalf of the Company. Each interrogatory is to be verified by the responding witness in accordance with 52 Pa. Code §5.342(a)(6).

DATED: October 14, 2009

Instructions

- 1) These interrogatories shall be construed as a continuing request. The Respondent is obliged to change, supplement and correct all answers to interrogatories to conform to available information, including such information as first becomes available to the Respondent after the answers hereto are filed.
- 2) Restate the interrogatory immediately preceding each response.
- 3) Identify the name, title, and business address of each person(s) providing each response.
- 4) Provide the date on which the response was created.
- 5) Divulge all information that is within the knowledge, possession, control, or custody of Respondent or may be reasonably ascertained thereby. The term "AT&T," "Pennsylvania AT&T affiliate," "the Company," or "you," as used herein includes AT&T Communications of Pennsylvania, LLC, their attorneys, agents, employees, contractors, or other representatives. The term "AT&T affiliate" means any and all affiliates nationwide that provide telecommunications service, or that are eligible to receive either federal or state universal service funds or that provide intrastate toll service.
- 6) Provide a verification by the responsible witness that all facts contained in the response are true and correct to the best of the witnesses knowledge, information and belief.
- 7) As used herein the word "document" or "workpaper" includes, but is not limited to, the original and all copies in whatever form, stored or contained in or on whatever media or medium including computerized memory, magnetic, electronic, or optical media, regardless of origin and whether or not including additional writing thereon or attached thereto, and may consist of:
 - a) notations of any sort concerning conversations, telephone calls, meetings or other communications;
 - b) bulletins, transcripts, diaries, analyses, summaries, correspondence and enclosures, circulars, opinions, studies, investigations, questionnaires and surveys;
 - c) worksheets, and all drafts, preliminary versions, alterations, modifications, revisions, changes, amendments and written comments concerning the foregoing.
- 8) Please provide all answers electronically in their original electronic format (i.e., spreadsheets provided in Excel format).

**Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers, and the Pennsylvania Universal Service Fund
Docket No. I-00040105**

**AT&T Communications of Pennsylvania, et al. v.
Armstrong Telephone Company of Pennsylvania, et al.
Docket No. C-2009-2098380 et al.**

**Interrogatories of the Office of Consumer Advocate
To AT&T Communications of Pennsylvania, et al.**

Set I

1. For each calendar year from 2003 through 2008, for the state of Pennsylvania, for you and all of your non-wireless affiliates, please provide:
 - a. Total intra-state toll revenue
 - b. Total intra-state residential toll revenue
 - c. Total intra-state business toll revenue
 - d. Total inter-state toll revenue
 - e. Total inter-state residential toll revenue
 - f. Total inter-state business toll revenue

2. For each calendar year from 2003 through 2008, for the state of Pennsylvania, for you and all of your non-wireless affiliates, please provide:
 - a. The total number of residential customers
 - b. The number of residential customers who purchased a toll bundle that included intrastate and interstate service
 - c. A list of the bundles that allow customers to purchase a bundle of interstate and intrastate service and the rates for each bundle.
 - d. For each bundle of interstate and intrastate service, an explanation of how the bundled revenue is spilt between intrastate toll and interstate toll revenue and all other services; and the per-month per-customer amount of revenue assigned to the intrastate toll service and interstate toll service and all other services.

3. For each calendar year from 2003 through 2008, for the state of Pennsylvania, for you and all of your non-wireless affiliates, please provide:
 - a. Total intra-state toll conversation minutes
 - b. Total intra-state residential toll conversation minutes
 - c. Total intra-state business toll conversation minutes
 - d. Total inter-state toll conversation minutes
 - e. Total inter-state residential toll conversation minutes
 - f. Total inter-state business toll conversation minutes

4. For each calendar year from 2003 through 2008, for each and every state excluding Pennsylvania, for you and all of your non-wireless affiliates, please provide:
 - a. Total intra-state toll revenue
 - b. Total intra-state residential toll revenue
 - c. Total intra-state business toll revenue
 - d. Total inter-state toll revenue

**Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers, and the Pennsylvania Universal Service Fund
Docket No. I-00040105**

**AT&T Communications of Pennsylvania, *et al.* v.
Armstrong Telephone Company of Pennsylvania, *et al.*
Docket No. C-2009-2098380 *et al.***

**Interrogatories of the Office of Consumer Advocate
To AT&T Communications of Pennsylvania, *et al.***

Set I

- e. Total inter-state residential toll revenue
 - f. Total inter-state business toll revenue
5. For each calendar year from 2003 through 2008, for each and every state excluding Pennsylvania, for you and all of your non-wireless affiliates, please provide:
- a. Total intra-state toll conversation minutes
 - b. Total intra-state residential toll conversation minutes
 - c. Total intra-state business toll conversation minutes
 - d. Total inter-state toll conversation minutes
 - e. Total inter-state residential toll conversation minutes
 - f. Total inter-state business toll conversation minutes
6. For each calendar year from 2003 through 2008, for the state of Pennsylvania, for you and all of your non-wireless affiliates, please provide:
- a. Total intra-state terminating access payments
 - b. Total intra-state terminating access minutes of use
 - c. Total intra-state terminating access payments to rural ILECs
 - d. Total intra-state terminating access minutes terminated with a rural ILEC
 - e. Total common carrier line payments (exclude common carrier line payments from all other terminating payments)
 - f. Common carrier line payments to rural ILECs (exclude common carrier line payments from all other terminating payments)
7. For each calendar year from 2003 through 2008, for the state of Pennsylvania, for you and all of your non-wireless affiliates, please provide:
- a. Total intra-state originating access payments
 - b. Total intra-state originating access minutes of use
 - c. Total intra-state originating access payments to rural ILECs
 - d. Total intra-state originating access minutes terminated with a rural ILEC
 - e. Total common carrier line payments (exclude common carrier line payments from all other originating payments. Do not include any common carrier line payments that have already been accounted for with terminating payments).
 - f. Common carrier line payments to rural ILECs (exclude common carrier line payments for all other originating payments. Do not include any common carrier line payments that have already been accounted for with terminating payments).

**Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers, and the Pennsylvania Universal Service Fund
Docket No. I-00040105**

**AT&T Communications of Pennsylvania, et al. v.
Armstrong Telephone Company of Pennsylvania, et al.
Docket No. C-2009-2098380 et al.**

**Interrogatories of the Office of Consumer Advocate
To AT&T Communications of Pennsylvania, et al.**

Set I

8. For each calendar year from 2003 through 2008, for each and every state excluding Pennsylvania, for you and all of your non-wireless affiliates, please provide:
 - a. Total intra-state terminating access payments
 - b. Total intra-state terminating access minutes of use
 - c. Total intra-state terminating access payments to rural ILECs
 - d. Total intra-state terminating access minutes terminated with a rural ILEC
 - e. Total common carrier line payments (exclude common carrier line payments from all other terminating payments)
 - f. Common carrier line payments to rural ILECs (exclude common carrier line payments from all other terminating payments).

9. For each calendar year from 2003 through 2008, each and every state excluding Pennsylvania, for you and all of your non-wireless affiliates, please provide:
 - a. Total intra-state originating access payments
 - b. Total intra-state originating access minutes of use
 - c. Total intra-state originating access payments to rural ILECs
 - d. Total intra-state originating access minutes terminated with a rural ILEC
 - e. Total common carrier line payments (exclude common carrier line payments from all other originating payments. Do not include any common carrier line payments that have already been accounted for with terminating payments).
 - f. Common carrier line payments to rural ILECs (exclude common carrier line payments from all other originating payments. Do not include any common carrier line payments that have already been accounted for with terminating payments).

CERTIFICATE OF SERVICE

Re: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers, and the Pennsylvania Universal Service Fund
Docket No. I-00040105

AT&T Communications of Pennsylvania, LLC, *et al.* v. Armstrong Telephone Company – Pennsylvania, *et al.*
Docket No. C-2009-2098380, *et al.*

I hereby certify that I have this day served a true copy of the foregoing document, the Office of Consumer Advocate's Interrogatories, Set I, Directed to AT&T Communications of Pennsylvania, 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 14th day of October, 2009.

SERVICE BY E-MAIL & INTER-OFFICE MAIL

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Adeolu Bakare
Office of Trial Staff
Pa. Public Utility Commission
Commonwealth Keystone Bldg.
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APPENDIX B



THOMAS, LONG,
NIESEN & KENNARD

Attorneys and Counsellors at Law

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Direct Dial: 717.255.7627
nkennard@thomaslonglaw.com

November 23, 2009

ORIGINAL

Michelle Painter, Esquire
13017 Dunhill Drive
Fairfax, VA 22030

In re: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and The Pennsylvania Universal Service Fund, Docket No. I-00040105

AT&T Communications of Pennsylvania, LLC v. Armstrong Telephone Company - Pennsylvania, *et al.*, Docket No. C-2009-2098380, *et al.*

Dear Michelle:

Enclosed please find additional responses to ATT-PTA-I. If you have any questions, please do not hesitate to contact me.

Very truly yours,

THOMAS, LONG, NIESEN & KENNARD

By: 
Norman J. Kennard

Enclosures

cc: James J. McNulty, Secretary (w/o enclosure)
Certificate of Service

SECRETARY'S OFFICE

2009 NOV 24 AM 10:37

2009 NOV 24

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of November, 2009, I did serve a true and correct copy of the foregoing upon the persons below via electronic mail and first class mail as follows:

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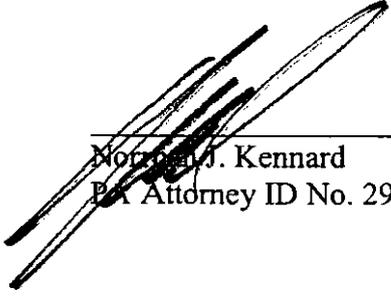
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Norman J. Kennard
PA Attorney ID No. 29921

PAINTER LAW FIRM, PLLC

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MICHELLE PAINTER
ATTORNEY AT LAW

703.201.8078
FAX 703.908.5930
E-mail: painterlawfirm@verizon.net

November 30, 2009

Via Overnight Delivery

The Honorable Kandace F. Melillo
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

ORIGINAL

Re: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of
Rural Carriers and the Pennsylvania Universal Service Fund.
Docket No. I-00040105

AT&T Communications of Pennsylvania, LLC, TCG New Jersey, Inc. and TCG
Pittsburgh, Inc. v. Armstrong Telephone Company-Pennsylvania, *et.al.*,
Docket Nos. C-2009-2098380, C-2009-2099805, C-2009-2098735

Dear Judge Melillo:

Please find enclosed the Supplemental Panel Direct Testimony of E. Christopher Nurse and Dr. Ola Oyefusi on behalf of AT&T Communications of Pennsylvania, LLC, TCG Pittsburgh, and TCG New Jersey, Inc in the above-referenced matter.

Please contact me if you have any questions or concerns with this matter.

Very truly yours,


Michelle Painter

Enclosure

cc: Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of AT&T's Supplemental Direct Testimony upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (related to service by a participant) and 1.55 (related to service upon attorneys).

Dated at Fairfax, Virginia, this 30th day of November 2009.

VIA E-MAIL AND FIRST CLASS MAIL

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Michelle Painter
Michelle Painter

 **THOMAS, LONG,
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nkennard@thomaslonglaw.com

December 15, 2009

Renardo L. Hicks, Esquire
Stevens & Lee
16th Floor, 17th North 2nd Street
Harrisburg, PA 17101

ORIGINAL

In re: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and The Pennsylvania Universal Service Fund, Docket No. I-00040105

AT&T Communications of Pennsylvania, LLC v. Armstrong Telephone Company - Pennsylvania, *et al.*, Docket No. C-2009-2098380, *et al.*

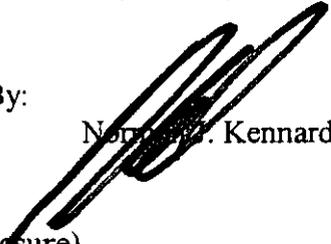
Dear Rick:

Enclosed please find The Interrogatories Of The Pennsylvania Telephone Association To Sprint Nextel Set I. If you have any questions, please do not hesitate to contact me.

Very truly yours,

THOMAS, LONG, NIESEN & KENNARD

By:


Norman J. Kennard

Enclosures

cc: James J. McNulty, Secretary (w/o enclosure)
Certificate of Service

RECEIVED
SECRETARY'S BUREAU

2009 DEC 16 AM 10:38

RECEIVED

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of December, 2009, I did serve a true and correct copy of the foregoing upon the persons below via electronic mail and first class mail as follows:

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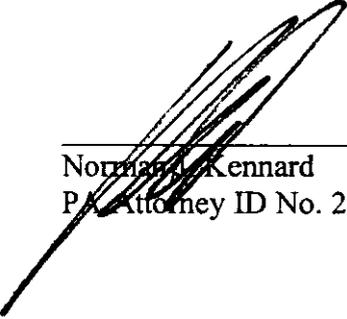
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Norman J. Kennard
PA Attorney ID No. 29921



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December 17, 2009

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Office of Consumer Advocate
555 Walnut Street
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In re: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and The Pennsylvania Universal Service Fund, Docket No. I-00040105

AT&T Communications of Pennsylvania, LLC v. Armstrong Telephone Company - Pennsylvania, *et al.*, Docket No. C-2009-2098380, *et al.*

Dear Joel:

Enclosed please find a supplemental response to OCA-PTA-I-2. This supplemental response is confidential and should be treated as such. If you have any questions, please do not hesitate to contact me.

Very truly yours,

THOMAS, LONG, NIESEN & KENNARD

By:

Norman J. Kennard

Enclosures

cc: James J. McNulty, Secretary (w/o enclosure)
Certificate of Service

SECRETARY'S HONORARY

2009 DEC 18 AM 9:36

RECEIVED

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of December, 2009, I did serve a true and correct copy of the foregoing upon the persons below via electronic mail and first class mail as follows:

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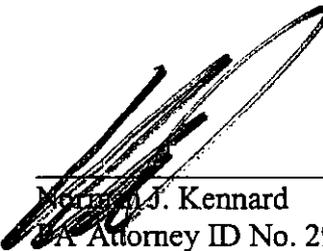
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December 18, 2009

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Re: Investigation Regarding Intrastate Access Charges and
IntraLATA Toll Rates of Rural Carriers and
the Pennsylvania Universal Service Fund,
Docket No. I-00040105

AT&T Communications of Pennsylvania, LLC, et. al. v.
Armstrong Telephone Company-Pennsylvania, et.al.,
Docket Nos. C-2009-2098380, C-2009-2099805,
C-2009-2098735

Dear Mr. Kennard :

Please find enclosed AT&T's Fourth Set of Interrogatories and Request for Production of Documents Addressed to the companies represented by the Pennsylvania Telephone Association in the above-referenced matters.

Please contact me if you have any questions or concerns with this matter.

Very truly yours,

Demetrios G. Metropoulos
Demetrios G. Metropoulos (pmp)

cc: Certificate of Service
James J. McNulty, Secretary (Cover letter and Certificate of Service only)

Enclosures

RECEIVED
2009 DEC 22 AM 9:09
PA P.D.C.
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of AT&T's Set IV Interrogatories on PTA upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (related to service by a participant) and 1.55 (related to service upon attorneys).

Dated at Chicago, Illinois, this 18th day of December 2009.

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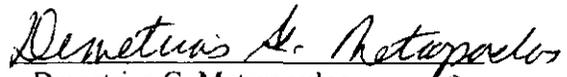
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December 18, 2009

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Re: Investigation Regarding Intrastate Access Charges and
IntraLATA Toll Rates of Rural Carriers and
the Pennsylvania Universal Service Fund,
Docket No. I-00040105

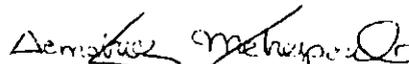
AT&T Communications of Pennsylvania, LLC, et. al. v.
Armstrong Telephone Company-Pennsylvania, et.al.,
Docket Nos. C-2009-2098380, C-2009-2099805,
C-2009-2098735

Dear Joel :

Please find enclosed AT&T's supplemental responses to the October 14, 2009 Interrogatories of the Office of Consumer Advocate, Set I, in the above-referenced matter. Please note that the attachment contains proprietary information and should be treated accordingly.

Please contact me if you have any questions or concerns with this matter.

Very truly yours,


Demetrios G. Metropoulos

cc: Certificate of Service
James J. McNulty, Secretary (Cover letter and Certificate of Service only)

Enclosures

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2009 DEC 22 AM 9:09
P.A.P.U.C.
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of AT&T's Supplemental Responses to the Interrogatories of the Office of Consumer Advocate, Set I, upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (related to service by a participant) and 1.55 (related to service upon attorneys).

Dated at Chicago, Illinois, this 18th day of December 2009.

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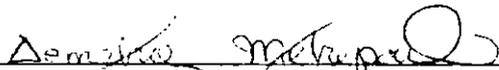
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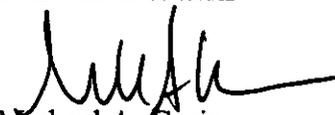
Re: *AT&T Communications of Pennsylvania, LLC et al v.
Armstrong Telephone Company – Pennsylvania, et al*
Docket Nos. C-2009 – 2098380 et al
and
*Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of
Rural Carriers, and the Pennsylvania Universal Service Fund*
Docket No. I-00040105

Dear Ms. Benedek:

Enclosed please find the Answers and Objections of Sprint Communications Company, L.P., Sprint Spectrum, L.P., Nextel Communications of the Mid-Atlantic, Inc., and NPCR, Inc. to the Set II Discovery Requests of the United Telephone Company of Pennsylvania d/b/a CenturyLink. Copies have been served in accordance with the attached Certificate of Service. If you have any questions, please feel free to contact me.

Very truly yours,

STEVENS & LEE


Michael A. Gruin

ORIGINAL

Enclosure

cc: Secretary McNulty (cover letter and Certificate of Service only)
Certificate of Service

Philadelphia • Reading • Valley Forge • Lehigh Valley • Harrisburg • Lancaster • Scranton
Williamsport • Wilkes-Barre • Princeton • Cherry Hill • New York • Wilmington

A PROFESSIONAL CORPORATION

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Investigation Regarding Intrastate Access :
Charges and IntraLATA Toll Rates of : Docket No. I-00040105
Rural Carriers and The Pennsylvania :
Universal Service Fund :

AT&T Communications of :
Pennsylvania, LLC :
Complainant :
v. : Docket No. C-2009-2098380, et al.
Armstrong Telephone Company - :
Pennsylvania, et al. :
Respondents :

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Answers to Interrogatories upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 and 1.55, via electronic mail and first class US Mail.

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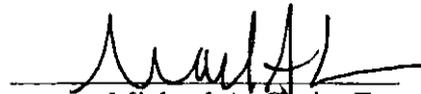
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December 21, 2009



Michael A. Gruin, Esq.



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December 22, 2009

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In re: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and The Pennsylvania Universal Service Fund, Docket No. I-00040105

AT&T Communications of Pennsylvania, LLC v. Armstrong Telephone Company - Pennsylvania, *et al.*, Docket No. C-2009-2098380, *et al.*

Dear Suzan:

Enclosed please find The Interrogatories Of The Pennsylvania Telephone Association To Verizon Pennsylvania Inc., Verizon North, Inc., Bell Atlantic Communications, Inc. d/b/a Verizon Long Distance, MCImetro Access Transmission Services, LLC d/b/a Verizon Access Transmission Services and MCI Communications Services, Inc., Set II. If you have any questions, please do not hesitate to contact me.

Very truly yours,

THOMAS, LONG, NIESEN & KENNARD

By: 
Norman J. Kennard

Enclosures
cc: Secretary of the PUC (w/o enclosure)
Certificate of Service

RECEIVED
2009 DEC 23 AM 10:10
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I hereby certify that on this 22nd day of December, 2009, I did serve a true and correct copy of the foregoing upon the persons below via electronic mail and first class mail as follows:

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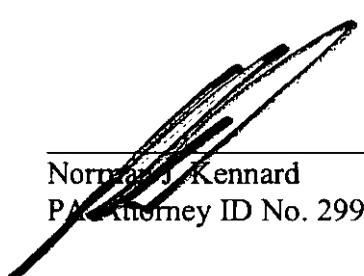
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December 24, 2009

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demetro@mayerbrown.com

Re: Investigation Regarding Intrastate Access Charges and
IntraLATA Toll Rates of Rural Carriers and
the Pennsylvania Universal Service Fund,
Docket No. I-00040105

ORIGINAL

AT&T Communications of Pennsylvania, LLC, et. al. v.
Armstrong Telephone Company-Pennsylvania, et.al.,
Docket Nos. C-2009-2098380, C-2009-2099805,
C-2009-2098735

Dear Ms. Benedek:

Please find enclosed AT&T's General Objections and Responses to CenturyLink's Second Set of Interrogatories and Request for Production of Documents Propounded upon AT&T in the above-referenced matters. Please note that the responses include proprietary information and should be treated accordingly.

Please contact me if you have any questions or concerns with this matter.

Very truly yours,


Demetrios G. Metropoulos

cc: Certificate of Service
James J. McNulty, Secretary (Cover letter and Certificate of Service only)

Enclosures

RECEIVED
2009 DEC 29 AM 10:53
PAUL J. C.
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of AT&T's General Objections and Responses to CenturyLink's Second Set of Interrogatories and Request for Production of Documents Propounded upon AT&T, upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (related to service by a participant) and 1.55 (related to service upon attorneys).

Dated at Chicago, Illinois, this 24th day of December 2009.

VIA E-MAIL AND FIRST CLASS MAIL

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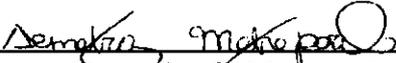
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December 24, 2009

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In re: Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and The Pennsylvania Universal Service Fund, Docket No. I-00040105

AT&T Communications of Pennsylvania, LLC v. Armstrong Telephone Company - Pennsylvania, *et al.*, Docket No. C-2009-2098380, *et al.*

Dear Michelle:

Enclosed please find the responses to ATT-PTA-IV, Nos. 4, 5, 12 and 14. If you have any questions, please do not hesitate to contact me.

Very truly yours,

THOMAS, LONG, NIESEN & KENNARD

By:


Norman J. Kennard

Enclosures

cc: James J. McNulty, Secretary (w/o enclosure)
Certificate of Service

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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of December, 2009, I did serve a true and correct copy of the foregoing upon the persons below via electronic mail and first class mail as follows:

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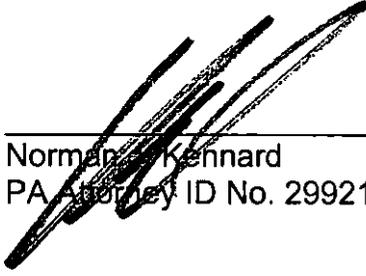
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