

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

555 Walnut Street, 5th Floor, Forum Place
Harrisburg, Pennsylvania 17101-1923
(717) 783-5048
800-684-6560 (in PA only)

IRWINA. POPOWSKY
Consumer Advocate

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

January 25, 2010

James J. McNulty, Secretary
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

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

Dear Secretary McNulty:

Enclosed for filing please find an original and three (3) copies of the Office of
Consumer Advocate's Petition to Withdraw Pleading, 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
Hon. Kandace F. Melillo, ALJ

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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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
PETITION TO WITHDRAW PLEADING**

Only July 8, 2009, the Office of Consumer Advocate (OCA) served discovery on Sprint Communications, Company, L.P., et al. (Sprint) in the above captioned matter. The above-captioned proceeding involves formal complaints filed by AT&T Communications of Pennsylvania, LLC (AT&T) against each of the thirty-two rural incumbent local exchange carriers in Pennsylvania. On July 13, 2009, Sprint served Objections on the OCA. Specifically, Sprint objected to questions #7 and #9 posed by the OCA in its Set I interrogatories. Those interrogatories read as follows:

Q7: Regarding the direct testimony of James A. Appleby, page 6, lines 1 to 6, please provide the number of minutes and the total charges that Sprint wireless pays each Pennsylvania Rural ILEC, where the minutes are associated with an intra-MTA call.¹

Q9: Regarding the direct testimony of James A. Appleby, page 6, lines 1 to 6, please provide the number of minutes and the total charges that Sprint wireless pays Verizon PA and Verizon North, where the minutes are associated with an intra-MTA call.

¹ An MTA is a Major Trading Area and is the geographic area representing the local calling area for wireless carriers as established by the Federal Communications Commission (FCC).

On July 20, 2009, the OCA filed a Motion to Compel Answers to Interrogatories and Dismiss Objections against Sprint.

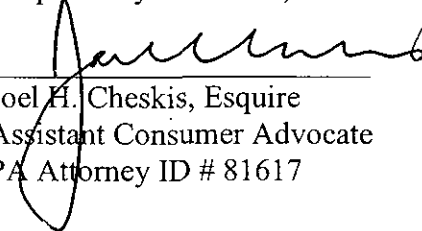
After further discussion amongst the parties, the OCA has determined to no longer pursue answers to interrogatories 7 and 9 from Sprint at this time. As a result, the OCA submits this instant Petition to Withdraw Pleading pursuant to Section 5.94 of the Commission's rules and regulations to withdraw, without prejudice, the Motion to Compel and Dismiss Interrogatories filed on July 20, 2009. Section 5.94 provides:

(a) Except as provided in subsection (b), a party desiring to withdraw a pleading in a contested proceeding may file a petition for leave to withdraw the appropriate document with the Commission and serve it upon the other parties. The petition must set forth the reasons for withdrawal. A party may object to the petition within 20 days of service. After considering the petition, an objection thereto and the public interest, the presiding officer or the Commission will determine whether the withdrawal will be permitted.

52 Pa. Code § 5.94. No party indicated that they oppose this request.

WHEREFORE, the Pennsylvania Office of Consumer Advocate respectfully requests that this Petition to Withdraw Pleading be granted.

Respectfully submitted,



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

For: Irwin A. Popowsky
Consumer Advocate

Office of Consumer Advocate
555 Walnut Street, 5th Floor, Forum Place
Harrisburg, Pennsylvania 17101-1923
(717) 783-5048

Date: January 25, 2010

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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 Petition to Withdraw Pleading, 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 25th day of January, 2010.

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

Norman J. Kennard*
Regina Matz, Esq.*
Thomas, Long, Niesen & Kennard
212 Locust Street, Suite 500
Harrisburg, PA 17101

Suzan D. Paiva*
Verizon
1717 Arch Street, 17W
Philadelphia, PA 19103

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Benjamin J. Aron*
Sprint Communications Co.
2001 Edmund Halley Dr., 2nd Fl.
Reston, VA 20191

Zsuzanna Benedek, Esq.*
Embarq Corp.
240 North Third St., Suite 201
Harrisburg, PA 17101

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

Renardo L. Hicks, Esq.*
Michael Gruin, Esq.*
Stevens & Lee
17 North Second St., 16th Floor
Harrisburg, PA 17101

Pamela C. Polacek, Esq.*
Barry A. Naum, Esq.*
McNees Wallace & Nurick
P.O. Box 1166
100 Pine Street
Harrisburg, PA 17108-1166

Demetrios G. Metropoulos, Esq.
Mayer Brown LLP
71 S. Wacker Drive
Chicago, IL 60606

Steven C. Gray, Esq.*
Office of Small Business Advocate
300 North Second Street
Suite 1102 Commerce Bldg.
Harrisburg, PA 17101


Bradford M. Stern, Esq.*
Rothfelder Stern LLC
625 Central Avenue
Westfield, NJ 07090

Christopher M. Arfaa, Esq.*
150 N Radnor Chester Rd., Suite F-200
Radnor, PA 19087-5245

Matthew A. Totino, Esq.*
John F. Povilaitis, Esq.*
Ryan, Russell, Ogden & Seltzer
800 North Third Street, Suite 101
Harrisburg, PA 17102-2025

John C. Dodge, Esq.*
Theresa Z. Cavanaugh, Esq.*
Davis Wright Tremaine LLP
1919 Pennsylvania Ave., NW, Suite 200
Washington, DC 20006

Garnet Hanly, Esq.*
T-Mobile
401 9th St., NW, Suite 550
Washington, DC 20004



Joel H. Cheskis
PA Attorney I.D. # 81617
jcheskis@ppoca.org
Assistant Consumer Advocates
Counsel for
Office of Consumer Advocate
555 Walnut Street 5th Floor, Forum Place
Harrisburg, PA 17101-1923
Phone: (717) 783-5048
Fax: (717) 783-7152 *111661

* Parties Receiving Proprietary Information where applicable